



EUROPEAN COMMISSION

HIGH REPRESENTATIVE OF THE  
EUROPEAN UNION FOR  
FOREIGN AFFAIRS AND  
SECURITY POLICY

Brussels, 12.7.2012  
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2012/0197 (NLE)

Joint Proposal for a

**COUNCIL REGULATION**

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

## **EXPLANATORY MEMORANDUM**

- (1) On 23 March 2012, the Council adopted Regulation (EU) No 267/2012 which repealed and replaced Regulation (EU) No 961/2010.
- (2) Where a Member State takes action in order to ensure that legal obligations concerning the health and safety of workers and environment protection are respected where cooperation with Iranian persons, entity or body may be affected by this Regulation, in cases of urgency, a Member State should be allowed to take such action without prior notification provided that it notifies the other Member States and the Commission as soon as possible afterwards.
- (3) Where a Member State had granted a licence to engage in the activities of exploitation of hydrocarbons to a designated (i.e. listed in Annex IX whose assets shall be frozen) person, entity or body before that person, entity or body was designated, the competent authority of that Member State may authorise derogation from certain prohibitions provided for in the Regulation where such derogation is needed to avoid environmental damage or permanent destruction of the license's value.

Joint Proposal for a

## **COUNCIL REGULATION**

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

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran<sup>1</sup>,

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

Whereas:

- (1) Regulation (EU) No 267/2012<sup>2</sup> gives effect to the measures provided for in Decision 2012/35/CFSP amending Decision 2010/413/CFSP concerning restrictive measures against Iran<sup>3</sup>.
- (2) In order to protect the environment and the health and safety of workers, it is necessary to provide that the competent authorities of Member States may take all action they deem necessary to ensure that legal obligations concerning the health and safety of workers and environment protection are respected. In cases of urgency, a Member State should be allowed to take such action without prior notification provided that it notifies the other Member States and the Commission as soon as possible afterwards.
- (3) Where a Member State had granted a license to engage in the activities of exploitation of hydrocarbons to a designated person, entity or body before that person, entity or body was designated, the competent authority of that Member State may authorise derogation from certain prohibitions provided for in Regulation (EU) No 267/2012 where such derogation is needed to avoid environmental damage or permanent destruction of the license's value,

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<sup>1</sup> OJ L 195, 27.7.2010, p. 39.

<sup>2</sup> OJ L 88, 24.3.2012, p. 1.

<sup>3</sup> OJ L 19, 24.1.2012, p. 22.

HAS ADOPTED THIS REGULATION:

*Article 1*

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

(1) Article 43 paragraph 3 is replaced by the following:

“3. The Member State concerned shall notify the other Member States and the Commission of the determination referred to in paragraph 1 and its intention to grant an authorisation at least ten working days prior to the authorisation. In case of threat to the environment and/or to the health and safety of workers in the Union requiring urgent action, the Member State concerned may grant an authorisation without prior notification and shall notify the other Member States and the Commission within three working days after having granted the authorisation.”

(2) The following Article 43a is inserted:

*" Article 43a*

1. By way of derogation from Articles 8, 9, Article 17(1) as regards Iranian person, entity or body referred to in Article 17(2)(b), Article 23(2) and (3) so far as they refer to persons, entities and bodies listed in Annex IX, Article 30 and 35, the competent authorities of a Member State may authorise, under such conditions as they deem appropriate, activities related to the exploration for, or exploitation of, hydrocarbons within the Union undertaken pursuant to a licence for such exploration or exploitation issued by a Member State to a person, entity or body listed in Annex IX, if the following conditions are met:

- (a) the licence for the exploration for, or exploitation of, hydrocarbons within the Union was issued prior to the date on which the person, entity or body listed in Annex IX was designated;
- (b) the authorisation is necessary to avoid environmental damage in the Union or to prevent permanent destruction of the licence's value, in case a Member State conducts temporary administrative management of the licence and/or of the pipeline and infrastructure used in connection with the licensed activity, on a temporary basis in accordance with the applicable national legislation.

2. The derogation provided for in paragraph 1 shall only be granted for such period as necessary and its validity shall not exceed the validity of the licence issued to the person, entity or body listed in Annex IX. In case the competent authority considers that subrogation to contracts or the provision of indemnities is necessary, the period of validity of the derogation shall not exceed 5 years.

3. The Member State concerned shall notify the other Member States and the Commission of its intention to grant an authorisation at least ten working days prior to the authorisation. In case of threat to the environment in the Union requiring urgent action to prevent damage to the environment, the Member State concerned may grant an authorisation without prior notification and shall notify the other

Member States and the Commission within three working days after having granted the authorisation.”

- (3) Reference to Article 43a is added in the Title of Annex X.

*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*