

DECISIONS

COUNCIL DECISION (CFSP) 2023/1532

of 20 July 2023

concerning restrictive measures in view of Iran's military support to Russia's war of aggression against Ukraine

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Whereas:

- (1) On 31 July 2014, the Council adopted Decision 2014/512/CFSP ⁽¹⁾.
- (2) Decision 2014/512/CFSP prohibits the sale, supply, transfer or export of dual-use goods and technology to any person, entity or body in Russia or for use in Russia. The goods and technology concerned are listed in Annex I to Regulation (EU) 2021/821 of the European Parliament and of the Council ⁽²⁾.
- (3) Decision 2014/512/CFSP also prohibits the sale, supply, transfer or export, directly or indirectly, of goods and technology which might contribute to Russia's military and technological enhancement, or to the development of its defence and security sector, whether or not originating in the Union, to any natural or legal person, entity or body in Russia or for use in Russia. The goods and technology concerned are listed in Annex VII to Council Regulation (EU) No 833/2014 ⁽³⁾.
- (4) Decision 2014/512/CFSP also prohibits the sale, supply, transfer or export, directly or indirectly, of goods and technology suited for use in aviation or the space industry, whether or not originating in the Union, to any natural or legal person, entity or body in Russia or for use in Russia. The goods and technology concerned are listed in Annex XI to Regulation (EU) No 833/2014.
- (5) Decision 2014/512/CFSP also prohibits the sale, supply, transfer or export, directly or indirectly, of goods which could contribute, in particular, to the enhancement of Russia's industrial capacities to any natural or legal person, entity or body in Russia or for use in Russia. The goods and technology concerned are listed in Annex XXIII to Regulation (EU) No 833/2014.
- (6) On 17 March 2014, the Council adopted Decision 2014/145/CFSP ⁽⁴⁾.
- (7) On 20 October 2022, the Council adopted Decision (CFSP) 2022/1986 ⁽⁵⁾ adding three Iranian individuals and one Iranian entity to the list of persons, entities and bodies subject to restrictive measures under Decision 2014/145/CFSP in view of their role in the development and delivery of Unmanned Aerial Vehicles (UAVs) used by Russia in its war of aggression against Ukraine.

⁽¹⁾ Council Decision 2014/512/CFSP of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ L 229, 31.7.2014, p. 13).

⁽²⁾ Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (OJ L 206, 11.6.2021, p. 1).

⁽³⁾ Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ L 229, 31.7.2014, p. 1).

⁽⁴⁾ Council Decision 2014/145/CFSP of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L 78, 17.3.2014, p. 16).

⁽⁵⁾ Council Decision (CFSP) 2022/1986 of 20 October 2022 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L 272I, 20.10.2022, p. 5).

- (8) On 20 and 21 October 2022, the European Council adopted Conclusions strongly condemning the military support to Russia's war of aggression provided by the Iranian authorities, which must stop. In this regard, the European Council welcomed the sanctions adopted by the Council on 20 October 2022.
- (9) On 12 December 2022, the Council adopted Decision (CFSP) 2022/2432 ⁽⁶⁾ adding four Iranian individuals and four Iranian entities to the list of persons, entities and bodies subject to restrictive measures under Decision 2014/145/CFSP, in view of their role in the development and delivery of UAVs used by Russia in its war of aggression against Ukraine.
- (10) On 12 December 2022, the Council approved Conclusions in which it strongly condemned and considered unacceptable any type of military support by Iran, including deliveries of UAVs, to Russia's illegal, unprovoked and unjustified war of aggression against Ukraine, which grossly violates international law and the principles of the Charter of the United Nations. The weapons provided by Iran are being used indiscriminately by Russia against Ukraine's civilian population and infrastructure, causing horrendous destruction and human suffering. In this context, the Council recalled that any transfer of certain combat drones and missiles to or from Iran, without prior permission of the UN Security Council, are in violation of UN Security Council Resolution 2231 (2015).
- (11) The Council noted with great concern reports of Iranian weapons, including drones, being manufactured with components of international origin, including from Europe, and noted that it was considering the appropriate measures to take. The Council strongly cautioned Iran against any new deliveries of weapons to Russia, in particular against the taking of any steps towards possible transfers of short-range ballistic missiles to Russia, which would constitute a serious escalation. The Council noted that the Union would continue to respond to all actions supporting the Russia's war of aggression against Ukraine and hold Iran accountable, including through additional restrictive measures.
- (12) In its Conclusions of 15 December 2022, the European Council reiterated its condemnation of the military support to Russia's war of aggression provided by the Iranian authorities, which must stop.
- (13) On 25 February 2023, the Council adopted Decision (CFSP) 2023/432 ⁽⁷⁾ adding four Iranian individuals to the list of persons, entities and bodies subject to restrictive measures under Decision 2014/145/CFSP in view of their role in the development and delivery of UAVs used by Russia in its war of aggression against Ukraine.
- (14) In its Conclusions of 23 March 2023 and 29 and 30 June 2023, the European Council condemned the continued military support for Russia's war of aggression against Ukraine provided by Iran.
- (15) Russia is using Iran-produced UAVs in support of its war of aggression, which violates the sovereignty, independence and territorial integrity of Ukraine, including against civilians and civilian infrastructure. The Iranian State-sponsored programme for the development and production of UAVs therefore contributes to violations of the UN Charter and of fundamental principles of international law. This programme is run by the Ministry of Defence and Armed Forces Logistics of Iran and the Islamic Revolutionary Guard Corps, which are both sanctioned by the European Union, and includes the procurement, development, production and transfer of UAVs, notably to Russia. It is based on State-owned as well as private companies and benefits from domestic research capabilities.
- (16) In view of the gravity of the situation, it is appropriate to adopt a framework of restrictive measures in view of Iran's military support to Russia's war of aggression against Ukraine, through the Iranian State-sponsored programme for the development and production of UAVs, and in full complementarity with other restrictive measures of the Union.

⁽⁶⁾ Council Decision (CFSP) 2022/2432 of 12 December 2022 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L 318I, 12.12.2022, p. 32).

⁽⁷⁾ Council Decision (CFSP) 2023/432 of 25 February 2023 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L 59I, 25.2.2023, p.437).

- (17) In particular, it is appropriate to prohibit the export from the Union to Iran of components used in the development and production of UAVs.
- (18) It is also appropriate to prohibit the sales, licensing or transfer in any other way of intellectual property rights or trade secrets as well as the granting of rights to access or re-use any material or information protected by means of intellectual property rights or which constitute trade secrets related to the provision, manufacture, maintenance and use of those goods and technology, directly or indirectly to any natural or legal person, entity or body in Iran or for use in Iran.
- (19) Furthermore, travel restrictions and asset freeze measures should be imposed against persons responsible for, supporting or involved in Iran's UAV programme.
- (20) Further action by the Union is needed in order to implement certain measures,

HAS ADOPTED THIS DECISION:

Article 1

1. It shall be prohibited to sell, supply, transfer or export, directly or indirectly, goods and technology which might contribute to Iran's capability to manufacture Unmanned Aerial Vehicles (UAVs), whether or not originating in the Union, to any natural or legal person, entity or body in Iran or for use in Iran.
2. It shall be prohibited:
 - (a) to provide technical assistance, brokering services or other services related to the goods and technology referred to in paragraph 1 and to the provision, manufacture, maintenance and use of those goods and technology, directly or indirectly to any natural or legal person, entity or body in Iran, or for use in Iran;
 - (b) to provide financing or financial assistance related to the goods and technology referred to in paragraph 1 for any sale, supply, transfer or export of those goods and technology, or for the provision of related technical assistance, brokering services or other services, directly or indirectly to any natural or legal person, entity or body in Iran, or for use in Iran.
 - (c) to sell, license or transfer in any other way intellectual property rights or trade secrets as well as grant rights to access or re-use any material or information protected by means of intellectual property rights or constituting trade secrets related to the goods and technology referred to in paragraph 1 and to the provision, manufacture, maintenance and use of those goods and technology, directly or indirectly to any natural or legal person, entity or body in Iran or for use in Iran.
3. The Union shall take the necessary measures in order to determine the relevant items to be covered by this Article.

Article 2

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of natural persons responsible for, supporting or involved in Iran's UAV programme, as listed in the Annex, and natural persons associated with them, as also listed in the Annex.
2. Paragraph 1 shall not oblige a Member State to refuse its own nationals entry into its territory.
3. Paragraph 1 shall be without prejudice to cases where a Member State is bound by an obligation of international law, namely:
 - (a) as a host country to an international intergovernmental organisation;
 - (b) as a host country to an international conference convened by, or under the auspices of the United Nations;
 - (c) under a multilateral agreement conferring privileges and immunities; or
 - (d) under the 1929 Treaty of Conciliation (Lateran pact) concluded by the Holy See (State of the Vatican City) and Italy.

4. Paragraph 3 shall also apply in cases where a Member State is host country to the Organisation for Security and Cooperation in Europe (OSCE).
5. The Council shall be duly informed in all cases where a Member State grants an exemption pursuant to paragraph 3 or 4.
6. Member States may grant exemptions from the measures imposed under paragraph 1 where travel is justified on grounds of urgent humanitarian need, or on grounds of attendance at intergovernmental meetings, or those promoted or hosted by the Union or by a Member State holding the Chairmanship in office of the OSCE where a political dialogue is conducted that directly promotes the policy objectives of the restrictive measures, including support for the territorial integrity, sovereignty and independence of Ukraine.
7. A Member State wishing to grant an exemption pursuant to paragraph 6 shall notify the Council in writing. The exemption shall be deemed to be granted unless one or more of the Council members raises an objection in writing within two working days of receiving the notification of the proposed exemption. Where one or more of the Council members raise an objection, the Council, acting by qualified majority, may decide to grant the proposed exemption.
8. Where, pursuant to paragraph 3, 4, 6 or 7, a Member State authorises the entry into, or transit through, its territory of a person listed in the Annex, the authorisation shall be limited to the purpose for which it is given to the person concerned.

Article 3

1. All funds and economic resources belonging to, or owned, held or controlled by natural or legal persons, entities or bodies responsible for, supporting or involved in Iran's UAV's programme, and by natural or legal persons, entities or bodies associated with them, as listed in the Annex, shall be frozen.
2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of natural or legal persons, entities or bodies listed in the Annex.
3. By way of derogation from paragraphs 1 and 2, the competent authority of a Member State may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as it deems appropriate, after having determined that the funds or economic resources concerned are:
 - (a) necessary to satisfy the basic needs of the natural persons listed in the Annex and dependent family members of such natural persons, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
 - (b) intended exclusively for the payment of reasonable professional fees and the reimbursement of incurred expenses associated with the provision of legal services;
 - (c) intended exclusively for the payment of fees or service charges for the routine holding or maintenance of frozen funds or economic resources;
 - (d) necessary for extraordinary expenses, provided that the competent authority has notified the competent authorities of the other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted, at least two weeks prior to the authorisation; or
 - (e) to be paid into or from an account belonging to a diplomatic mission, consular post or international organisation enjoying immunities in accordance with international law, insofar as such payments are intended to be used for official purposes of the diplomatic mission, consular post or international organisation.

The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this paragraph within two weeks of that authorisation.

4. By way of derogation from paragraph 1, the competent authorities of a Member States may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, provided that the following conditions are met:

- (a) the funds or economic resources are the subject of an arbitral decision rendered prior to the date on which the natural or legal person, entity or body referred to in paragraph 1 was listed in the Annex, or of a judicial or administrative decision rendered in the Union, or a judicial decision enforceable in the Member State concerned, prior to or after that date;
- (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a decision or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) the decision is not for the benefit of a natural or legal person, entity or body listed in the Annex; and
- (d) recognition of the decision is not contrary to public policy in the Member State concerned.

The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this paragraph within two weeks of that authorisation.

5. Paragraph 1 shall not prevent a natural or legal person, entity or body listed in the Annex from making a payment due under a contract or agreement entered into, or an obligation that arose, prior to the date on which such natural or legal person, entity or body was listed therein, provided that the Member State concerned has determined that the payment is not, directly or indirectly, received by a natural or legal person, entity or body referred to in paragraph 1.

6. Paragraph 2 shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts;
- (b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to the measures provided for in paragraphs 1 and 2; or
- (c) payments due under judicial, administrative or arbitral decisions rendered in the Union or enforceable in the Member State concerned;

provided that any such interest, other earnings and payments remain subject to the measures provided for in paragraph 1.

7. The prohibition set out in paragraph 2 shall not apply to organisations and agencies which are pillar-assessed by the Union and with which the Union has signed a financial framework partnership agreement on the basis of which the organisations and agencies act as humanitarian partners of the Union, provided that the provision of the funds or economic resources referred to in paragraph 2 is necessary for exclusively humanitarian purposes in Iran.

8. In cases not covered by paragraph 7, and by way of derogation from paragraphs 1 and 2, the competent authorities of a Member State may grant specific or general authorisations, under such general or specific conditions as they deem appropriate, to release certain frozen funds or economic resources or to make available certain funds or economic resources, provided that the provision of such funds or economic resources is necessary for exclusively humanitarian purposes in Iran.

9. The prohibitions in Article 3(1) and (2) shall not apply until 27 October 2023 to obligations arising from a contract concluded before 26 July 2023, or ancillary contracts necessary for the execution of such a contract.

Article 4

1. The Council, acting by unanimity upon a proposal from a Member State or from the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative'), shall establish and amend the list in the Annex.

2. The Council shall communicate a decision pursuant to in paragraph 1, including the grounds for the listing, to the natural or legal person, entity or body concerned, either directly, if the address is known, or through the publication of a notice, providing such natural or legal person, entity or body with an opportunity to submit observations.

3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review the decision concerned and inform the natural or legal person, entity or body concerned accordingly.

Article 5

1. The Annex shall include the grounds for listing the natural or legal persons, entities or bodies referred to in Articles 2 and 3.

2. The Annex shall also contain, where available, the information necessary to identify the natural or legal persons, entities or bodies concerned. With regard to natural persons, such information may include names and aliases, date and place of birth, nationality, passport and identity card numbers, gender, address, if known; and function or profession. With regard to legal persons, entities or bodies, such information may include names, place and date of registration, registration number and place of business.

Article 6

1. The Council and the High Representative shall process personal data in order to carry out their tasks under this Decision, in particular:

- (a) as regards the Council, for preparing and making amendments to the Annex;
- (b) as regards the High Representative, for preparing amendments to the Annex.

2. The Council and the High Representative may process, where applicable, relevant data relating to criminal offences committed by listed natural persons, and to criminal convictions or security measures concerning such persons, only to the extent that such processing is necessary for the preparation of the Annex.

3. For the purposes of this Decision, the Council and the High Representative are designated as 'controller' within the meaning of point (8) of Article 3 of Regulation (EU) 2018/1725 ⁽⁸⁾ of the European Parliament and of the Council, in order to ensure that the natural persons concerned can exercise their rights under that Regulation.

Article 7

No claims in connection with any contract or transaction the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Decision, including claims for indemnity or any other claim of this type, such as a claim for compensation or a claim under a guarantee, in particular a claim for extension or payment of a bond, guarantee or indemnity, in particular a financial guarantee or financial indemnity, of whatever form, shall be satisfied, if they are made by:

- (a) designated natural or legal persons, entities or bodies listed in the Annex;
- (b) any natural or legal person, entity or body acting through or on behalf of one of the natural or legal persons, entities or bodies referred to in point (a).

⁽⁸⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (Text with EEA relevance.) (OJ L 295, 21.11.2018, p. 39).

Article 8

It shall be prohibited to participate, knowingly or intentionally, in activities the object or effect of which is to circumvent the prohibitions set out in this Decision.

Article 9

In order to maximise the impact of the measures set out in this Decision, the Union shall encourage third States to adopt restrictive measures similar to those provided for in this Decision.

Article 10

This Decision shall apply until 27 July 2024 and shall be kept under constant review. It shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.

The exemption referred to in Article 3(7) in respect of Article 3(2) shall be reviewed at regular intervals and at least every 12 months.

Article 11

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

Done at Brussels, 20 July 2023.

For the Council
The President
J. BORRELL FONTELLES

ANNEX

List of natural and legal persons, entities and bodies referred to in Article 3

[...]
