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ASSEMBLÉE NATIONALE

QUATORZIÈME LÉGISLATURE

SÉNAT

SESSION ORDINAIRE DE 2013-2014

Reçu à la Présidence de l'Assemblée nationale
Le 22 octobre 2013

Enregistré à la Présidence du Sénat
Le 22 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 l'inscription 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 l'arrêt du Tribunal de l'UE dans l'affaire T 489/10 (Islamic Republic of Iran Shipping Lines / Conseil).

E 8735



**CONSEIL DE
L'UNION EUROPÉENNE**

**Bruxelles, le 21 octobre 2013
(OR. en)**

14891/13

LIMITE

**PESC 1235
CONUN 121
COMEM 229
CONOP 127
COARM 148
FIN 639**

NOTE

du : Secrétariat général du Conseil

aux : délégations

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

- Lettres aux entités dont l'inscription 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 l'arrêt du Tribunal de l'UE dans l'affaire T-489/10 (*Islamic Republic of Iran Shipping Lines / Conseil*)
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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, il a adopté 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, qui a remplacé le règlement (UE) n° 961/2010.
2. Les Islamic Republic of Iran Shipping Lines (IRISL) et un certain nombre de leurs filiales 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. Les IRISL et dix-sept de leurs filiales ont contesté leur inscription sur les listes devant le Tribunal de l'Union européenne.

Le 16 septembre 2013, le Tribunal a rendu son arrêt dans l'affaire T-489/10 (Islamic Republic of Iran Shipping Lines/Council) et a annulé l'inscription des IRISL et de leurs dix-sept filiales 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 dudit arrêt.

3. Lors de ses réunions des 19, 23, 26 et 30 septembre et des 3, 7, 10, 14 et 17 octobre 2013, le groupe des conseillers pour les relations extérieures (RELEX) a examiné les conséquences de l'arrêt susvisé et est convenu, le 21 octobre 2013, d'inscrire à nouveau les IRISL et douze de leurs filiales sur les listes des personnes et entités faisant l'objet de mesures restrictives en présentant de nouveaux motifs. Le groupe a également marqué son accord sur le texte de projets de lettres à adresser aux IRISL et à leurs douze filiales concernées par l'arrêt, par lesquelles 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 justifiant leur réinscription.
4. Compte tenu de ce qui précède, le Coreper est invité à approuver les projets de lettres dont le texte figure à l'annexe de la présente note.

Draft letter to Islamic Republic of Iran Shipping Lines (IRISL)

The Council has taken note of the judgment of the EU General Court of 16 September 2013 in Case T- 489/10, *Islamic Republic of Iran Shipping Lines 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) No 267/2012 concerning restrictive measures against Iran.

The Council considers that your company, since it has been involved in the shipment of arms-related materiel from Iran, in violation of paragraph 5 of UN Security Council Resolution 1747(2007), meets the condition for designation in Article 20 (1) (b) of Decision 2010/413/CFSP and Article 23 (2) (b) of Regulation (EU) No 267/2012 (as amended respectively by Decision 2013/497/CFSP and Regulation (EU) 971/2013), which refers to persons and entities that have evaded or violated the provisions of UNSCR 1737 (2006), UNSCR 1747 (2007), UNSCR 1803 (2008) and UNSCR 1929 (2010).

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 its designation as follows: *"IRISL has been involved in the shipment of arms-related materiel from Iran in violation of paragraph 5 of UNSC Resolution 1747(2007). Three clear violations were reported to the UN Security Council Iran Sanctions Committee in 2009."*

Any observations that your company wishes to make should be presented before 5 November 2013 and addressed to the Council (General Secretariat, DG C - Unit IC).

cc: M. Taher and M. Lester, lawyers

Draft letter to Bushehr Shipping Company Limited

The Council has taken note of the judgment of the EU General Court of 16 September 2013 in Case T- 489/10, *Islamic Republic of Iran Shipping Lines and Others 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) No 267/2012 concerning restrictive measures against Iran. The Council has also considered the observations presented earlier on behalf of your company in the letter of 31 January 2013 from your lawyers M. Taher & Co.

The Council notes that your company is owned by the Islamic Republic of Iran Shipping Lines (IRISL), as confirmed by the Maltese companies registry. Consequently, your company meets the condition for designation in Article 20 (1) (b) of Decision 2010/413/CFSP and Article 23 (2) (e) of Regulation (EU) No 267/2012 (as amended respectively by Decision 2013/497/CFSP and Regulation (EU) 971/2013), which refers to entities owned by IRISL.

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 its designation as follows:
"Entity owned by IRISL."

Any observations that your company wishes to make should be presented before 5 November 2013 and addressed to the Council (General Secretariat, DG C - Unit IC).

cc: M. Taher & Co, lawyers

Draft letter to Hafize Darya Shipping Lines (HDSL)

The Council has taken note of the judgment of the EU General Court of 16 September 2013 in Case T- 489/10, *Islamic Republic of Iran Shipping Lines and Others 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) No 267/2012 concerning restrictive measures against Iran. The Council has also considered the observations presented earlier on behalf of your company in the letter of 31 January 2013 from your lawyers M. Taher & Co.

The Council notes that your company has taken over as beneficial owner a number of Islamic Republic of Iran Shipping Line's (IRISL) vessels, as confirmed by reports of 12 June 2012 and 5 June 2013 by the UN Panel of Experts established pursuant to UNSC Resolution 1929 (2010). Consequently, your company meets the condition for designation in Article 20 (1) (b) of Decision 2010/413/CFSP and Article 23 (2) (e) of Regulation (EU) No 267/2012 (as amended respectively by Decision 2013/497/CFSP and Regulation (EU) 971/2013) which refers to entities acting on behalf of IRISL.

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 its designation as follows: *"HDSL has taken over as beneficial owner a number of Islamic Republic of Iran Shipping Line's (IRISL) vessels. Accordingly, HDSL is acting on behalf of IRISL. "*

Any observations that your company wishes to make should be presented before 5 November 2013 and addressed to the Council (General Secretariat, DG C - Unit IC).

cc: M. Taher & Co, lawyers

Draft letter to Irinvestship Ltd

The Council has taken note of the judgment of the EU General Court of 16 September 2013 in Case T- 489/10, *Islamic Republic of Iran Shipping Lines and Others v. Council of the European Union*, 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) No 267/2012 concerning restrictive measures against Iran. The Council has also considered the observations presented earlier on behalf of your company in the letter of 31 January 2013 from your lawyers M. Taher & Co.

The Council notes that the Islamic Republic of Iran Shipping Lines (IRISL) is the sole shareholder of your company, as confirmed by extracts from UK Companies House data and your company's directors' report. Consequently, your company meets the condition for designation in Article 20 (1) (b) of Decision 2010/413/CFSP and Article 23 (2) (e) of Regulation (EU) No 267/2012 (as amended respectively by Decision 2013/497/CFSP and Regulation (EU) 971/2013), which refers to entities owned by IRISL.

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 its designation as follows: "*Entity owned by IRISL.*"

Any observations that your company wishes to make should be presented before 5 November 2013 and addressed to the Council (General Secretariat, DG C - Unit IC).

cc: M. Taher & Co, lawyers

Draft letter to IRISL (Malta) Ltd

The Council has taken note of the judgment of the EU General Court of 16 September 2013 in Case T- 489/10, *Islamic Republic of Iran Shipping Lines and Others v. Council of the European Union*, 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) No 267/2012 concerning restrictive measures against Iran. The Council has also considered the observations presented earlier on behalf of your company in the letter of 31 January 2013 from your lawyers M. Taher & Co.

The Council notes that your company is majority owned by IRISL Europe GmbH and Maraner Holdings Limited, as is confirmed by the Maltese companies registry. Maraner Holdings is in turn majority owned by IRISL Europe GmbH. IRISL Europe GmbH is itself owned by IRISL. Consequently, your company meets the condition for designation in Article 20 (1) (b) of Decision 2010/413/CFSP and Article 23 (2) (e) of Regulation (EU) No 267/2012 (as amended respectively by Decision 2013/497/CFSP and Regulation (EU) 971/2013), which refers to entities controlled by IRISL.

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 its designation as follows: *"Entity majority owned by IRISL, through IRISL Europe GmbH, which is in turn owned by IRISL. Accordingly, IRISL Malta Ltd is controlled by IRISL."*

Any observations that your company wishes to make should be presented before 5 November 2013 and addressed to the Council (General Secretariat, DG C - Unit IC).

cc: M. Taher & Co, lawyers

Draft letter to IRISL Europe GmbH

The Council has taken note of the judgment of the EU General Court of 16 September 2013 in Case T- 489/10, *Islamic Republic of Iran Shipping Lines and Others v. Council of the European Union*, 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) No 267/2012 concerning restrictive measures against Iran. The Council has also considered the observations presented earlier on behalf of your company in the letter of 31 January 2013 from your lawyers M. Taher & Co.

The Council notes that Islamic Republic of Iran Shipping Lines (IRISL) is the sole shareholder of your company, as confirmed by your company's financial statements. Consequently, your company meets the condition for designation in Article 20 (1) (b) of Decision 2010/413/CFSP and Article 23 (2) (e) of Regulation (EU) No 267/2012 (as amended respectively by Decision 2013/497/CFSP and Regulation (EU) 971/2013), which refers to entities owned by IRISL.

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 its designation as follows:
"Company owned by IRISL."

Any observations that your company wishes to make should be presented before 5 November 2013 and addressed to the Council (General Secretariat, DG C - Unit IC).

cc: M. Taher & Co, lawyers

Draft letter to IRISL Marine Services and Engineering Company

The Council has taken note of the judgment of the EU General Court of 16 September 2013 in Case T- 489/10, *Islamic Republic of Iran Shipping Lines and Others v. Council of the European Union*, 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) No 267/2012 concerning restrictive measures against Iran. The Council has also considered the observations presented earlier on behalf of your company in the letter of 31 January 2013 from your lawyers M. Taher & Co.

The Council notes that your company is a subsidiary of the Islamic Republic of Iran Shipping Lines (IRISL), as confirmed by the IRISL Group website. Consequently, your company meets the condition for designation in Article 20 (1) (b) of Decision 2010/413/CFSP and Article 23 (2) (e) of Regulation (EU) No 267/2012 (as amended respectively by Decision 2013/497/CFSP and Regulation (EU) 971/2013), which refers to entities controlled by IRISL.

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 its designation as follows: *"IRISL Marine Services and Engineering Company is controlled by IRISL."*

Any observations that your company wishes to make should be presented before 5 November 2013 and addressed to the Council (General Secretariat, DG C - Unit IC).

cc: M. Taher & Co, lawyers

Draft letter to Khazar Shipping Lines.

The Council has taken note of the judgment of the EU General Court of 16 September 2013 in Case T- 489/10, *Islamic Republic of Iran Shipping Lines and Others v. Council of the European Union*, 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) No 267/2012 concerning restrictive measures against Iran. The Council has also considered the observations presented earlier on behalf of your company in the letter of 31 January 2013 from your lawyers M. Taher & Co.

The Council notes that your company is a subsidiary of the Islamic Republic of Iran Shipping Lines (IRISL), as confirmed by the IRISL Group website. Consequently, your company meets the condition for designation in Article 20 (1) (b) of Decision 2010/413/CFSP and Article 23 (2) (e) of Regulation (EU) No 267/2012 (as amended respectively by Decision 2013/497/CFSP and Regulation (EU) 971/2013), which refers to entities owned by IRISL.

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 its designation as follows:
"Khazar Shipping Lines is owned by IRISL."

Any observations that your company wishes to make should be presented before 5 November 2013 and addressed to the Council (General Secretariat, DG C - Unit IC).

cc: M. Taher & Co, lawyers

Draft letter to Marble Shipping Limited.

The Council has taken note of the judgment of the EU General Court of 16 September 2013 in Case T- 489/10, *Islamic Republic of Iran Shipping Lines and Others v. Council of the European Union*, 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) No 267/2012 concerning restrictive measures against Iran. The Council has also considered the observations presented earlier on behalf of your company in the letter of 31 January 2013 from your lawyers M. Taher & Co.

The Council notes that the sole shareholder of your company is the Islamic Republic of Iran Shipping Lines (IRISL) as confirmed by the Maltese companies registry. Consequently, your company, as a fully owned subsidiary of IRISL, meets the condition for designation in Article 20 (1) (b) of Decision 2010/413/CFSP and Article 23 (2) (e) of Regulation (EU) No 267/2012 (as amended respectively by Decision 2013/497/CFSP and Regulation (EU) 971/2013), which refers to entities owned by IRISL.

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 its designation as follows: "*Entity owned by IRISL*".

Any observations that your company wishes to make should be presented before 5 November 2013 and addressed to the Council (General Secretariat, DG C - Unit IC).

cc: M. Taher & Co, lawyers

Draft letter to Safiran Payam Darya (SAPID Shipping Company).

The Council has taken note of the judgment of the EU General Court of 16 September 2013 in Case T- 489/10, *Islamic Republic of Iran Shipping Lines and Others v. Council of the European Union*, 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) No 267/2012 concerning restrictive measures against Iran. The Council has also considered the observations presented earlier on behalf of your company in the letter of 31 January 2013 from your lawyers M. Taher & Co.

The Council notes that your company has taken over as beneficial owner a number of Islamic Republic of Iran Shipping Line's (IRISL) vessels, as confirmed by reports of 12 June 2012 and 5 June 2013 by the UN Panel of Experts established pursuant to UNSC Resolution 1929 (2010). Consequently your company meets the condition for designation in Article 20 (1) (b) of Decision 2010/413/CFSP and Article 23 (2) (e) of Regulation (EU) No 267/2012 (as amended respectively by Decision 2013/497/CFSP and Regulation (EU) 971/2013) which refers to entities acting on behalf of IRISL.

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 its designation as follows: *"Safiran Payam Darya (SAPID) has taken over as beneficial owner a number of Islamic Republic of Iran Shipping Line's (IRISL) vessels. Accordingly, it is acting on behalf of IRISL."*

Any observations that your company wishes to make should be presented before 5 November 2013 and addressed to the Council (General Secretariat, DG C - Unit IC).

cc: M. Taher & Co, lawyers

Draft letter to Shipping Computer Services Company

The Council has taken note of the judgment of the EU General Court of 16 September 2013 in Case T- 489/10, *Islamic Republic of Iran Shipping Lines and Others v. Council of the European Union*, 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) No 267/2012 concerning restrictive measures against Iran. The Council has also considered the observations presented earlier on behalf of your company in the letter of 31 January 2013 from your lawyers M. Taher & Co.

The Council notes that your company is a subsidiary of the Islamic Republic of Iran Shipping Lines (IRISL), as confirmed by the IRISL Group website. Consequently, your company meets the condition for designation in Article 20 (1) (b) of Decision 2010/413/CFSP and Article 23 (2) (e) of Regulation (EU) No 267/2012 (as amended respectively by Decision 2013/497/CFSP and Regulation (EU) 971/2013) which refers to entities controlled by IRISL. Moreover, the fact that your company carries out other activities (computer services) than those of a shipping company does not prevent it from being designated as a subsidiary of IRISL.

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 its designation as follows: *"Shipping Computer Services Company is controlled by IRISL."*

Any observations that your company wishes to make should be presented before 5 November 2013 and addressed to the Council (General Secretariat, DG C - Unit IC).

cc: M. Taher & Co., lawyers

Draft letter to Soroush Saramin Asatir (SSA) (a.k.a. Rahbaran Omid Darya Ship Management Company)

The Council has taken note of the judgment of the EU General Court of 16 September 2013 in Case T- 489/10, *Islamic Republic of Iran Shipping Lines and Others v. Council of the European Union*, 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) No 267/2012 concerning restrictive measures against Iran. The Council has also considered the observations presented earlier on behalf of your company in the letter of 31 January 2013 from your lawyers M. Taher & Co.

The Council notes that your company acts as the operator and technical manager of a large number of Islamic Republic of Iran Shipping Lines (IRISL) vessels, as confirmed by report of 12 June 2012 by the UN Panel of Experts established pursuant to UNSC Resolution 1929 (2010). Consequently, your company meets the conditions for designation in Article 20 (1) (b) of Decision 2010/413/CFSP and Article 23 (2) (e) of Regulation (EU) No 267/2012 (as amended respectively by Decision 2013/497/CFSP and Regulation (EU) 971/2013), which refer to entities acting on behalf of Islamic Republic of Iran Shipping Lines (IRISL) and entities providing essential services to it.

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 its designation as follows: *"Soroush Saramin Asatir (SSA) operates and manages a number of Islamic Republic of Iran Shipping Lines (IRISL) vessels. Accordingly, it acts on behalf of IRISL and provides essential services to it."*

Any observations that your company wishes to make should be presented before 5 November 2013 and addressed to the Council (General Secretariat, DG C - Unit IC).

cc: M. Taher & Co, lawyers

Draft letter to Valfajr 8th Shipping Line

The Council has taken note of the judgment of the EU General Court of 16 September 2013 in Case T- 489/10, *Islamic Republic of Iran Shipping Lines and Others v. Council of the European Union*, 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) No 267/2012 concerning restrictive measures against Iran. The Council has also considered the observations presented earlier on behalf of your company in the letter of 31 January 2013 from your lawyers M. Taher & Co.

The Council notes that your company is a subsidiary of the Islamic Republic of Iran Shipping Lines (IRISL), as confirmed by the IRISL Group website. Consequently, your company meets the condition for designation in Article 20 (1) (b) of Decision 2010/413/CFSP and Article 23 (2) (e) of Regulation (EU) No 267/2012 (as amended respectively by Decision 2013/497/CFSP and Regulation (EU) 971/2013), which refers to entities owned or controlled by IRISL.

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 its designation as follows: *"Valfajr 8th Shipping Line is owned by IRISL."*

Any observations that your company wishes to make should be presented before 5 November 2013 and addressed to the Council (General Secretariat, DG C - Unit IC).

cc: M. Taher & Co, lawyers
