



EUROPEAN
COMMISSION

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

Brussels, 7.12.2012
JOIN(2012) 35 final

2012/0356 (NLE)

Joint Proposal for a

COUNCIL REGULATION

amending Regulation (EU) No 359/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Iran

EXPLANATORY MEMORANDUM

- (1) The Council is about to adopt a Decision amending Council Decision 2011/235/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Iran. This Decision will amend the scope of the measures related to equipment which might be used for internal repression. Namely, it will provide for a derogation from the export ban on equipment which might be used for internal repression in case such equipment is needed solely for the protective use of the personnel of the European Union or of the Member States.
- (2) Action at EU level is required to give effect to this amendment of the scope the measures related to equipment which might be used for internal repression.
- (3) Council Regulation (EU) No 359/2011 should therefore be amended.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215(2) thereof,

Having regard to Council Decision 2012/.../CFSP¹ amending Council Decision 2011/235/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Iran²,

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

Whereas:

- (1) In response to the deterioration of the human rights situation in Iran, Council Regulation (EU) No 359/2011 of 12 April 2011³ imposed certain restrictive measures directed against certain persons, entities and bodies, in accordance with Council Decision 2011/235/CFSP.
- (2) On ... December 2012 the Council adopted Decision 2012/.../CFSP amending Council Decision 2011/235/CFSP as regards the scope of the measures related to equipment which might be used for internal repression.
- (3) That measure falls within the scope of the Treaty on the Functioning of the European Union and, therefore, notably with a view to ensuring its uniform application by economic operators in all Member States, regulatory action at the level of the Union is necessary in order to implement it.
- (4) Council Regulation (EU) No 359/2011 should therefore be amended accordingly.
- (5) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force immediately,

¹ OJ L , , p. .

² OJ L 100, 14.4.2011, p. 51.

³ OJ L 100, 14.4.2011, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

Council Regulation (EU) No 359/2011 is amended as follows:

In Article 1a, the existing paragraph is numbered paragraph 1, and the following paragraph 2 is added:

"2. By way of derogation from paragraph 1, the competent authorities of the Member States, as listed in Annex II, may authorise, under such conditions as they deem appropriate, the sale, supply, transfer or export of, or the provision of assistance or services referred to in paragraph 1 (b) and (c) to, equipment which might be used for internal repression as listed in Annex III provided that it is intended solely for the protective use of the personnel of the European Union or of the Member States."

Article 2

This Regulation shall enter into force on the day 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