VERŻJONI ELETTRONIKA

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,583, 31 ta' Mejju, 2016
Taqsima B

A.L. 207 tal-2016

ATT DWAR POTERI LI JSIRU REGOLAMENTI FL-INTERESS NAZZJONALI (KAP. 365)

Regolamenti tal-2016 li Jirrevokaw ir-Regolamenti dwar Sanzjonijiet tan-Nazzjonijiet Uniti fir-rigward tar-Repubblika Iżlamika tal-Iran

BIS-SAĦĦA tas-setgħat mogħtija bl-artikolu 3 tal-Att dwar Poteri li jsiru Regolamenti fl-Interess Nazzjonali, il-Prim Ministru għamel dawn ir-regolamenti li ġejjin:-

Titolu.

1. It-titolu ta' dawn ir-regolamenti hu r-Regolamenti tal-2016 li Jirrevokaw ir-Regolamenti dwar Sanzjonijiet tan-Nazzjonijiet Uniti fir-rigward tar-Repubblika Iżlamika tal-Iran.

Revoka tar-Regolamenti dwar Sanzjonijiet tan-Nazzjonijiet Uniti 1737 tal-2006, 1747 tal-2007, 1803 tal-2008 u 1929 tal-2010.

2. (1) Mingħajr preġudizzju għal kull ħaga li saret jew li naqset milli ssir skont il-liġi bis-saħħa tar-Regolamenti dwar Sanzjonijiet tan-Nazzjonijiet Uniti fir-Rigward tar-Repubblika Iżlamika tal-Iran, ir-Regolamenti dwar Sanzjonijiet Ulterjuri tan-Nazzjonijiet Uniti fir-Rigward tar-Repubblika Iżlamika tal-Iran, ir-Regolamenti dwar Sanzjonijiet tan-Nazzjonijiet Uniti (Sanzjonijiet Ulterjuri) tal-2008 fir-Rigward tar-Repubblika Iżlamika tal-Iran, u ir-Regolamenti dwar Sanzjonijiet tan-Nazzjonijiet Uniti (Sanzjonijiet Ulterjuri) tal-2010 fir-Rigward tar-Repubblika Iżlamika tal-Iran, u bla ħsara għad-dispożizzjonijiet l-oħra ta' dawn ir-regolamenti, l-imsemmija regolamenti huma b'dawn qegħdin jiġu revokati.

(2) Minkejja r-revoka tal-imsemmija Regolamenti, kull setgħa eżerċitata skont l-imsemmija regolamenti għandha tibqgħa valida.

Test tar-Riżoluzzjoni.

3. Għall-għanijiet tas-subartikolu (1) tal-artikolu 3 tal-Att dwar Poteri li jsiru Regolamenti fl-Interess Nazzjonali, ir-Riżoluzzjoni 2231/2015 tal-Kunsill tas-Sigurezza tan-Nazzjonijiet Uniti adottata fl-20 ta' Lulju, 2015 qegħda tiġi ppubblikata fl-ilsien Ingliż fl-Iskeda li tinsab ma' dawn ir-regolamenti.

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SKEDA

(Regolament 3)

Resolution 2231(2015), adopted by the Security Council of the United Nations, at its 7488th meeting, on 20 July 2015

The Security Council,

Recalling the Statement of its President, S/PRST/2006/15, and its resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), and 1929 (2010),

Reaffirming its commitment to the Treaty on the Non-Proliferation of Nuclear Weapons, the need for all States Party to that Treaty to comply fully with their obligations, and recalling the right of States Party, in conformity with Articles I and II of that Treaty, to develop research, production and use of nuclear energy for peaceful purposes without discrimination,

Emphasizing the importance of political and diplomatic efforts to find a negotiated solution guaranteeing that Iran's nuclear programme is exclusively for peaceful purposes, and noting that such a solution would benefit nuclear non-proliferation,

Welcoming diplomatic efforts by China, France, Germany, the Russian Federation, the United Kingdom, the United States, the High Representative of the European Union for Foreign Affairs and Security Policy, and Iran to reach a comprehensive, long-term and proper solution to the Iranian nuclear issue, culminating in the Joint Comprehensive Plan of Action (JCPOA) concluded on 14 July 2015, (S/2015/544, as attached as Annex A to this resolution) and the establishment of the Joint Commission,

Welcoming Iran's reaffirmation in the JCPOA that it will under no circumstances ever seek, develop or acquire any nuclear weapons,

Noting the statement of 14 July 2015, from China, France, Germany, the Russian Federation, the United Kingdom, the United States, and the European Union aimed at promoting transparency and creating an atmosphere conducive to the full implementation of the JCPOA (S/2015/545, as attached as Annex B to this resolution),

Affirming that conclusion of the JCPOA marks a fundamental shift in its consideration of this issue, and expressing its desire to build a new relationship with Iran strengthened by the implementation of the JCPOA and to bring to a satisfactory conclusion its consideration of this matter,

Affirming that full implementation of the JCPOA will contribute to building confidence in the exclusively peaceful nature of Iran's nuclear programme,

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Strongly supporting the essential and independent role of the International Atomic Energy Agency (IAEA) in verifying compliance with safeguards agreements, including the non-diversion of declared nuclear material to undeclared purposes and the absence of undeclared nuclear material and undeclared nuclear activities, and, in this context, in ensuring the exclusively peaceful nature of Iran's nuclear programme, including through the implementation of the "Framework for Cooperation" agreed between Iran and the IAEA on 11 November 2013 and the "Roadmap for Clarification of Past and Present Outstanding Issues", and recognizing the IAEA's important role in supporting full implementation of the JCPOA,

Affirming that IAEA safeguards are a fundamental component of nuclear non-proliferation, promote greater confidence among States, inter alia, by providing assurance that States are complying with their obligations under relevant safeguards agreements, contribute to strengthening their collective security and help to create an environment conducive to nuclear cooperation, and further recognizing that effective and efficient safeguards implementation requires a cooperative effort between the IAEA and States, that the IAEA Secretariat will continue to engage in open dialogue on safeguards matters with States to increase transparency and build confidence and to interact with them on the implementation of safeguards, and in this case, avoid hampering the economic and technological development of Iran or international cooperation in the field of peaceful nuclear activities; respect health, safety, physical protection and other security provisions in force and the rights of individuals; and take every precaution to protect commercial, technological and industrial secrets as well as other confidential information coming to its knowledge,

Encouraging Member States to cooperate, including through IAEA involvement, with Iran in the framework of the JCPOA in the field of peaceful uses of nuclear energy and to engage in mutually determined civil nuclear cooperation projects, in accordance with Annex III of the JCPOA,

Noting the termination of provisions of previous resolutions and other measures foreseen in this resolution, and inviting Member States to give due regard to these changes,

Emphasizing that the JCPOA is conducive to promoting and facilitating the development of normal economic and trade contacts and cooperation with Iran, and having regard to States' rights and obligations relating to international trade,

Underscoring that Member States are obligated under Article 25 of the Charter of the United Nations to accept and carry out the Security Council's decisions,

1. *Endorses* the JCPOA, and urges its full implementation on the timetable established in the JCPOA;

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2. *Calls upon* all Members States, regional organizations and international organizations to take such actions as may be appropriate to support the implementation of the JCPOA, including by taking actions commensurate with the implementation plan set out in the JCPOA and this resolution and by refraining from actions that undermine implementation of commitments under the JCPOA;

3. *Requests* the Director General of the IAEA to undertake the necessary verification and monitoring of Iran's nuclear-related commitments for the full duration of those commitments under the JCPOA, and reaffirms that Iran shall cooperate fully as the IAEA requests to be able to resolve all outstanding issues, as identified in IAEA reports;

4. *Requests* the Director General of the IAEA to provide regular updates to the IAEA Board of Governors and, as appropriate, in parallel to the Security Council on Iran's implementation of its commitments under the JCPOA and also to report to the IAEA Board of Governors and in parallel to the Security Council at any time if the Director General has reasonable grounds to believe there is an issue of concern directly affecting fulfilment of JCPOA commitments;

Terminations

5. *Requests* that, as soon as the IAEA has verified that Iran has taken the actions specified in paragraphs 15.1-15.11 of Annex V of the JCPOA, the Director General of the IAEA submit a report confirming this fact to the IAEA Board of Governors and in parallel to the Security Council;

6. *Requests* further that, as soon as the IAEA has reached the Broader Conclusion that all nuclear material in Iran remains in peaceful activities, the Director General of the IAEA submit a report confirming this conclusion to the IAEA Board of Governors and in parallel to the Security Council;

7. *Decides*, acting under Article 41 of the Charter of the United Nations, that, upon receipt by the Security Council of the report from the IAEA described in paragraph 5:

(a) The provisions of resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), 1929 (2010) and 2224 (2015) shall be terminated;

(b) All States shall comply with paragraphs 1, 2, 4, and 5 and the provisions in subparagraphs (a)-(f) of paragraph 6 of Annex B for the duration specified in each paragraph or subparagraph, and are called upon to comply with paragraphs 3 and 7 of Annex B;

8. *Decides*, acting under Article 41 of the Charter of the United Nations, that on the date ten years after the JCPOA Adoption Day, as defined in the JCPOA, all the provisions of this resolution shall be terminated, and none of the previous

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resolutions described in paragraph 7 (a) shall be applied, the Security Council will have concluded its consideration of the Iranian nuclear issue, and the item "Non-proliferation" will be removed from the list of matters of which the Council is seized;

9. *Decides*, acting under Article 41 of the Charter of the United Nations, that the terminations described in Annex B and paragraph 8 of this resolution shall not occur if the provisions of previous resolutions have been applied pursuant to paragraph 12;

Application of Provisions of Previous Resolutions

10. *Encourages* China, France, Germany, the Russian Federation, the United Kingdom, the United States, the European Union (EU), and Iran (the "JCPOA participants") to resolve any issues arising with respect to implementation of JCPOA commitments through the procedures specified in the JCPOA, and expresses its intention to address possible complaints by JCPOA participants about significant non-performance by another JCPOA participant;

11. *Decides*, acting under Article 41 of the Charter of the United Nations, that, within 30 days of receiving a notification by a JCPOA participant State of an issue that the JCPOA participant State believes constitutes significant non-performance of commitments under the JCPOA, it shall vote on a draft resolution to continue in effect the terminations in paragraph 7 (a) of this resolution, decides further that if, within 10 days of the notification referred to above, no Member of the Security Council has submitted such a draft resolution for a vote, then the President of the Security Council shall submit such a draft resolution and put it to a vote within 30 days of the notification referred to above, and expresses its intention to take into account the views of the States involved in the issue and any opinion on the issue by the Advisory Board established in the JCPOA;

12. *Decides*, acting under Article 41 of the Charter of the United Nations, that, if the Security Council does not adopt a resolution under paragraph 11 to continue in effect the terminations in paragraph 7 (a), then effective midnight Greenwich Mean Time after the thirtieth day after the notification to the Security Council described in paragraph 11, all of the provisions of resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), and 1929 (2010) that have been terminated pursuant to paragraph 7 (a) shall apply in the same manner as they applied before the adoption of this resolution, and the measures contained in paragraphs 7, 8 and 16 to 20 of this resolution shall be terminated, unless the Security Council decides otherwise;

13. *Underscores* that, in the event of a notification to the Security Council described in paragraph 11, Iran and the other JCPOA participants should strive to resolve the issue giving rise to the notification, expresses its intention to prevent the reapplication of the provisions if the issue giving rise to the notification is resolved, decides, acting under Article 41 of the Charter of the United Nations, that

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if the notifying JCPOA participant State informs the Security Council that such an issue has been resolved before the end of the 30-day period specified in paragraph 12 above, then the provisions of this resolution, including the terminations in paragraph 7 (a), shall remain in effect notwithstanding paragraph 12 above, and notes Iran's statement that if the provisions of previous resolutions are applied pursuant to paragraph 12 in whole or in part, Iran will treat this as grounds to cease performing its commitments under the JCPOA;

14. *Affirms* that the application of the provisions of previous resolutions pursuant to paragraph 12 do not apply with retroactive effect to contracts signed between any party and Iran or Iranian individuals and entities prior to the date of application, provided that the activities contemplated under and execution of such contracts are consistent with the JCPOA, this resolution and the previous resolutions;

15. *Affirms* that any application of the provisions of previous resolutions pursuant to paragraph 12 is not intended to harm individuals and entities that, prior to that application of those provisions, engaged in business with Iran or Iranian individuals and entities that is consistent with the JCPOA and this resolution, encourages Member States to consult with each other with regard to such harm, and to take action to mitigate such unintended harm for these individuals and entities, and decides if the provisions of previous resolutions are applied pursuant to paragraph 12 not to impose measures with retroactive effect on individuals and entities for business activities with Iran that were consistent with the JCPOA, this resolution and the previous resolutions prior to the application of these provisions;

JCPOA Implementation

16. *Decides*, acting under Article 41 of the Charter of the United Nations, to review recommendations of the Joint Commission regarding proposals by States to participate in or permit nuclear-related activities set forth in paragraph 2 of Annex B, and that such recommendations shall be deemed to be approved unless the Security Council adopts a resolution to reject a Joint Commission recommendation within five working days of receiving it;

17. *Requests* Member States seeking to participate in or permit activities set forth in paragraph 2 of Annex B to submit proposals to the Security Council, expresses its intention to share such proposals with the Joint Commission established in the JCPOA for its review, invites any Member of the Security Council to provide relevant information and opinions about these proposals, encourages the Joint Commission to give due consideration to any such information and opinions, and requests the Joint Commission to provide its recommendations on these proposals to the Security Council within twenty working days (or, if extended, within thirty working days);

18. *Requests* the Secretary-General, in order to support JCPOA implementation, to take the necessary administrative measures to facilitate

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communications with Member States and between the Security Council and the Joint Commission through agreed practical arrangements;

19. *Requests* the IAEA and the Joint Commission to consult and exchange information, where appropriate, as specified in the JCPOA, and requests further that the exporting states cooperate with the Joint Commission in accordance with Annex IV of the JCPOA;

20. *Requests* the Joint Commission to review proposals for transfers and activities described in paragraph 2 of Annex B with a view to recommending approval where consistent with this resolution and the provisions and objectives of the JCPOA so as to provide for the transfer of items, materials, equipment, goods and technology required for Iran's nuclear activities under the JCPOA, and encourages the Joint Commission to establish procedures to ensure detailed and thorough review of all such proposals;

Exemptions

21. *Decides*, acting under Article 41 of the Charter of the United Nations, that the measures imposed in resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), and 1929 (2010) shall not apply to the supply, sale, or transfer of items, materials, equipment, goods and technology, and the provision of any related technical assistance, training, financial assistance, investment, brokering or other services, by JCPOA participant States or Member States acting in coordination with them, that is directly related to: (a) the modification of two cascades at the Fordow facility for stable isotope production; (b) the export of Iran's enriched uranium in excess of 300 kilograms in return for natural uranium; and (c) the modernization of the Arak reactor based on the agreed conceptual design and, subsequently, on the agreed final design of such reactor;

22. *Decides*, acting under Article 41 of the Charter of the United Nations, that Member States engaging in the activities permitted in paragraph 21 shall ensure that: (a) all such activities are undertaken strictly in accordance with the JCPOA; (b) they notify the Committee established pursuant to resolution 1737 (2006) and, when constituted, the Joint Commission ten days in advance of such activities; (c) the requirements, as appropriate, of the Guidelines as set out in the relevant INFCIRC referenced in resolution 1737 (2006), as updated, have been met; (d) they have obtained and are in a position to exercise effectively a right to verify the end-use and end-use location of any supplied item; and (e) in case of supplied items, materials, equipment, goods and technology listed in the INFCIRCs referenced in resolution 1737 (2006), as updated, they also notify the IAEA within ten days of the supply, sale or transfers;

23. *Decides*, acting under Article 41 of the Charter of the United Nations, also that the measures imposed in resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), and 1929 (2010) shall not apply to the extent necessary to carry out transfers and activities, as approved on a case-by-case basis

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in advance by the Committee established pursuant to resolution 1737 (2006), that are:

(a) directly related to implementation of the nuclear-related actions specified in paragraphs 15.1-15.11 of Annex V of the JCPOA;

(b) required for preparation for the implementation of the JCPOA; or,

(c) determined by the Committee to be consistent with the objectives of this resolution;

24. *Notes* that the provisions of paragraphs 21, 22, 23 and 27 continue in effect if the provisions of previous resolutions are applied pursuant to paragraph 12;

Other Matters

25. *Decides* to make the necessary practical arrangements to undertake directly tasks related to the implementation of this resolution, including those tasks specified in Annex B and the release of guidance;

26. *Urges* all States, relevant United Nations bodies and other interested parties, to cooperate fully with the Security Council in its exercise of the tasks related to this resolution, in particular by supplying any information at their disposal on the implementation of the measures in this resolution;

27. *Decides* that all provisions contained in the JCPOA are only for the purposes of its implementation between the E3/EU+3 and Iran and should not be considered as setting precedents for any other State or for principles of international law and the rights and obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and other relevant instruments, as well as for internationally recognized principles and practices;

28. *Recalls* that the measures imposed by paragraph 12 of resolution 1737 (2006) shall not prevent a designated person or entity from making payment due under a contract entered into prior to the listing of such a person or entity, provided that the conditions specified in paragraph 15 of that resolution are met, and underscores, that if the provisions of previous resolutions are reapplied pursuant to paragraph 12 of this resolution, then this provision will apply;

29. *Emphasizes* the importance of all States taking the necessary measures to ensure that no claim shall lie at the instance of the Government of Iran, or any person or entity in Iran, or of persons or entities designated pursuant to resolution 1737 (2006) and related resolutions, or any person claiming through or for the benefit of any such person or entity, in connection with any contract or other transaction where its performance was prevented by reason of the application of the provisions of resolutions 1737 (2006), 1747 (2007), 1803 (2008), 1929 (2010) and this resolution;

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30. *Decides* to remain seized of the matter until the termination of the provisions of this resolution in accordance with paragraph 8.