

14032/13

ASSEMBLÉE NATIONALE

QUATORZIÈME LÉGISLATURE

SÉNAT

SESSION ORDINAIRE DE 2013-2014

Reçu à la Présidence de l'Assemblée nationale
Le 4 octobre 2013

Enregistré à la Présidence du Sénat
Le 4 octobre 2013

**TEXTE SOUMIS EN APPLICATION DE
L'ARTICLE 88-4 DE LA CONSTITUTION**

PAR LE GOUVERNEMENT,

À L'ASSEMBLÉE NATIONALE ET AU SÉNAT

Mesures restrictives à l'encontre de l'Iran: - Lettres aux entités dont les inscriptions sur les listes au titre de la décision 2010/413/PESC du Conseil et du règlement (UE) n° 267/2012 du Conseil ont été annulées par les arrêts du Tribunal de l'UE dans l'affaire T-12/11 (Iran Insurance Company), l'affaire T-13/11 (Post Bank Iran), les affaires jointes T-4/11 et T-5/11 (Export Development Bank of Iran), l'affaire T-110/12 (Iran Offshore Engineering & Construction Co.) et l'affaire T-493/10 (Persia International Bank plc.).

E8691



**CONSEIL DE
L'UNION EUROPÉENNE**

**Bruxelles, le 1^{er} octobre 2013 (02.10)
(OR. en)**

14032/13

LIMITE

**PESC 1142
CONUN 107
COMEM 216
CONOP 114
COARM 128
FIN 561**

NOTE POINT "I/A"

du: Secrétariat général du Conseil

au: Coreper / Conseil

Objet: Mesures restrictives à l'encontre de l'Iran:

- Lettres aux entités dont les inscriptions sur les listes au titre de la décision 2010/413/PESC du Conseil et du règlement (UE) n° 267/2012 du Conseil ont été annulées par les arrêts du Tribunal de l'UE dans l'affaire T-12/11 (Iran Insurance Company), l'affaire T-13/11 (Post Bank Iran), les affaires jointes T-4/11 et T-5/11 (Export Development Bank of Iran), l'affaire T-110/12 (Iran Offshore Engineering & Construction Co.) et l'affaire T-493/10 (Persia International Bank plc.)
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1. Le 26 juillet 2010, le Conseil a adopté la décision 2010/413/PESC concernant des mesures restrictives à l'encontre de l'Iran et, le 25 octobre 2010, le règlement (UE) n° 961/2010 concernant l'adoption de mesures restrictives à l'encontre de l'Iran. Le 23 mars 2012, le Conseil a adopté le règlement (UE) n° 267/2012 concernant l'adoption de mesures restrictives à l'encontre de l'Iran et abrogeant le règlement (UE) n° 961/2010.

2. Iran Insurance Company, Post Bank Iran, Export Development Bank of Iran, Iran Offshore Engineering & Construction Co. et Persia International Bank plc. figuraient sur les listes des personnes et entités faisant l'objet d'un gel des avoirs au titre de la décision 2010/413/PESC et des règlements (UE) n° 961/2010 et 267/2012. Ces entités ont contesté leur inscription sur les listes devant le Tribunal de l'Union européenne. Le 6 septembre 2013, le Tribunal a rendu ses arrêts dans l'affaire T-12/11 (Iran Insurance Company), l'affaire T-13/11 (Post Bank Iran), les affaires jointes T-4/11 et T-5/11 (Export Development Bank of Iran), l'affaire T-110/12 (Iran Offshore Engineering & Construction Co.) et l'affaire T-493/10 (Persia International Bank plc.) par lesquels il a annulé l'inscription des entités concernées sur les listes avec effet à la date d'expiration d'une période de deux mois et dix jours à compter de la notification des arrêts.
3. Lors de ses réunions des 10, 16, 19, 23, 26 et 30 septembre 2013, le groupe des conseillers pour les relations extérieures (RELEX) a examiné les conséquences des arrêts susvisés et est convenu d'inscrire à nouveau les entités en question sur les listes des personnes et entités faisant l'objet de mesures restrictives ou présentant de nouveaux motifs. Le groupe a également marqué son accord sur le texte de projets de lettres destinés à ces entités, par lesquels le Conseil les informe de son intention de les inscrire à nouveau sur les listes des personnes et entités désignées dans la décision 2010/413/PESC et le règlement (UE) n° 267/2012 et des motifs devant justifier leur réinscription.
4. Compte tenu de ce qui précède, le Coreper est invité à:
 - confirmer l'accord intervenu sur les projets de lettres dont le texte figure à l'annexe de la présente note;
 - recommander au Conseil d'approuver les projets de lettres.

Draft letter to Iran Insurance Co.

The Council has taken note of the judgment of the EU General Court of 6 September 2013 in Case T-12/11, *Iran Insurance Company v. Council*, with regard to the inclusion of your company on the list of designated persons and entities in Annex II to Council Decision 2010/413/CFSP and Annex IX to Regulation (EU) 267/2012 concerning restrictive measures against Iran.

The Council considers that Iran Insurance Company, since it is a Government-owned company engaged in commercial activities, meets the condition for designation in Article 20 (1) (c) of Decision 2010/413 and Article 23 (2) (d) of Regulation 267/2012, which refers to persons and entities that provide support, including financial support, to the Government of Iran.

The Council therefore intends to include your company again on the list of designated persons and entities in the above-mentioned legal acts, and to replace the statement of reasons for your company's designation with the following text: "*Government-owned company which provides financial support to the Government of Iran*".

Any observations that your company wishes to make should be presented before 21 October 2013 and addressed to the Council (General Secretariat, DG C - Unit IC).

cc: Appletonluff lawyers, Brussels

Draft letter to Post Bank Iran

The Council has taken note of the judgment of the EU General Court of 6 September 2013 in Case T-13/11, *Post Bank Iran v. Council*, with regard to the inclusion of your company on the list of designated persons and entities in Annex II to Council Decision 2010/413/CFSP and Annex IX to Regulation (EU) 267/2012 concerning restrictive measures against Iran.

The Council considers that Post Bank Iran, since it is a company majority-owned by the Government of Iran and engaged in commercial activities, meets the condition for designation in Article 20 (1) (c) of Decision 2010/413 and Article 23 (2) (d) of Regulation 267/2012, which refers to persons and entities that provide support, including financial support, to the Government of Iran.

The Council therefore intends to include your company again on the list of designated persons and entities in the above-mentioned legal acts, and to replace the statement of reasons for your company's designation with the following text: *"Company which is majority owned by the Government of Iran and provides financial support to the Government of Iran"*.

Any observations that your company wishes to make should be presented before 21 October 2013 and addressed to the Council (General Secretariat, DG C - Unit IC).

cc: Appletonluff lawyers, Brussels

Draft letter to Export Development Bank of Iran

The Council has taken note of the judgment of the EU General Court of 6 September 2013 in Joined Cases T-4/11 and T-5/11, *Export Development Bank of Iran v. Council*, with regard to the inclusion of your company on the list of designated persons and entities in Annex II to Council Decision 2010/413/CFSP and Annex IX to Regulation (EU) 267/2012 concerning restrictive measures against Iran.

The Council considers that Export Development Bank of Iran, since it is a Government-owned company engaged in commercial activities, meets the condition for designation in Article 20 (1) (c) of Decision 2010/413 and Article 23 (2) (d) of Regulation 267/2012, which refers to persons and entities that provide support, including financial support, to the Government of Iran.

The Council therefore intends to include your company again on the list of designated persons and entities in the above-mentioned legal acts, with a statement of reasons for your company's designation as follows: *"Government-owned company which provides financial support to the Government of Iran"*.

Any observations that your company wishes to make should be presented before 21 October 2013 and addressed to the Council (General Secretariat, DG C - Unit IC).

cc: SYGNA Partners, Paris

Draft letter to Iranian Offshore Engineering and Construction Co (IOEC)

The Council has taken note of the judgment of the EU General Court of 6 September 2013 in Case T-110/12, *Iranian Offshore Engineering and Construction Co v. Council*, with regard to the inclusion of your company on the list of designated persons and entities in Annex II to Council Decision 2010/413/CFSP and Annex IX to Regulation (EU) 267/2012 concerning restrictive measures against Iran.

Iranian Offshore Engineering and Construction Co (IOEC) is an important entity in the energy sector in Iran which provides substantial revenues to the Government of Iran, notably through its key role in the development of the South Pars gas field. As such, the Council considers that IOEC meets the condition for designation in Article 20 (1) (c) of Decision 2010/413 and Article 23 (2) (d) of Regulation 267/2012, which refers to persons and entities that provide support, including financial and logistical support, to the Government of Iran.

The Council therefore intends to include your company again on the list of designated persons and entities in the above-mentioned legal acts, with a statement of reasons for your company's designation as follows: *"Important entity in the energy sector which provides substantial revenues to the Government of Iran. As such, IOEC provides financial and logistical support to the Government of Iran"*.

Any observations that your company wishes to make should be presented before 21 October 2013 and addressed to the Council (General Secretariat, DG C - Unit IC).

cc: Lupicino Abogados International Attorneys

Draft letter to Persia International Bank plc

The Council has taken note of the judgment of the EU General Court of 6 September 2013 in Case T-493/11, *Persia International Bank plc. Council*, with regard to the inclusion of your company on the list of designated persons and entities in Annex II to Council Decision 2010/413/CFSP and Annex IX to Regulation (EU) 267/2012 concerning restrictive measures against Iran.

The Council considers that Persia International Bank plc, since it is owned by designated entities Bank Mellat (60 % of the share capital) and Bank Tejarat (40 % of the share capital), meets the condition for designation in Article 20 (1) (b) of Decision 2010/413 and Article 23 (2) (a) of Regulation 267/2012, which refers to entities that are owned by entities listed in Annex II to Council Decision 2010/413 and Annex IX to Regulation 267/2012.

With regard to the designation of Bank Mellat, the Council remains of the opinion that the reasons given in the above-mentioned legal acts for Bank Mellat's designation are correct and sufficient, and it has brought an appeal before the Court of Justice of the EU (Case C-176/13 P) against the judgment of the EU General Court of 29 January 2013 in Case T-496/10, *Bank Mellat v. Council*.

The Council therefore intends to include your company again on the list of designated persons and entities in the above-mentioned legal acts, with a statement of reasons for your company's designation as follows: "*Entity owned by designated entities Bank Mellat and Bank Tejarat*".

Any observations that your company wishes to make should be presented before 21 October 2013 and addressed to the Council (General Secretariat, DG C - Unit IC).

cc: Stephenson Harwood, London
