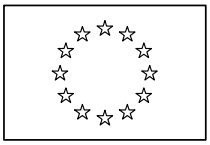

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 8.8.2008
COM(2008) 516 final

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 423/2007 concerning restrictive measures against Iran

(presented by the Commission)

EXPLANATORY MEMORANDUM

(1) Further to UN Security Council Resolutions 1737 (2006) and 1747 (2007) Common Position 2007/140/CFSP and Council Regulation (EC) No 423/2007, as amended, make provision for certain restrictive measures against Iran.

(2) Common Position 2008/XXX/CFSP amends Common Position 2007/140/CFSP in order to take account of UN Security Council Resolution 1803 of 3 March 2008. In line with that Resolution, the amendment provides for additional restrictive measures concerning, *inter alia*, persons subject to an assets freeze, public financial support for trade with Iran, including export credits, activities of financial institutions with banks domiciled in Iran and their branches and subsidiaries abroad, and inspection of certain cargoes to and from Iran.

(3) Moreover, since economic operators in the Community and third countries complying with the restrictive measures against Iran are exposed to the risk of claims, Common Position 2008/XXX/CFSP provides for the protection of operators against such claims.

(4) Common Position 2008/XXX/CFSP also provides for additional measures on goods and technology that could contribute to enrichment-related, reprocessing or heavy-water-related activities, to the development of nuclear weapons delivery system or to the pursuit of activities related to other topics about which the IAEA has expressed concerns or identified as outstanding.

(5) The purpose of this proposal is to align Council Regulation (EC) No 423/2007 with the amended Common Position 2007/140/CFSP.

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 423/2007 concerning restrictive measures against Iran

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60 and 301 thereof,

Having regard to Common Position 2008/XXX/CFSP amending Common Position 2007/140/CFSP concerning restrictive measures against Iran[1],

Having regard to the proposal from the Commission,

Whereas:

(1) Common Position 2008/XXX/CFSP provides for additional restrictive measures concerning, inter alia, persons subject to an assets freeze, public financial support for trade with Iran, including export credits, activities of financial institutions with banks domiciled in Iran and their branches and subsidiaries abroad, and inspection of certain cargoes to and from Iran. Common Position 2008/XXX/CFSP also provides for a prohibition of the supply, sale or transfer of certain items, goods and technology that could contribute to the proliferation of sensitive nuclear activities or to the development of nuclear weapons delivery systems.

(2) Regulation (EC) No 423/2007[2] imposed certain restrictive measures against Iran, in line with the original Common Position 2007/140/CFSP. As a consequence, economic operators in the Community and third countries are exposed to the risk of claims and it is necessary to protect such operators permanently against claims in connection with any contract or other transaction whose performance was affected by reason of the measures imposed by Regulation (EC) No 423/2007.

(3) Common Position 2008/XXX/CFSP also provides for additional measures on goods and technology that could contribute to enrichment-related, reprocessing or heavy-water-related activities, to the development of nuclear weapons delivery system or to the pursuit of activities related to other topics about which the IAEA has expressed concerns or identified as outstanding.

(4) These measures fall within the scope of the Treaty establishing the European Community and, therefore, notably with a view to ensuring their uniform application by economic operators in all Member States, Community legislation is necessary in order to implement them as far as the Community is concerned.

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1 OJ L …, … … 2008, p. …

2 OJ L 103, 20.4.2007, p. 1. Regulation as last amended by Council Decision 2008/475/EC (OJ L 163, 24.6.2008, p. 29).

(5) The reference to Article 5(1) in Article 12(2) of Regulation (EC) No 423/2007 should be corrected to take account of the amendment made by Regulation (EC) No 618/2007.

(6) Regulation (EC) No 423/2007 should therefore be amended accordingly.

(7) In order to ensure that the measures provided for in this regulation are effective, it should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 423/2007 is amended as follows:

(a) In Article 1, the following points (l), (m) and (n) are added:

(l) 'contract or transaction' means any transaction of whatever form and whatever the applicable law, whether comprising one or more contracts or similar obligations made between the same or different parties; for this purpose 'contract' includes a bond, financial guarantee and indemnity or credit whether legally independent or not and any related provision arising under or in connection with the transaction;

(m) 'claim' means any claim, whether asserted by legal proceedings or not, made before or after the date of entry into force of this Regulation, under or in connection with a contract or transaction, and in particular includes:

(i) a claim for performance of any obligation arising under or in connection with a contract or transaction;

(ii) a claim for extension or payment of a bond, financial guarantee or indemnity of whatever form;

(iii) a claim for compensation in respect of a contract or transaction;

(iv) a counterclaim;

(v) a claim for the recognition or enforcement, including by the procedure of exequatur, of a judgment, an arbitration award or an equivalent decision wherever made or given;

(n) 'person, entity or body in Iran' means:

(i) the state of Iran or any public authority thereof;

(ii) any natural person in, or resident in Iran;

(iii) any legal person, entity or body having its registered office or headquarters in Iran;

(iv) any legal person, entity or body controlled directly or indirectly by one or more of the abovementioned persons or bodies.

(b) In Article 2(1)(a), the following point (iii) is added:

"(iii) certain other goods and technology that could contribute to enrichment-related, reprocessing or heavy-water-related activities, to the development of nuclear weapon delivery system, or to the pursuit of activities related to other topics about which the IAEA has expressed concerns or identified as outstanding. These goods and technology are listed in Annex IA."

(c) The following Article 4a is inserted:

"Cargo aircraft and merchant vessels owned or controlled by Iran Air Cargo and Islamic Republic of Iran Shipping Line shall be required to submit pre-arrival or pre-departure information, for all goods brought into or out of the Community, to the competent authorities of the Member State concerned, as indicated in the websites listed in Annex III. The rules and conditions governing the obligation to provide pre-arrival and pre-departure information, in particular time limits to be respected and data to be required, shall be as determined in the relevant provisions concerning entry and exit summary declarations in Regulation (EC) No 648/2005 of the European Parliament and of the Council[3] and in Commission Regulation (EC) No 1875/2006[4] amending respectively Council Regulation No 2913/92 and Commission Regulation No 2454/93 and shall aim at preventing the transfer of certain items, goods and technology that could contribute to the proliferation of sensitive nuclear activities or to the development of nuclear weapons delivery systems".

(d) Article 7, paragraph 1, is replaced by the following:

"1. All funds and economic resources belonging to, owned, held or controlled by the persons, entities and bodies listed in Annex IV shall be frozen. Annex IV shall include the persons, entities and bodies designated by the UN Security Council or by the Sanctions Committee in accordance with paragraph 12 of UNSCR 1737 (2006) and paragraph 7 of UNSCR 1803 (2008)."

(e) The following Articles 11a and 11b are inserted:

"Article 11a

1. Credit and financial institutions within the jurisdiction of Member States shall, in their activities with credit and financial institutions referred to in paragraph 2, and in order to avoid such activities contributing to the proliferation of sensitive nuclear activities or to the development of nuclear weapon delivery systems:

(a) exercise continuous vigilance over account activity including through their programmes on customer due diligence and under their obligations relating to money-laundering and financing of terrorism;

(b) require that all information fields of payment instructions which relate to the originator and beneficiary of the transaction in question be completed; and if that information is not supplied, refuse the transaction;

(c) maintain all records of transactions for a period of five years and make them available to national authorities on request;

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[3] OJ L117, 4.5.2005, p. 13

[4] OJ L360, 19.12.2006, p. 64

(d) if they suspect or have reasonable grounds to suspect that funds are related to proliferation financing, promptly report their suspicions to the financial intelligence unit (FIU) or another competent authority designated by the Member State concerned, as indicated in the websites listed in Annex III. The FIU or such other competent authority will serve as a national centre for receiving and analysing suspicious transaction reports regarding potential proliferation financing. The FIU or such other competent authority shall have access, directly or indirectly, on a timely basis to the financial, administrative and law enforcement information that it requires to properly undertake this function, including the analysis of suspicious transaction reports."

2. The measures as set out in paragraph 1 shall apply to financial institutions in their activities with:

(a) credit and financial institutions domiciled in Iran, in particular with Bank Saderat,

(b) branches and subsidiaries within the jurisdiction of the Member States of credit and financial institutions domiciled in Iran, as listed in Annex VI,

(c) branches and subsidiaries outside the jurisdiction of the Member States of credit and financial institutions domiciled in Iran, as listed in Annex VI,

(d) credit and financial institutions that are neither domiciled in Iran nor within the jurisdiction of the Member States but are controlled by persons and entities domiciled in Iran, as listed in Annex VI.

Article 11b

1. Bank Saderat branches and subsidiaries within the jurisdiction of the Member States shall notify the competent authority of the Member State where they are established, as indicated in the websites listed in Annex III, of all transfers of funds carried out or received by them, within five working days after carrying out or receiving the respective transfer of funds.

2. Subject to information-sharing arrangements, notified competent authorities shall without delay transmit this data, as appropriate, to the competent authorities of other Member States where the counterparts to such transactions are established."

(f) In Article 12, paragraph 2 is replaced by the following:

"2. The prohibitions set out in Articles 5(1) (d) and 7(3) shall not give rise to liability of any kind on the part of the natural or legal persons or entities concerned, if they did not know, and had no reasonable cause to suspect, that their actions would infringe these prohibitions."

(g) The following Article 12a is inserted:

"Article 12a

1. It shall be prohibited to satisfy or to take any step to satisfy a claim made by:

(a) a designated person, entity or body in Iran or any other person, entity or body in Iran;

(b) any person, entity or body acting, directly or indirectly, through, on behalf of or for the benefit of one or more persons, entities or bodies in Iran;

(c) any person, entity or body taking advantage of a transfer or rights of, or otherwise claiming through or under, one or more persons, entity or bodies in Iran;

(d) any person, entity or body making a claim arising from or in connection with the payment of a bond or financial guarantee or indemnity to one or more of the abovementioned persons or bodies, under or in connection with a contract or transaction the performance of which was affected, directly or indirectly, wholly or in part, by the measures imposed by Regulation (EC) No 423/2007.

2. Without prejudice to Paragraph 1, performance of a contract or transaction shall also be regarded as having been affected by the measures imposed by Regulation (EC) No 423/2007 where the existence or content of the claim results directly or indirectly from those measures.

3. Paragraph 1 shall not apply:

(a) to claims relating to contracts or transactions, with the exception of any bond, financial guarantee or indemnity, in respect of which the persons or bodies referred to in that Parapgraph prove to a court in a Member State that the claim was accepted by the parties prior to the adoption of the measures imposed by Regulation (EC) No 423/2007, and that those measures have had no effect on the existence or content of the claim;

(b) to claims for payment under an insurance contract in respect of an event occurring prior to the adoption of the measures referred to in Article 12a (1) or under an insurance contract where such insurance is compulsory under the law of a Member State;

(c) to claims for payment of sums paid into an account payment from which was blocked pursuant to the measures referred to in Article 7 provided that such payment does not concern sums paid under bonds in respect of contracts referred to in that Article;

(d) to claims relating to contracts of employment subject to the law of any Member State;

(e) to claims for payment for goods which the persons, entities or bodies referred to in Article 1 prove to a court in a Member State were exported prior to the adoption of the measures imposed by Regulation (EC) No 423/2007 and that those measures have had no effect on the existence or content of the claim;

(f) to claims for sums which the persons, entities or bodies referred to in Article 12a (1) prove to a court in a Member State are due under any loan made prior to the adoption of the measures imposed by Regulation (EC) No 423/2007 and that those measures have had no effect on the existence or content of the claim, provided that the claim includes no amount, by way of interest, charge or otherwise, to compensate for the fact that performance was, as a result of those measures, not made in accordance with the terms of the relevant contract or transaction.

4. In any proceedings for the enforcement of a claim, the onus of proving that satisfying the claim is not prohibited by Paragraph 1 shall be on the person seeking the enforcement of that claim."

(h) The following Article 15 (1) (d) is added:

"(d) amend Annex VI on the basis of decisions taken in respect of the Annexes III and IV to Common Position 2008/XXX/CFSP."

(i) The text in Annex I to this Regulation shall be inserted as Annex Ia.

(j) Annex II is replaced by the text in Annex II to this Regulation.

(k) Annex III is replaced by the text in Annex III to this Regulation.

(l) The text in Annex IV to this Regulation is added as Annex VI.

Article 2

This Regulation shall enter into force on the day 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 Brussels,

For the Council
The President

ANNEX I

"ANNEX IA

"Goods and technology referred to in Article 2(1) (a) (iii)"

INTRODUCTORY NOTES

1. Unless otherwise stated, reference numbers used in the column below entitled "Description" refer to the descriptions of dual use items and technology set out in Annex I to Regulation (EC) No 1334/2000.

2. A reference number in the column below entitled "Related item from Annex I to Regulation (EC) No 1183/2007" means that the characteristics of the item described in the column "Description" lie outside the parameters set out in the description of the dual use entry referred to.

3. Definitions of terms between 'single quotation marks' are given in a technical note to the relevant item.

4. Definitions of terms between "double quotation marks" can be found in Annex I to Regulation (EC) No 1183/2007.

General Notes

1. The object of the prohibitions contained in this Annex should not be defeated by the export of any non-prohibited goods (including plant) containing one or more prohibited components when the prohibited component or components are the principal element of the goods and can feasibly be removed or used for other purposes.

   N.B.: In judging whether the prohibited component or components are to be considered the principal element, it is necessary to weigh the factors of quantity, value and technological know-how involved and other special circumstances which might establish the prohibited component or components as the principal element of the goods being procured.

2. Goods specified in this Annex include both new and used goods.

General Technology Note (GTN)

(To be read in conjunction with Section IA.B)

1. The sale, supply, transfer or export of "technology" which is "required" for the "development", "production" or "use" of goods whose sale, supply, transfer or export is prohibited in Part A (Goods) bellow, is prohibited according to the provisions of Section IA.B.

2. "Technology" "required" for the "development", "production" or "use" of goods under prohibition remains under prohibition even when applicable to non-prohibited goods.

3. Prohibitions do not apply to that "technology" which is the minimum necessary for the installation, operation, maintenance (checking) and repair of those goods which are not prohibited or whose export has been authorised in accordance with Regulation (EC) No 423/2007.

4. Prohibitions on “technology” transfer do not apply to information “in the public domain”, to “basic scientific research” or to the minimum necessary information for patent applications.

IA.A. GOODS

A0. Nuclear materials, facilities, and equipment

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
IA.A0.001	Hollow cathode lamps as follows: a. Iodine hollow cathode lamps with windows in pure silicon or quartz b. Uranium hollow cathode lamps	_
IA.A0.005	Nuclear reactor vessel components and testing equipment, other than those specified in 0A001, as follows: 1. Seals 2. Internal components 3. Sealing, testing and measurement equipment	0A001
IA.A0.006	Nuclear detection systems for detection, identification or quantification of radioactive materials and radiation of nuclear origin and specially designed components therefore other than those specified in 0A001.j or 1A004.c.	0A001.j 1A004.c
IA.A0.007	Bellows-sealed valves made of aluminium alloy or stainless steel type 304, 304L or 316L. *Note: This item does not control bellow valves defined in 0B001.c.6 and 2A226.*	0B001.c.6 2A226
IA.A0.013	"Natural uranium" or "depleted uranium" or thorium in the form of metal, alloy, chemical compound or concentrate and any other material containing one or more of the foregoing, other than those specified in 0C001.	0C001

A1. Materials, chemicals, ‘micro-organisms’ and ‘toxins’

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
IA.A1.001	Bis(2-ethylhexyl) phosphoric acid (HDEHP or D2HPA) CAS 298-07-7 solvent in any quantity, with a purity greater than 90 %.	_
IA.A1.002	Fluorine gas (Chemical Abstract Number (CAS) 7782-41-4), with a purity greater than 95 %	_
IA.A1.005	Electrolytic cells for fluorine production with an output capacity greater than 100 g of fluorine per hour. *Note: This item does not control electrolytic cells defined in item 1B225*	1B225
IA.A1.008	Magnetic metals, of all types and of whatever form, having an initial relative permeability of 120 000 or more and a thickness between 0,05 and 0,1 mm.	1C003.a
IA.A1.009	"Fibrous or filamentary materials" or prepregs, as follows: a. Carbon or aramid "fibrous or filamentary materials" having either of the following characteristics: 1. A "specific modulus" exceeding 10×10^6 m; or 2. A "specific tensile strength" exceeding 17×10^4 m; b. Glass "fibrous or filamentary materials" having either of the following characteristics: 1. A "specific modulus" exceeding 3.18 × 106 m; or 2. A "specific tensile strength" exceeding 76,2 × 103 m; c. Thermoset resin impregnated continuous "yarns", "rovings", "tows" or "tapes" with a width of 15 mm or less (prepregs), made from carbon or glass "fibrous or filamentary materials" other than those specified in II.A1.010.a. or b. *Note: This item does not control fibrous or filamentary materials defined in items 1C010.a, 1C010.b, 1C210.a and 1C210.b*	1C010.a 1C010.b 1C210.a 1C210.b
IA.A1.010	Resin-impregnated or pitch-impregnated fibres (prepregs), metal or carbon-coated fibres (preforms) or "carbon fibre preforms", as	1C010.e

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
	follows: a. made from "fibrous or filamentary materials" specified in II.A1.009 above; b. Epoxy resin "matrix" impregnated carbon "fibrous or filamentary materials" (prepregs), specified in 1C010.a., 1C010.b. or 1C010.c., for the repair of aircraft structures or laminates, in which the size of individual sheets of prepreg does not exceed 50 cm × 90 cm; c. Prepregs specified in 1C010.a., 1C010.b. or 1C010.c., when impregnated with phenolic or epoxy resins having a glass transition temperature (Tg) less than 433 K (160 °C) and a cure temperature lower than the glass transition temperature. *Note: This item does not control fibrous or filamentary materials defined in item 1C010.e.*	1C210
IA.A1.011	Reinforced silicon carbide ceramic composites usable for nose tips, re-entry vehicles, nozzle flaps, usable in "missiles", other than specified in 1C107.	1C107
IA.A1.012	Maraging steels, other than those specified in 1C116 or 1C216, 'capable of' an ultimate tensile strength of 2 050 MPa or more, at 293 K (20 °C). *Technical Note: The phrase 'maraging steel capable of' encompasses maraging steel before or after heat treatment.*	1C216
IA.A1.013	Tungsten, tantalum, tungsten carbide, tantalum carbide and alloys, having both of the following characteristics: a. In forms having a hollow cylindrical or spherical symmetry (including cylinder segments) with an inside diameter between 50 mm and 300 mm; and b. A mass greater than 5 kg. *Note: This item does not control tungsten, tungsten carbide and alloys defined in item 1C226*	1C226

A2. Materials Processing

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
IA.A2.001	Vibration test systems, equipment and components thereof, other than those specified in 2B116: a. Vibration test systems employing feedback or closed loop techniques and incorporating a digital controller, capable of vibrating a system at an acceleration equal to or greater than 0,1g rms between 0,1 Hz and 2 kHz and imparting forces equal to or greater than 50 kN, measured "bare table"; b. Digital controllers, combined with specially designed vibration test software, with a 'real-time bandwidth' greater than 5 kHz designed for use with vibration test systems specified in a.; c. Vibration thrusters (shaker units), with or without associated amplifiers, capable of imparting a force equal to or greater than 50 kN, measured 'bare table', and usable in vibration test systems specified in a.; d. Test piece support structures and electronic units designed to combine multiple shaker units in a system capable of providing an effective combined force equal to or greater than 50 kN, measured 'bare table', and usable in vibration systems specified in a. *Technical note: 'bare table' means a flat table, or surface, with no fixture or fittings.*	2B116
IA.A2.011	Centrifugal separators, capable of continuous separation without the propagation of aerosols and manufactured from: 1. Alloys with more than 25 % nickel and 20 % chromium by weight; 2. Fluoropolymers; 3. Glass (including vitrified or enamelled coating or glass lining); 4. Nickel or alloys with more than 40 % nickel by weight; 5. Tantalum or tantalum alloys;	2B352.c

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
	6. Titanium or titanium alloys; or 7. Zirconium or zirconium alloys. *Note: This item does not control centrifugal separators defined in item 2B352.c.*	
IA.A2.012	Sintered metal filters made of nickel or nickel alloy with a nickel content of 40 % or more by weight. *Note: This item does not control filters defined in item 2B352.d.*	2B352.d

A3. Electronics

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
IA.A3.001	High voltage direct current power supplies having both of the following characteristics: a. Capable of continuously producing, over a time period of eight hours, 10 kV or greater, with output power of 5 kW or greater with or without sweeping; and b. Current or voltage stability better than 0,1 % over a time period of four hours. *Note: This item does not control power supplies defined in items 0B001.j.5 and 3A227.*	3A227
IA.A3.002	Mass spectrometers, other than those specified in 3A233 or 0B002g, capable of measuring ions of 200 atomic mass units or greater and having a resolution of better than 2 parts in 200, as follows, and ion sources therefor: a. Inductively coupled plasma mass spectrometers (ICP/MS); b. Glow discharge mass spectrometers (GDMS);	3A233

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
	c. Thermal ionisation mass spectrometers (TIMS); d. Electron bombardment mass spectrometers which have a source chamber constructed from, lined with or plated with "Materials resistant to corrosion by UF_6"; e. Molecular beam mass spectrometers having either of the following characteristics: 1. A source chamber constructed from, lined with or plated with stainless steel or molybdenum and equipped with a cold trap capable of cooling to 193 K (– 80 °C) or less; or 2. A source chamber constructed from, lined with or plated with "Materials resistant to corrosion by UF_6"; f. Mass spectrometers equipped with a microfluorination ion source designed for actinides or actinide fluorides.	

A6. Sensors and Lasers

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
IA.A6.001	Yttrium aluminium garnet (YAG) rods	_
IA.A6.003	Wave front corrector systems for use with a laser beam having a diameter exceeding 4 mm, and specially designed components therefor, including control systems, phase front sensors and "deformable mirrors" including bimorph mirrors. *Note: This item does not control mirrors defined in 6A004.a, 6A005.e and 6A005.f.*	6A003
IA.A6.004	Argon ion "lasers" having an average output power equal to or greater than 5 W *Note: This item does not control argon ion "lasers"*	6A005.a.6 6A205.a

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
	defined in items 0B001.g.5., 6A005 and 6A205.a	
IA.A6.006	Tunable semiconductor "lasers" and tunable semiconductor "laser" arrays, of a wavelength between 9 μm and 17 μm, as well as array stacks of semiconductor "lasers" containing at least one tunable semiconductor "laser array" of such wavelength. *Notes:* *1. Semiconductor "lasers" are commonly called "laser" diodes.* *2. This item does not control semiconductor "lasers" defined in items 0B001.h.6 and 6A005.b*	6A005.b
IA.A6.008	Neodymium-doped (other than glass) ´´lasers´´, having an output wavelength exceeding 1 000 nm but not exceeding 1 100 nm and output energy exceeding 10 J per pulse *Note: This item does not control neodymium-doped (other than glass) "lasers" defined in item 6A005.c.2.b*	6A005.c.2
IA.A6.010	Radiation-hardened cameras, or lenses thereof other than those specified in 6A203c, specially designed or rated as radiation hardened to withstand a total radiation dose greater than 50 × 103 Gy(silicon) (5 x 106 rad (silicon)) without operational degradation. *Technical Note: The term Gy(silicon) refers to the energy in Joules per kilogram absorbed by an unshielded silicon sample when exposed to ionising radiation.*	6A203.c
IA.A6.011	Tunable pulsed dye laser amplifiers and oscillators, having all of the following characteristics: 1. Operating at wavelengths between 300 nm and 800 nm; 2. An average output power greater than 10 W but not exceeding 30 W; 3. A repetition rate greater than 1 kHz; and 4. Pulse width less than 100 ns. *Notes:* *1. This item does not control single mode oscillators.*	6A205.c

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
	2. This item does not control tunable pulsed dye laser amplifiers and oscillators defined in item 6A205.c, 0B001.g.5 and 6A005	
IA.A6.012	Pulsed carbon dioxide "lasers" having all of the following characteristics: 1. Operating at wavelengths between 9 000 nm and 11 000 nm; 2. A repetition rate greater than 250 Hz; 3. An average output power greater than 100 W but not exceeding 500 W; and 4. Pulse width of less than 200 ns. *Note: This item does not control pulsed carbon dioxide laser amplifiers and oscillators defined in item 6A205.d, 0B001.h.6 and 6A005d.*	6A205.d

IA.B. TECHNOLOGY

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
IA.B.001	Technology required for the development, production, or use of the items in Part A (Goods) above.	_

ANNEX II

“ANNEX II

Goods and technology referred to in Article 3

INTRODUCTORY NOTES

1. Unless otherwise stated, reference numbers used in the column below entitled "Description" refer to the descriptions of dual use items and technology set out in Annex I to Regulation (EC) No 1334/2000.

2. A reference number in the column below entitled "Related item from Annex I to Regulation (EC) No 1183/2007" means that the characteristics of the item described in the column "Description" lie outside the parameters set out in the description of the dual use entry referred to.

3. Definitions of terms between 'single quotation marks' are given in a technical note to the relevant item.

4. Definitions of terms between "double quotation marks" can be found in Annex I to Regulation (EC) No 1183/2007.

General Notes

1. The object of the controls contained in this Annex should not be defeated by the export of any non-controlled goods (including plant) containing one or more controlled components when the controlled component or components are the principal element of the goods and can feasibly be removed or used for other purposes.

   N.B.: In judging whether the controlled component or components are to be considered the principal element, it is necessary to weigh the factors of quantity, value and technological know-how involved and other special circumstances which might establish the controlled component or components as the principal element of the goods being procured.

2. Goods specified in this Annex include both new and used goods.

General Technology Note (GTN)

(To be read in conjunction with Section II.B

1. The sale, supply, transfer or export of “technology” which is “required” for the “development”, “production” or “use” of goods whose sale, supply, transfer or export is controlled in Part A (Goods) below, is controlled according to the provisions of Section II.B.

2. “Technology” “required” for the “development”, “production” or “use” of goods under control remains under control even when applicable to non-controlled goods.

3. Controls do not apply to that "technology" which is the minimum necessary for the installation, operation, maintenance (checking) and repair of those goods which are not controlled or whose export has been authorised in accordance with Regulation (EC) No 423/2007.

4. Controls on "technology" transfer do not apply to information "in the public domain", to "basic scientific research" or to the minimum necessary information for patent applications.

II.A. Goods

A0 Nuclear Materials, Facilities, and Equipment

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
II.A0.002	Faraday isolators in the wavelength range 500 nm - 650 nm	–
II.A0.003	Optical gratings in the wavelength range 500 nm - 650 nm	–
II.A0.004	Optical fibres in the wavelength range 500 nm - 650 nm coated with anti-reflecting layers in the wavelength range 500 nm - 650 nm and having core diameter greater than 0,4 mm but not exceeding 2 mm	–
II.A0.008	Plane, convex and concave mirrors, coated with high reflecting or controlled multi-layers in the wavelength range 500 nm - 650 nm	0B001.g.5
II.A0.009	Lenses, polarisers, half-wave retarder plates (λ/2 plates), quarter-wave retarder plates (λ/4 plates), laser windows in silicon or quartz and rotators, coated with anti-reflecting layers in the wavelength range 500 nm - 650 nm	0B001.g
II.A0.010	Pipes, piping, flanges, fittings made of or lined with nickel, or nickel alloy containing more than 40 % nickel by weight, other than those specified in 2B350.h.1.	2B350

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
II.A0.011	Vacuum pumps other than those specified in 0B002.f.2. or 2B231, as follows: – Turbomolecular pumps having a flowrate equal to or greater than 400 l/s – Roots type vacuum roughing pumps having a volumetric aspiration flowrate greater than 200 m^3/h Bellows-sealed, scroll, dry compressor, and bellows-sealed, scroll, dry vacuum pumps	0B002.f.2 2B231
II.A0.012	Shielded enclosures for the manipulation, storage and handling of radioactive substances (Hot cells).	0B006

A1 Materials, Chemicals, "Micro-organisms" and "Toxins"

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
II.A1.003	Seals and gaskets made of any of the following materials a. Copolymers of vinylidene fluoride having 75 % or more beta crystalline structure without stretching; b. Fluorinated polyimides containing 10 % by weight or more of combined fluorine; c. Fluorinated phosphazene elastomers containing 30 % by weight or more of combined fluorine; d. Polychlorotrifluoroethylene (PCTFE, e.g. Kel-F ®); e. Viton fluoro-elastomers;	

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
	f. Polytetrafluoroethylene (PTFE).	
II.A1.004	Personal equipment for detecting radiation of nuclear origin, including personal dosimeters Note: This item does not control nuclear detection systems defined in item 1A004.c	1A004.c
II.A1.006	Platinized catalysts, other than those specified in 1A225, specially designed or prepared for promoting the hydrogen isotope exchange reaction between hydrogen and water for the recovery of tritium from heavy water or for the production of heavy water and substitutes thereof.	1B231, 1A225
II.A1.007	Aluminium and its alloys, other than those specified in 1C002.b.4 or 1C202.a, in crude or semi-fabricated form having either of the following characteristics: a. Capable of an ultimate tensile strength of 460 MPa or more at 293 K (20 °C); or b. Having a tensile strength of 415 MPa or more at 298 K (25 °C).	1C002.b.4 1C202.a

A2 Materials Processing

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
II.A2.002	Machine tools for grinding having positioning accuracies with "all compensations available" equal to or less (better) than 15 μm according to ISO 230/2 (1988) (1) or national equivalents along any linear axis. Note: This item does not control machine tools for grinding defined in items 2B201.b and 2B001.c	2B201.b, 2B001.c
II.A2.002a	Components and numerical controls, specially designed for machine tools specified in 2B001, 2B201, or in II.A2.002 above.	

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
II.A2.003	Balancing machines and related equipment as follows: a. Balancing machines, designed or modified for dental or other medical equipment, having all the following characteristics: 1. Not capable of balancing rotors/assemblies having a mass greater than 3 kg; 2. Capable of balancing rotors/assemblies at speeds greater than 12 500 rpm; 3. Capable of correcting unbalance in two planes or more; and 4. Capable of balancing to a residual specific unbalance of 0,2 g mm per kg of rotor mass; b. Indicator heads designed or modified for use with machines specified in a. above. Technical Note: Indicator heads are sometimes known as balancing instrumentation.	2B119

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
II.A2.004	Remote manipulators that can be used to provide remote actions in radiochemical separation operations or hot cells, other than those specified in 2B225, having either of the following characteristics: a. A capability of penetrating 0,3 m or more of hot cell wall (through the wall operation); or b. A capability of bridging over the top of a hot cell wall with a thickness of 0,3 m or more (over the wall operation). Technical Note: Remote manipulators provide translation of human operator actions to a remote operating arm and terminal fixture. They may be of "master/slave" type or operated by joystick or keypad.	2B225
II.A2.005	Controlled atmosphere heat treatment furnaces, as follows: Furnaces capable of operation at temperatures above 400 ºC.	2B226, 2B227
II.A2.006	Oxidation furnaces capable of operation at temperatures above 400 ºC	2B226, 2B227

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
II.A2.007	"Pressure transducers", other than those defined in 2B230, capable of measuring absolute pressures at any point in the range 0 to 200 kPa and having both of the following characteristics: a. Pressure sensing elements made of or protected by "Materials resistant to corrosion by UF_6", and b. Having either of the following characteristics: 1. A full scale of less than 200 kPa and an 'accuracy' of better than ± 1 % of full scale; or 2. A full scale of 200 kPa or greater and an 'accuracy' of better than 2 kPa. Technical Note For the purposes of 2B30, 'accuracy' includes non-linearity, hysteresis and repeatability at ambient temperature.	2B230

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
II.A2.008	Liquid-liquid contacting equipment (mixer-settlers, pulsed columns, centrifugal contactors); and liquid distributor, vapour distributor or liquid collectors designed for such equipment, where all surfaces that come in direct contact with the chemical(s) being processed are made from any of the following materials: 1. Alloys with more than 25 % nickel and 20 % chromium by weight; 2. Fluoropolymers; 3. Glass (including vitrified or enamelled coating or glass lining); 4. Graphite or 'carbon graphite'; 5. Nickel or alloys with more than 40 % nickel by weight; 6. Tantalum or tantalum alloys; 7. Titanium or titanium alloys; 8. Zirconium or zirconium alloys; or 9. Stainless steel. Technical Note: 'Carbon graphite' is a composition consisting of amorphous carbon and graphite, in which the graphite content is eight percent or more by weight.	2B350.e

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
II.A2.009	Industrial equipment and components, other than those specified in 2B350.d, as follows: Heat exchangers or condensers with a heat transfer surface area greater than 0,05 m^2, and less than 30 m^2; and tubes, plates, coils or blocks (cores) designed for such heat exchangers or condensers, where all surfaces that come in direct contact with the fluid(s) are made from any of the following materials: 1. Alloys with more than 25 % nickel and 20 % chromium by weight; 2. Fluoropolymers; 3. Glass (including vitrified or enamelled coatings or glass lining); 4. Graphite or 'carbon graphite'; 5. Nickel or alloys with more than 40 % nickel by weight; 6. Tantalum or tantalum alloys; 7. Titanium or titanium alloys;	2B350.d

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
	8. Zirconium or zirconium alloys; 9. Silicon carbide; 10. Titanium carbide; or 11. Stainless steel. Note: This item does not control vehicle radiators.	
II.A2.010	Multiple-seal, and seal-less pumps, other than those specified in 2B350i, suitable for corrosive fluids, with manufacturer's specified maximum flow-rate greater than 0,6 m^3/hour, or vacuum pumps with manufacturer's specified maximum flow-rate greater than 5 m^3/hour (measured under standard temperature (273 K (0 °C)) and pressure (101,3 kPa) conditions); and casings (pump bodies), preformed casing liners, impellers, rotors or jet pump nozzles designed for such pumps, in which all surfaces that come in direct contact with the chemical(s) being processed are made from any of the following materials: 1 Stainless steel, 2. Aluminium alloy.	

A.6 Sensors and Lasers

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
II.A6.002	Infrared optics in the wavelength range 9 µm - 17 µm and components therefor, including cadmium telluride (CdTe) components. Note: This item does not control cameras and components defined in item 6A003	6A003
II.A6.005	Semiconductor "lasers" and components therefor, as follows: a. Individual semiconductor "lasers" with an output power greater than 200 mW each, in quantities larger than 100; b. Semiconductor "laser" arrays having an output power greater than 20 W. Notes: 1. Semiconductor "lasers" are commonly called "laser" diodes. 2. This item does not control "lasers" defined in items 0B001.g.5, 0B001.h.6 and 6A005b. 3. This item does not control "laser diodes with a wavelength in the range 1 200 nm - 2 000 nm.	6A005.b
II.A6.007	Solid state "tunable" "lasers" as follows, and specially designed components therefor: a. Titanium-sapphire lasers; b. Alexandrite lasers. Note: This item does not control titanium-sapphire and alexandrite lasers defined in items 0B001.g.5, 0B001.h.6 and 6A005.c.1	6A005.c.1
II.A6.009	Components of acousto-optics, as follows: a. Framing tubes and solid-state imaging devices having a recurrence frequency equal to or exceeding 1kHz; b. Recurrence frequency supplies; c. Pockels cells.	6A203.b.4.c

A.7 Navigation and Avionics

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
II.A7.001	Inertial Systems and specially designed components, as follows: I. Inertial navigation systems which are certified for use on "civil aircraft" by civil authorities of a state participating in the Wassenaar Arrangement, and specially designed components, as follows: a. Inertial navigation systems (INS) (gimballed or strapdown) and inertial equipment designed for "aircraft", land vehicle, vessels (surface or underwater) or "spacecraft" for attitude, guidance or control, having any of the following characteristics, and specially designed components therefor: 1. Navigation error (free inertial) subsequent to normal alignment of 0,8 nautical mile per hour (nm/hr) 'Circular Error Probable' (CEP) or less (better); or 2. Specified to function at linear acceleration levels exceeding 10 g;	7A003, 7A103

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
	b. Hybrid Inertial Navigation Systems embedded with Global Navigation Satellite Systems(s) (GNSS) or with "Data-Based Referenced Navigation" ("DBRN") System(s) for attitude, guidance or control, subsequent to normal alignment, having an INS navigation position accuracy, after loss of GNSS or "DBRN" for a period of up to four minutes, of less (better) than 10 metres 'Circular Error Probable' (CEP); c. Inertial Equipment for Azimuth, Heading, or North Pointing having any of the following characteristics, and specially designed components therefor: 1. Designed to have an Azimuth, Heading, or North Pointing accuracy equal to, or less (better) than 6 arc minutes RMS at 45 degrees latitude; or 2. Designed to have a non-operating shock level of 900 g or greater at a duration of 1 msec, or greater.	

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
	Note: The parameters of I.a. and I.b. are applicable with any of the following environmental conditions: 1. Input random vibration with an overall magnitude of 7,7 g rms in the first half hour and a total test duration of one and one half hour per axis in each of the three perpendicular axes, when the random vibration meets the following: a. A constant power spectral density (PSD) value of 0,04 g^2/Hz over a frequency interval of 15 to 1 000 Hz; and b. The PSD attenuates with frequency from 0,04 g^2/Hz to 0,01 g^2/Hz over a frequency interval from 1 000 to 2 000 Hz; 2. A roll and yaw rate of equal to or more than + 2,62 radian/s (150 deg/s); or 3. According to national standards equivalent to 1. or 2. above. Technical Notes: 1. I.b. refers to systems in which an INS and other independent navigation aids are built into a single unit (embedded) in order to achieve improved performance.	

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
	2. 'Circular Error Probable' (CEP) – In a circular normal distribution, the radius of the circle containing 50 percent of the individual measurements being made, or the radius of the circle within which there is a 50 percent probability of being located. II. Theodolite systems incorporating inertial equipment specially designed for civil surveying purposes and designed to have an Azimuth, Heading, or North Pointing accuracy equal to, or less (better) than 6 arc minutes RMS at 45 degrees latitude, and specially designed components therefor. III. Inertial or other equipment using accelerometers specified in 7A001 or 7A101, where such accelerometers are specially designed and developed as MWD (Measurement While Drilling) sensors for use in downhole well services operations.	

II.B. Technology

No	Description	Related item from Annex I to Regulation (EC) No 1183/2007
II.B.001	Technology required for the development, production or use of the items in Part A (Goods) above.	

ANNEX III

"ANNEX III

Websites for information on the competent authorities referred to in Articles 3(4), 3(5), 4a, 5(3), 6, 8, 9, 10 (1), 10(2), 11a, 11b, 13(1) and 17, and address for notifications to the European Commission

BELGIUM

http://www.diplomatie.be/eusanctions

BULGARIA

http://www.mfa.government.bg

CZECH REPUBLIC

http://www.mfcr.cz/mezinarodnisankce

DENMARK

http://www.um.dk/da/menu/Udenrigspolitik/FredSikkerhedOgInternationalRetsorden/Sanktioner/

GERMANY

http://www.bmwi.de/BMWi/Navigation/Aussenwirtschaft/Aussenwirtschaftsrecht/embargos.html

ESTONIA

http://www.vm.ee/est/kat_622/

GREECE

http://www.ypex.gov.gr/www.mfa.gr/en-US/Policy/Multilateral+Diplomacy/International+Sanctions/

SPAIN

http://www.maec.es/es/MenuPpal/Asuntos/Sanciones%20Internacionales/Paginas/Sanciones_%20Internacionales.aspx

FRANCE

http://www.diplomatie.gouv.fr/autorites-sanctions/

IRELAND

www.dfa.ie/un_eu_restrictive_measures_ireland/competent_authorities

ITALY

http://www.esteri.it/UE/deroghe.html

CYPRUS

http://www.mfa.gov.cy/sanctions

LATVIA

http://www.mfa.gov.lv/en/security/4539

LITHUANIA

http://www.urm.lt

LUXEMBOURG

http://www.mae.lu/sanctions

HUNGARY

http://www.kulugyminiszterium.hu/kum/hu/bal/Kulpolitikank/nemzetkozi_szankciok/

MALTA

http://www.doi.gov.mt/EN/bodies/boards/sanctions_monitoring.asp

NETHERLANDS

http://www.minbuza.nl/sancties

AUSTRIA

http://www.bmeia.gv.at/view.php3?f_id=12750&LNG=en&version=

POLAND

http://www.msz.gov.pl

PORTUGAL

http://www.min-nestrangeiros.pt

ROMANIA

http://www.mae.ro/index.php?unde=doc&id=32311&idlnk=1&cat=3

SLOVENIA

http://www.mzz.gov.si/si/zunanja_politika/mednarodna_varnost/omejevalni_ukrepi/

SLOVAKIA

http://www.foreign.gov.sk

FINLAND

http://formin.finland.fi/kvyhteistyo/pakotteet

SWEDEN

http://www.ud.se/sanktioner

UNITED KINGDOM

www.fco.gov.uk/competentauthorities

Address for notifications to the European Commission:

European Commission

DG External Relations

Directorate A Crisis Platform - Policy Coordination in Common Foreign and Security Policy

Unit A2 Crisis Response and Peace Building

CHAR 12/106

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Tel. (32-2) 295 55 85

Fax (32-2) 299 08 73”

ANNEX IV

"**ANNEX VI**

List of financial institutions referred to in Article 11a (2)