

Board of Governors

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Provisional agenda
(GOV/2015/69)

Joint Comprehensive Plan of Action implementation and verification and monitoring in the Islamic Republic of Iran in light of United Nations Security Council Resolution 2231 (2015)

Draft resolution submitted by China, France, Germany, the Russian Federation, the United Kingdom and the United States of America

The Board of Governors,

- (a) Recalling all the resolutions and the decisions adopted by the Board on Iran's nuclear programme,
- (b) Recalling also the Board's decisions on the provisions of technical cooperation to Iran,
- (c) Recalling also the Director General's reports on this matter and taking note of his recent reports contained in GOV/2015/53, GOV/2015/54, and GOV/2015/68,
- (d) Reaffirming the need for all States Party to the Treaty on the Non-Proliferation of Nuclear Weapons to comply fully with their obligations, and recalling the right of States Party, in conformity with Articles I and II of that Treaty, to develop research, production and use of nuclear energy for peaceful purposes without discrimination, as per Article IV of that treaty,
- (e) Commending the Director General and the Secretariat for their professional and impartial efforts to implement the Safeguards Agreement in Iran and to undertake the necessary nuclear-related monitoring and verification activities in Iran under the Joint Plan of Action agreed between E3/EU+3 and Iran on 24 November 2013,
- (f) Welcoming the conclusion on 14 July 2015 by E3/EU+3 of the Joint Comprehensive Plan of Action (JCPOA) endorsed by the United Nations Security Council resolution 2231 (2015) on 20 July 2015, as well as the "Road-map for Clarification of Past and Present Outstanding Issues regarding Iran's Nuclear Programme" agreed by the Agency and Iran on 14 July 2015, and contained in document GOV/INF/2015/14,

- (g) Being guided by, inter-alia, the affirmation by the United Nations Security Council in its resolution 2231 (2015) that “conclusion of the JCPOA marks a fundamental shift in its consideration of this issue”,
- (h) Welcoming that all relevant participants have undertaken steps to fulfil their respective commitments under the JCPOA,
- (i) Recognizing the long-term nature of the provisions of the JCPOA and their implications for the Agency,
- (j) Mindful of Annex III of the JCPOA, setting the parameters for civil nuclear cooperation with Iran in the framework of the JCPOA, including through IAEA technical cooperation, where appropriate,
- (k) Recalling its decision on 25 August 2015 to authorise the Director General to implement the necessary verification and monitoring of Iran’s nuclear-related commitments as set out in the JCPOA, and report accordingly, for the full duration of those commitments subject to the availability of funds and consistent with the Agency’s standard safeguards practices; and its decision to authorise the Agency to consult and exchange information with the Joint Commission as set out in the report of the Director General contained in GOV/2015/53,
- (l) Emphasizing the essential and independent role of the IAEA in verifying Iran's compliance with its obligations under the Comprehensive Safeguards Agreement and Additional Protocol, including when provisionally applied, and in this context in providing credible assurance as to the exclusively peaceful nature of Iran’s nuclear programme, and underlining the IAEA’s important role in verifying the full implementation of Iran’s nuclear related commitments under the JCPOA,
- (m) Welcoming Iran's reaffirmation in the JCPOA that it will under no circumstances ever seek, develop or acquire nuclear weapons, and Iran's agreement that it will not engage in activities which could contribute to the development of a nuclear explosive device,
1. Welcomes the commitments undertaken by Iran under the JCPOA, to provisionally apply the Additional Protocol to its Comprehensive Safeguards Agreement in accordance with Article 17 (b) of the Additional Protocol, seek its ratification within the time frame as detailed in Annex V of the JCPOA and fully implement modified Code 3.1 of the Subsidiary Arrangements to its Safeguards Agreement, communicated by Iran to the Director General of the IAEA on 18 October 2015;
 2. Recalls that under United Nations Security Council resolution 2231 (2015) all provisions in the JCPOA are only for the purpose of its implementation between the E3/EU+3 and Iran and should not be considered as setting a precedent for any other State or for principles of international law and the rights and obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and other relevant instruments, as well as for internationally recognised principles and practices;
 3. Affirms in this regard that the Agency's verification and monitoring of Iran's nuclear-related commitments as set out in the JCPOA should not be considered as setting a precedent for the IAEA's standard verification practices, and further affirms that it shall not be interpreted so as to conflict with or alter in any way the Agency's right and obligations to verify compliance by States with Safeguards Agreements and where appropriate Additional Protocols and to report to the Board as appropriate;
 4. Requests the Director General to:
 - i) provide written reports before each regular quarterly Board meeting on Iran’s implementation of its commitments under the JCPOA and on matters relating to the verification

and monitoring in Iran in light of United Nations Security Council resolution 2231 (2015) until the Board is no longer seized of the matter, and after that continue to provide written updates before each regular quarterly Board meeting on Iran's implementation of its relevant commitments under the JCPOA for the full duration of those commitments, unless the Board decides otherwise;

ii) report, in this regard, in accordance with United Nations Security Council resolution 2231 (2015) or the IAEA Statute, to the Board of Governors for appropriate action, and in parallel to the United Nations Security Council, at any time if the Director General has reasonable grounds to believe there is an issue of concern;

5. Supports the IAEA Secretariat in undertaking the activities provided for by United Nations Security Council resolution 2231 (2015) and the JCPOA;

6. Also supports the Agency's consulting and exchanging information with the Joint Commission;

7. Urges all Member States to cooperate fully with the IAEA in its exercise of the tasks related to this resolution;

8. Notes the report of the Director General to the Board of Governors contained in GOV/2015/68, which, in line with the Road-map for the clarification of past and present outstanding issues regarding Iran's nuclear programme, includes the final assessment of all past and present outstanding issues, as set out in the Director General's report in November 2011 contained in GOV/2011/65;

9. Also notes that all the activities in the Road-map for the clarification of past and present outstanding issues regarding Iran's nuclear programme were implemented in accordance with the agreed schedule and further notes that this closes the Board's consideration of this item;

10. Reaffirms that Iran shall cooperate fully and in a timely manner with the IAEA through implementation of its Comprehensive Safeguards Agreement and Additional Protocol, including by providing access, reaffirms that such cooperation and implementation are essential for the IAEA to reach the Broader Conclusion that all nuclear material in Iran remains in peaceful activities and reaffirms also that Iran shall cooperate fully and in a timely manner with the IAEA through implementation of its nuclear related commitments under the JCPOA, including, inter alia, as set out in Annex 1, Section Q of the JCPOA and Annex 4, paragraph 6.7;

11. Decides that upon receipt by the Board of Governors of the Director General's report that the IAEA has verified that Iran has taken actions specified in paragraphs 15.1-15.11 of the Annex V of the JCPOA the provisions of its resolutions GOV/2003/69 (12 September 2003), GOV/2003/81 (26 November 2003), GOV/2004/21 (13 March 2004), GOV/2004/49 (18 June 2004), GOV/2004/79 (18 September 2004), GOV/2004/90 (29 November 2004), GOV/2005/64 (11 August 2005), GOV/2005/77 (24 September 2005), GOV/2006/14 (4 February 2006), GOV/2009/82 (27 November 2009), GOV/2011/69 (18 November 2011) and GOV/2012/50 (13 September 2012), shall be terminated, and also decides that the Board's decision on GOV/2007/7 and consequential decisions on the provision of technical cooperation for Iran, which were taken through the Agency's TACC based on GOV/2008/47/Add.3, GOV/2009/65, GOV/2011/58/Add.3, GOV/2013/49/Add.3 and GOV/2015/60/Add.3, shall be terminated;

12. Notes the importance of all relevant participants faithfully honouring their relevant undertakings and respective commitments under the JCPOA;

13. Decides upon receipt of the Director General's report that the IAEA has verified that Iran has taken the actions specified in paragraphs 15.1-15.11 of the Annex V of the JCPOA to be no longer seized of the matter "Implementation of the NPT Safeguards Agreement and relevant provisions of

Security Council resolutions in the Islamic Republic of Iran” and to become seized of a separate agenda item covering JCPOA implementation and verification and monitoring in Iran in light of United Nations Security Council resolution 2231 (2015);

14. Decides to remain seized of the matter until ten years after the JCPOA Adoption Day or until the date on which the Director General reports that the Agency has reached the Broader Conclusion for Iran, whichever is earlier.