



**Information Note
5 Years after the JCPoA Adoption Day
And Termination of Certain Restrictions
Under UNSC Res. 2231
18 October 2020**

**Permanent Mission of the
Islamic Republic of Iran to the
United Nations and other
International Organizations in Vienna**

18 October 2020 marks the fifth anniversary of the Joint Comprehensive Plan of Action (JCPoA) Adoption Day which has specific legal effects. These legal effects are explained in this Information Note. At the outset it is worth reviewing some important times in the Implementation Plan of the JCPoA and UNSCR 2231 up to 18 October 2020.

Some Important Times

- ❖ On **14 July 2015 (*Conclusion Day*)**, Iran and China, Russia, Germany, United Kingdom, France and the United States (5+1) concluded the Joint Comprehensive Plan of Action (JCPoA) on Iran's Nuclear Program. The JCPoA ensures the termination and comprehensive lifting of UN, EU and the U.S. nuclear-related economic, financial and military sanctions and measures and is conducive to promoting and facilitating the development of normal economic and trade contacts and cooperation with Iran.
- ❖ On **20 July 2015 (*Finalization Day*)**, the United Nations Security Council unanimously adopted the resolution 2231 (2015). This resolution endorses the JCPoA and committed to terminate the provisions of resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), 1929 (2010) and 2224 (2015). Also, resolution 2231 (2015) defines the schedule and commitments to be undertaken by all parties.
- ❖ On **18 October 2015 (*Adoption Day*)**, the "JCPoA and the commitments in this JCPoA" came into effect and set in motion the implementation of the provisions of the JCPoA.
- ❖ On **16 January 2016 (*Implementation Day*)**, the IAEA verified Iran's fulfilment of its commitments and on the same day the U.S. and EU's lifting of economic and financial nuclear related sanctions were effectuated. Also, at the same date, the provisions of previous UN Security Council Resolutions – resolution 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), 1929 (2010) and 2224 (2015) - were fully terminated.
- ❖ On **18 October 2020 (*Five Years after Adoption Day*)**, the provisions of the UN Security Council resolution 2231 (2015) regarding restrictions on Iran's arm-related transfers and travel ban on certain individuals – paragraphs 5, 6(b) and 6(e) - are terminated.



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What Happened on 18 October 2020 (Five Years After Adoption Day)

- ❖ According to Paragraph 5 of Annex B of ‘Annex B’ of the United Nations Security Council Resolution 2231 (2015):

“All States may participate in and permit, *provided* that the Security Council decides in advance on a case-by-case basis to approve: the supply, sale or transfer directly or indirectly from or through their territories, or by their nationals or individuals subject to their jurisdiction, or using their flag vessels or aircraft, and whether or not originating in their territories, to Iran, or for the use in or benefit of Iran, of any battle tanks, armored combat vehicles, large caliber artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems, as defined for the purpose of the United Nations Register of Conventional Arms, or related materiel, including spare parts, and the provision to Iran by their nationals or from or through their territories of technical training, financial resources or services, advice, other services or assistance related to the supply, sale, transfer, manufacture, maintenance, or use of arms and related materiel described in this subparagraph. *This paragraph shall apply until the date five years after the JCPoA Adoption Day* or until the date on which the IAEA submits a report confirming the Broader Conclusion, whichever is earlier.

- ❖ According to the paragraph 6(b) of ‘Annex B’ of the United Nations Security Council Resolution 2231 (2015):

All States are to “take the necessary measures to prevent, except as decided otherwise by the UN Security Council in advance on a case-by-case basis, the supply, sale, or transfer of arms or related materiel from Iran by their nationals or using their flag vessels or aircraft, and whether or not originating in the territory of Iran, *until the date five years after the JCPoA Adoption Day* or until the date on which the IAEA submits a report confirming the Broader Conclusion, whichever is earlier.”

- ❖ According to paragraph 6(e) of ‘Annex B’ of the United Nations Security Council Resolution 2231 (2015):

All States are to “for five years from the JCPoA Adoption Day or until the date on which the IAEA submits a report confirming the Broader Conclusion, whichever is earlier, take the necessary measures to prevent the entry into or transit through their territories of individuals described in paragraphs 6(c) above¹, although underlining that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory.”

Consequently, the provisions of these paragraphs are now terminated from 18 October 2020, *ipso facto*, with immediate effect and without any prerequisite formalities or procedural requirements. Accordingly, as of 18 October 2020, the provisions of the above-mentioned paragraphs are no longer applicable and all related activities and conducts (i.e. the supply,

¹ . Freidoun Abbasi Davani, Azim Aghajani, Aliakbar Ahmadian, Morteza Bahmanyar, Ahmad Vahid Dastjerdi, Ahmad Derakhshandeh, Mohammad Eslami, Rezagholi Esmaeli, Mohsen Fakhrizadeh Mahabadi, Mohammad Hejazi, Mohsen Hojati, Mehrdad Akhlaghi Ketabchi, Naser Maleki, Mohammadreza Naqdi, Mommadmehdi Nejad Nouri, Morteza Rezaie, Morteza Safari, Yahya Rahim Safvi, Hosein Salimi, Qasem Soleimani, Aliakbar Tabatabaei, Mohammadreza Zahedi, Mohammadbaqer Zolqadr.



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sale and transfer of certain arms and related financial associated services and necessary measures as well as the travel restrictions on certain individuals), are not restricted or prohibited in any manner.

As one of the JCPoA's innovations, the definitive and unconditional termination of arms restrictions and travel bans requires no new resolution, nor does it require any statement or any other measures by the Security Council. The lifting of arms restrictions and the travel ban were designed to be automatic with no other action required.

18 October 2020 is a momentous day for international community, which in defiance of the U.S. efforts, has protected the UN Security Council Resolution 2231 and the JCPoA. Notwithstanding the failed attempts by the U.S. to withhold and eliminate Iran's benefits from the Resolution 2231, Member States are required to make their laws and regulations compatible with the resolution, which invites Member States to give due regard to these changes.

Implementation

It is of utmost importance that the UN Security Council in Resolution 2231 (2015):

- ❖ Underscores 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”;
- ❖ Notes “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”;
- ❖ “Endorses the JCPoA, and urges its full implementation on the timetable established in the JCPoA”;
- ❖ “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”.
