Council Regulation (EU) 2017/964 of 8 June 2017 amending Regulation (EU) No 267/2012 concerning restrictive measures against Iran

COUNCIL REGULATION (EU) 2017/964

of 8 June 2017

amending Regulation (EU) No 267/2012 concerning restrictive measures against Iran

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP[(1)],

Having regard to the joint proposal of the High Representative of the Union for Foreign Affairs and Security Policy and of the European Commission,

Whereas:

(1) Council Regulation (EU) No 267/2012[(2)] gives effect to the measures provided for in Decision 2010/413/CFSP.

(2) Article 26c of Decision 2010/413/CFSP requires that the procurement of certain nuclear-related goods from Iran by nationals of Member States, or using their flagged vessels or aircraft, is to be subject to approval by the Joint Commission.

(3) Article 26d of Decision 2010/413/CFSP requires that Member States engaging in the supply, sale or transfer to, or for use in, or the benefit of, Iran of goods mentioned therein are to ensure that they have obtained and are in a position to exercise effectively a right to verify the end-use and end-use location of those goods.

(4) On 8 June 2017, the Council adopted Decision (CFSP) 2017/974[(3)] amending Decision 2010/413/CFSP.

(5) Decision (CFSP) 2017/974 replaces, in Article 26c of Decision 2010/413/CFSP, the requirement to obtain an approval from the Joint Commission with an obligation to notify the Joint Commission of any procurement of the relevant goods. Decision (CFSP) 2017/974 also amends Article 26d of Decision 2010/413/CFSP to require that Member States obtain, prior to authorising any transaction mentioned therein, information on the end-use and end-use location of any supplied item.

(6) Regulatory action at the level of the Union is necessary in order to implement the measures, in particular with a view to ensuring their uniform application by economic operators in all Member States.

(7) Regulation (EU) No 267/2012 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) 2017/964. (See end of Document for details)*

Article 1

Council Regulation (EU) No 267/2012 is amended as follows:

(1) in Article 2a, paragraph 5 is replaced by the following:

5. The Member State concerned shall notify the Joint Commission of authorisations granted under point (e) of paragraph 1 and authorisations concerning the purchase, import or transport from Iran of the further goods and technology referred to in paragraph 4, whether or not originating in Iran.;

(2) Article 3a is amended as follows:

(a) paragraph 6 is replaced by the following:

6. The competent authority granting an authorisation in accordance with paragraph 1(a) shall ensure that, except for temporary exports, the applicant has submitted the end-use statement set out in Annex IIa or an end-use statement in an equivalent document containing information on the end-use and, as a basic principle, end-use location of any supplied item.;

(b) the following paragraph is inserted:

6a. If the competent authority decides to grant an authorisation in accordance with paragraph 1(a) in the absence of information on the end-use location, it may request the applicant to supply such information at a later stage. The applicant shall provide the information within a reasonable period of time.;

(3) Article 3c is amended as follows:

(a) paragraph 2 is replaced by the following:

2. The competent authority granting an authorisation in accordance with paragraph 1 shall ensure that, except for temporary exports, the applicant has submitted the end-use statement set out in Annex IIa or an end-use statement in an equivalent document containing information on the end-use and, as a basic principle, end-use location of any supplied item.;

(b) the following paragraph is inserted:

2a. If the competent authority decides to grant an authorisation in accordance with paragraph 1(a) in the absence of information on the end-use location, it may request the applicant to supply such information at a later stage. The applicant shall provide the information within a reasonable period of time.;

(4) Article 3d is amended as follows:

(a) paragraph 2 is replaced by the following:

2. The competent authority granting an authorisation in accordance with paragraph 1 shall ensure that:

a all activities are undertaken strictly in accordance with the JCPOA; and

b except for temporary exports, the applicant has submitted the end-use statement set out in Annex IIa or an end-use statement in an

equivalent document containing information on the end-use and, as a basic principle, end-use location of any supplied item.;

(b) the following paragraph is inserted:

2a. If the competent authority decides to grant an authorisation in accordance with paragraph 1(a) in the absence of information on the end-use location, it may request the applicant to supply such information at a later stage. The applicant shall provide the information within a reasonable period of time.;

(5) The text set out in the Annex to this Regulation is inserted as Annex IIa.

Article 2

This Regulation shall enter into force on the date following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 8 June 2017.

For the Council

The President

U. REINSALU