

# FDD FAQ

FDD Frequently  
Asked Questions

## Avoiding an October Sanctions Surprise That Would Empower Tehran

By Behnam Ben Taleblu | September 5, 2023

*Behnam Ben Taleblu is a senior fellow at FDD, where he focuses on Iran's foreign and security policy, specifically its nuclear and missile programs and regional networks.*

Q: What's all the fuss about lapsing international restrictions on Iran this October?.....	2
Q: Why were these restrictions slated to lapse in October 2023? .....	2
Q: What are the exact restrictions that are lapsing, and what countries would be impacted? .....	3
Q: Who would most benefit from these lapsing restrictions? .....	5
Q: What is the significance of Europe following through on its threat to not relieve missile sanctions?.....	6
Q: What exactly can Europe do before October? .....	7
Q: What is "Snapback," and why does the mechanism exist? .....	8
Q: What can the U.S. Congress do to support Europe in this context?.....	9
Q: What is Tehran likely to do in response to the prevention of lapsing restrictions on Iran? .....	9
Q: Why is Tehran's ballistic missile program a threat? .....	10
Q: What other major sunsets are left in the 2015 Iran nuclear deal?.....	11

## **Q: What’s all the fuss about lapsing international restrictions on Iran this October?**

**A:** Pursuant to the 2015 Iran nuclear deal, known as the Joint Comprehensive Plan of Action (JCPOA), and UN Security Council Resolution (UNSCR) 2231 enshrining it, two different sets of penalties<sup>1</sup> on Iran are scheduled to lapse, or “sunset,” this October. These restrictions are largely but not exclusively tied to Tehran’s nuclear weapons and ballistic missile proliferation efforts. Skeptics of the JCPOA have long warned about these and other sunsets<sup>2</sup> as fatal flaws of the JCPOA. The expiration of these restrictions will have lasting implications for U.S. national security and for those interested in restraining Iran’s missile, military, and nuclear programs.

As Iran’s nuclear violations,<sup>3</sup> ballistic missile testing, and arms proliferation grew in scale and scope since 2021 — to include Iran’s provision of drones to Russia for use against Ukraine<sup>4</sup> — the saliency of preventing the lapsing of these restrictions also grew, including for parties still in the JCPOA, such as the E3 (France, Germany, and the UK). To that effect, earlier this summer, European diplomats reportedly cited this changing international context and informed Iran that they would not be easing select JCPOA-related sanctions this fall.<sup>5</sup> However, the E3 and the United States appear unwilling to trigger a snapback mechanism at the Security Council and will instead allow a number of important UN restrictions on Iran to expire.

## **Q: Why were these restrictions slated to lapse in October 2023?**

**A:** As part of the 2013-2015 international negotiations with Tehran that led to the JCPOA, select restrictions<sup>6</sup> on Iran levied in UNSC sanctions resolutions between 2006 and 2010<sup>7</sup> became subject to calendar-based termination criterion as a result of wins by the Iranian negotiating team. For example, a formerly permanent embargo on conventional arms transfers to and from Iran was, with the advent of UNSCR 2231, made subject to a five-year window and expired on October 18, 2020 despite unilateral American attempts to extend it.<sup>8</sup> Similarly, formerly permanent ballistic missile testing and transfer prohibitions were revised in UNSCR 2231 and made subject to an eight-year window expiring on October 18, 2023.<sup>9</sup> Per the implementation timeline of the JCPOA expressed in Annex V, October 18 is known as “Transition Day,” which is one of several stages of the Iran deal. Transition Day is exactly eight years from “Adoption Day,” which was October 18, 2015, which itself was 90 days after “Finalization Day,” or the day the UNSC unanimously passed UNSCR 2231 on July 20, 2015.

1. Exact “Transition Day” requirements are found in: Joint Comprehensive Plan of Action, Vienna, July 14, 2015, Annex V, pages 4-5. (<https://2009-2017.state.gov/documents/organization/245324.pdf>); United Nations Security Council, Resolution 2231, July 20, 2015, Annex B, paragraphs 3,4, and 6. ([https://undocs.org/S/RES/2231\(2015\)](https://undocs.org/S/RES/2231(2015)))

2. For a full breakdown of Iran-deal related sunsets, see: Behnam Ben Taleblu and Andrea Stricker, “Key Sunsets Under the JCPOA and UNSC Resolution 2231,” *Foundation for Defense of Democracies*, February 24, 2021. (<https://www.fdd.org/analysis/2021/02/19/key-sunsets-under-the-jcpoa-and-uns-c-resolution-2231>)

3. To include activities affording Iran “irreversible” nuclear knowledge, such as enrichment to 60 percent purity, phasing in more advanced centrifuges, and production of uranium metal using highly enriched uranium. See: David Albright and Sarah Burkhard, “Iran’s Recent, Irreversible Nuclear Advances,” *Institute for Science and International Security*, September 22, 2021. (<https://isis-online.org/isis-reports/detail/irans-recent-irreversible-nuclear-advances>). These concerns increased significantly after Iran enriched uranium to nearly weapons grade in early 2023. Bradford Betz, “Iran’s uranium processing has almost reached nuclear weapons-grade purity: inspectors,” *Fox News*, February 19, 2023. (<https://www.foxnews.com/world/irans-uranium-processing-almost-reached-nuclear-weapons-grade-purity-inspectors>)

4. As well as the potential to transfer ballistic missiles to Russia for the same reason. See: John Hardie and Behnam Ben Taleblu, “Iran Is Now at War With Ukraine,” *Foreign Policy*, October 26, 2022. (<https://foreignpolicy.com/2022/10/26/iran-ukraine-russia-war-drones-missiles-military-advisors-middle-east-nuclear>); John Paul Rathbone, Andrew England, Henry Foy, Max Seddon, and Felicia Schwartz, “Russia and Iran hesitate over co-operation as west warns of costs,” *Financial Times* (UK), March 6, 2023. (<https://www.ft.com/content/b9361eae-5b05-4c17-8c59-7fb11e2579fe>)

5. John Irish, Arshad Mohammed, and Parisa Hafezi, “Exclusive: Europeans plan to keep ballistic missile sanctions on Iran,” *Reuters*, June 29, 2023. (<https://www.reuters.com/world/middle-east/europeans-plan-keep-ballistic-missile-sanctions-iran-2023-06-28>); Patrick Wintour, “UK to breach Iran nuclear deal with refusal to lift sanctions,” *The Guardian* (UK), July 2, 2023. (<https://www.theguardian.com/world/2023/jul/02/uk-to-breach-iran-nuclear-deal-with-refusal-to-lift-sanctions>)

6. Michael R. Gordon and David E. Sanger, “A Final Hurdle in Iran Talks Deals With Conventional, Not Nuclear, Arms,” *The New York Times*, July 10, 2015. (<https://www.nytimes.com/2015/07/11/world/middleeast/un-arms-ban-on-iran-remains-a-hurdle-to-nuclear-deal.html>)

7. Kelsey Davenport, “UN Security Council Resolutions on Iran,” *Arms Control Association*, January 2022. (<https://www.armscontrol.org/factsheets/Security-Council-Resolutions-on-Iran>)

8. Richard Pérez-Peña, Lara Jakes, and Farnaz Fassihi, “U.S. Calls for Indefinite Arms Embargo of Iran, but Finds No Takers,” *The New York Times*, June 30, 2022. (<https://www.nytimes.com/2020/06/30/world/middleeast/iran-arms-embargo.html>)

9. “Ballistic missile-related transfers and activities,” *United Nations Security Council*, accessed August 1, 2023. (<https://www.un.org/securitycouncil/content/2231/ballistic-missile-related-transfers-and-activities>)

## **Q: What are the exact restrictions that are lapsing, and what countries would be impacted?**

**A:** October 18, 2023, known in the JCPOA as “Transition Day,” marks two different events that policymakers need to better understand. The first is the second major set of sunsets of Security Council-established restrictions on Iran, including the termination of ballistic missile prohibitions. The second is a series of steps that were supposed to be taken by the JCPOA parties themselves under the political agreement. Per the JCPOA, these steps were incumbent upon Iran, the United States, and Europe (the EU and UK).

### **I. Sunsetting UNSCR restrictions, applying to all UN member states:**

**Termination of Asset Freeze:** According to Paragraph 6 Subsection C of Annex B of UNSCR 2231, the UN retains a list of designated Iranian persons and entities related to Iran’s nuclear and military programs inherited from an older resolution (UNSCR 1737) that are subject to an asset freeze that will automatically lapse on Transition Day.<sup>10</sup> This list of 23 persons and 61 entities is not to be confused with a shorter list of 36 persons and entities<sup>11</sup> that were delisted on the day the JCPOA entered into force (Implementation Day – January 16, 2016). Examples of entities slated for delisting at the UN level include the Khatam al-Anbiya Construction Headquarters, which is an IRGC-run contracting firm,<sup>12</sup> and Malek Ashtar University, an Iranian university supporting the regime’s Ministry of Defense through research and development.<sup>13</sup> While the United States retains sanctions on many of the entities slated for delisting, the suspension of the asset freeze provision would offer Iran the ability to more effectively make the argument that its nuclear program is not a threat to international peace and security. It could also lead to challenges for jurisdictions currently freezing assets of the listed entities as required by the UN if Iran seeks repatriation.

**Lifted Ban on Iran’s Ballistic Missile Activities:** According to Paragraph 3 of Annex B of UNSCR 2231, “Iran is called upon not to undertake any activity related to ballistic missiles designed to be capable of delivering nuclear weapons, including launches using such ballistic missile technology” until Transition Day.<sup>14</sup> Notably, UNSCR 2231 modified and watered down more stringent ballistic missile prohibitions found in an older resolution (UNSCR 1929)<sup>15</sup> and introduced murky language about the relationship between missile intention and design that impeded consensus on whether select Iranian missile tests could be considered as violations of Annex B.<sup>16</sup> Moreover, the absence of a Panel of Experts for UNSCR 2231 to assess reports about alleged violations of this and other restrictive clauses in Annex B led to diminished opportunities to generate international pressure.<sup>17</sup> Nonetheless, since 2016, the United States and E3 have treated Iranian ballistic missiles tests, drills, operations, parades, and unveilings of most surface-to-surface missiles (SSMs) with a ballistic trajectory as well as Space-Launch Vehicles (SLVs) as activities that would constitute an Annex B violation.<sup>18</sup> This will no longer be the case after Transition Day.

**Lifted Ban on Ballistic Missile-Related Transfers:** According to Paragraph 4 of Annex B of UNSCR 2231, carve-outs were created for the UNSC to consider, on a “case-by-case basis,”<sup>19</sup> the potential for transfers to or from Iran of otherwise

10. “The List established and maintained pursuant to Security Council res. 2231 (2015),” *United Nations Security Council*, accessed August 2, 2023. (<https://sccsanctions.un.org/oubz9en-iran.html>)

11. For full list, see: United Nations Security Council, Resolution 2231, July 20, 2015, Annex B, attachment. ([https://undocs.org/S/RES/2231\(2015\)](https://undocs.org/S/RES/2231(2015)))

12. “Khatam-al Anbiya Construction Headquarters (KAA),” *Iran Watch*, January 19, 2021. (<https://www.iranwatch.org/iranian-entities/khatam-al-anbiya-construction-headquarters-kaa>)

13. “Malek Ashtar University,” *Iran Watch*, December 19, 2022. (<https://www.iranwatch.org/iranian-entities/malek-ashtar-university>)

14. “Ballistic missile-related transfers and activities,” United Nations Security Council, accessed August 1, 2023. (<https://www.un.org/securitycouncil/content/2231/ballistic-missile-related-transfers-and-activities>)

15. For background, see: The White House, “Fact Sheet on the new UN Security Council Sanctions on Iran,” June 9, 2010. (<https://obamawhitehouse.archives.gov/the-press-office/fact-sheet-new-un-security-council-sanctions-iran>)

16. For example, see: Michael Elleman and Mark Fitzpatrick, “Are Iran’s ballistic missiles designed to be nuclear capable?” *Institute for International Security Studies*, February 28, 2018. (<https://www.iiss.org/research-paper/2018/02/iran-missiles-nuclear-capable>); Katrina Manson, “US takes aim at Iran’s missiles in last-ditch nuclear talks,” *Financial Times* (UK), May 3, 2018. (<https://www.ft.com/content/d7ffcdf2-4ede-11e8-a7a9-37318e776bab>)

17. Noted in: Valerie Lincy and Behnam Ben Taleblu, “Iran’s Compliance with UNSCR 2231: Alleged Violations Must Be Addressed,” *The Wisconsin Project on Nuclear Arms Control*, August 14, 2017. (<https://www.wisconsinproject.org/wp-content/uploads/2017/08/Irans-Compliance-with-UNSCR-2231-Alleged-Violations-Must-Be-Addressed.pdf>)

18. For example, see various letters sent to the UN secretary-general. United Nations Security Council, “Letter dated 25 March 2019 from the Permanent Representatives of France, Germany and the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General,” March 27, 2019. (<https://undocs.org/S/2019/270>); United Nations Security Council, “Letter dated 31 January 2022 from the representatives of France, Germany and the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General and the President of the Security Council,” January 31, 2022. (<https://undocs.org/en/S/2022/73>)

19. “Ballistic missile-related transfers and activities,” *United Nations Security Council*, accessed August 1, 2023. (<https://www.un.org/securitycouncil/content/2231/ballistic-missile-related-transfers-and-activities>)

restricted and controlled long-range strike technologies relevant to ballistic missiles and drones as outlined in the Annex of the Missile Technology Control Regime (MTCR).<sup>20</sup> This prohibition on UN member states providing Iran with missile components and technology, along with restrictions on Iran’s missile exports, are popularly called the “missile embargo” and will also lapse on Transition Day.

## II. JCPOA-related commitments:

**Iran:** According to Paragraph 22.1, Section D of Annex V of the JCPOA, Iran is required to ratify the Additional Protocol (AP) by October 18. The AP is a supplementary political arrangement that, according to the International Atomic Energy Agency (IAEA), “increases the IAEA’s ability to verify the peaceful use of all nuclear material in States with comprehensive safeguards agreements.”<sup>21</sup> Per the JCPOA, Iran agreed to provisionally implement the AP until Transition Day, at which point it is to pursue full ratification of the AP by Iran’s Parliament. But given Iran’s intentional circumscribing of IAEA monitoring since February 2021,<sup>22</sup> Tehran is unlikely to resume its full voluntary implementation of the AP, let alone work to ratify it. This makes Iran, as a country that has overtly violated its JCPOA commitments since May 2019, exceptionally unlikely to meet its Transition Day obligations.

**The United States:** According to Paragraphs 21.1 – 21.3, Section D of Annex V of the JCPOA, Washington is to seek legislative measures “to terminate, or modify to effectuate the termination of” select statutory penalties against Iran’s financial and banking sector, insurance entities, energy and petrochemical sector, shipping, shipbuilding, and port authorities, gold and precious metals, software, metals, automotive, and other areas to permit financial transactions between them and non-U.S. persons.<sup>23</sup> Additionally, Washington is supposed to remove 43 names found in Annex II – Attachment 4 of the JCPOA from the Specially Designated Nationals (SDN) list managed by the U.S. Department of the Treasury. While Washington has not been a party to the deal since May 2018 and thus is not bound by these commitments, the Biden administration has expressed interest in resurrecting the JCPOA or a lesser nuclear agreement with Tehran.<sup>24</sup> This, coupled with the White House’s silence on the matter of Transition Day sanctions relief to date, raises the concern that unilateral executive branch actions (such as delistings), in contrast to those that would require it to work with Congress, such as seeking to terminate statutory penalties, might — as part of a relatively low-probability but high-impact scenario — still be on the table as a potential political sweetener to Tehran.

**The EU and UK:** Given the U.S. withdrawal from the JCPOA and significant Iranian violations of the accord that followed, of the four actors that have Transition Day requirements, the EU and UK (the latter using sovereign political, legal, and economic authorities post-Brexit) are the only parties that realistically could still carry them out. According to Paragraphs 20.1 and 20.4 of Section D of Annex V of the JCPOA, these sunset restrictions include terminating or suspending older EU restrictions against Iran from 2010 and 2012 on financial messaging services, the transportation sector, select ballistic missile technology, metals, software, and conventional arms.<sup>25</sup> Additionally, per paragraphs 20.2 and 20.3 of Section D of Annex V of the JCPOA, there are some 300-plus persons and entities tied to Iran’s missile, military, and nuclear programs on lists found in Attachment 2 – Parts I and II of Annex II of the JCPOA that are slated to have their asset freezes and visa bans removed. However, the fact that none of the EU and UK penalties automatically lapse has created the political space for debate over the utility of adhering to these sunsets when Iran is not meeting its deal obligations.<sup>26</sup>

20. United Nations Security Council, “Letter dated 16 July 2015 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council,” annex, July 16, 2015. (<https://www.undocs.org/Home/Mobile?FinalSymbol=S%2F2015%2F546&Language=E&DeviceType=Desktop&LangRequested=False>)

21. “Additional Protocol,” *International Atomic Energy Agency*, accessed August 1, 2023. (<https://www.iaea.org/topics/additional-protocol>)

22. International Atomic Energy Agency, “Status List: Conclusion of Additional Protocols,” May 3, 2023, footnote 4. (<https://www.iaea.org/sites/default/files/20/01/sg-ap-status.pdf>)

23. See full list of U.S. sanctions relief obligations and stipulations in: Joint Comprehensive Plan of Action, Vienna, July 14, 2015, Annex II, Section B. (<https://2009-2017.state.gov/documents/organization/245320.pdf>)

24. To include potentially seeking an informal and unwritten arrangement with Tehran. See: Richard Goldberg and Behnam Ben Taleblu, “How Congress Should Respond to an Interim Iran Deal,” *Foundation for Defense of Democracies*, June 28, 2023. (<https://www.fdd.org/wp-content/uploads/2023/06/fdd-memo-how-congress-should-respond-to-an-interim-iran-deal.pdf>). Such an arrangement might follow a hostage agreement. See: Elizabeth Hagedorn, “US prisoners in Iran released from Evin Prison,” *Al-Monitor*, August 10, 2023. (<https://www.al-monitor.com/originals/2023/08/us-prisoners-iran-released-evin-prison>); Laurence Norman, “Iran Slows Buildup of Near-Weapons-Grade Enriched Uranium,” *The Wall Street Journal*, August 11, 2023. (<https://www.wsj.com/articles/iran-slows-buildup-of-near-weapons-grade-enriched-uranium-492df473>)

25. See full list of European sanctions relief obligations and stipulations in: Joint Comprehensive Plan of Action, Vienna, July 14, 2015, Annex II, Section A. (<https://2009-2017.state.gov/documents/organization/245320.pdf>)

26. For example, on the UK side, see comments and questions relating to the October sunset matter in the Iran debate in the UK House of Commons on June 7 and July 6 of this year, respectively: House of Commons, Debate 733, Column 328WH, June 7, 2023. (<https://hansard.parliament.uk/commons/2023-06-07/debates/AFDE2D55-B091-49DE-AF1B-A2B598B9DB26/Iran>); House of Commons, Debate 735, Column 1004, July 6, 2023. (<https://hansard.parliament.uk/commons/2023-07-06/debates/4F4C55A1-2720-4CB3-BCD1-9556B65D2E3A/Iran>)

## Q: Who would benefit from these lapsing restrictions?

**A:** Undoubtedly, Iran would most benefit from lapsing restrictions and sunsets. Should European sanctions lapse, elements of Iran's defense industrial base could step up efforts to procure missile components and dual-use military technology from Europe. In addition, lapsing UN prohibitions against Iranian ballistic missile tests or transfers of related technology would likely be perceived by Tehran as a measure of the international community's hesitancy to restrain its missile program — and accordingly accelerate missile testing and transfers. Of note, even with both of these prohibitions in place, Iran launched at least 228 ballistic missiles in tests, drills, and/or military operations between the advent of the JCPOA and the end of 2022.<sup>27</sup> Increased Iranian missile testing, particularly testing that the regime chooses not to amplify publicly, is an indication of the growing military utility of these weapons for Tehran.

Russia would be the second greatest beneficiary of lapsing restrictions and sunsets. The Islamic Republic might be waiting for ballistic missile transfers to be considered “legal” before stepping up its material support to Moscow and providing Vladimir Putin with precision-strike short-range ballistic missiles (SRBMs) to supplement those that Russian troops have already been using in regional military operations.<sup>28</sup> Iran's concerns with making any potential transfer of ballistic missiles deemed “legal” may also drive it to limit the range of some of its projectiles to under 300 kilometers and thus below benchmarks set in the voluntary Missile Technology Control Regime.<sup>29</sup> Still, this would have the net effect of alleviating production strains on Russian precision-strike assets as well as deepening Iran's involvement in Russia's war of aggression against Ukraine.

Additional beneficiaries of Iran being allowed to export missiles and drones are countries in the developing world and/or those that harbor an anti-American disposition. Absent broad-based international restrictions endorsed by the UNSC, such countries might look to procure these unmanned aerial systems (UASs) from Tehran given the relative capability and cost of these weapons. Iranian drones also have a robust track record of use, from the Ukraine War to numerous battlefields of the Middle East. Iranian drones or drone technology have reportedly even appeared in South America and Sub-Saharan Africa.<sup>30</sup> Iranian military officials have touted that 22 countries have requested to purchase Iranian drones,<sup>31</sup> while Israeli estimates put it at around 50 countries.<sup>32</sup> Most recently, Bolivia's defense minister indicated his country was seeking Iranian drones.<sup>33</sup>

Some might treat Iran's Pre-Transition Day nuclear and missile violations as proof that lapsing restrictions and sunsets will change little geopolitically. Yet overlooking these violations would be akin to repeating the same analytical mistake that dampened the international community's will to stop the termination of the UN arms embargo on Iran in October 2020. In that instance, the seeming normalization of Iran's arms proliferation coupled with a failure of imagination abetted European inaction. With the entire continent potentially within reach of Iran's missiles and Russia using Iranian drones against Ukraine, Europe cannot afford to pay that price again today.<sup>34</sup>

27. For exact breakdown, see: Behnam Ben Taleblu, “Arsenal: Assessing the Islamic Republic of Iran's Ballistic Missile Program,” *Foundation for Defense of Democracies*, February 15, 2023, Appendix A. (<https://www.fdd.org/wp-content/uploads/2023/02/fdd-monograph-arsenal-assessing-iran-ballistic-missile-program.pdf>)

28. Michelle Nichols, “Russia trying to get ballistic missiles from Iran, says Britain,” *Reuters*, December 9, 2022. (<https://www.reuters.com/world/europe/russia-trying-get-ballistic-missiles-iran-says-britain-2022-12-09>); Behnam Ben Taleblu, “Strikes on Iraq Reveal Iran's Embrace of Missile Operations,” *The National Interest*, March 27, 2022. (<https://nationalinterest.org/feature/strikes-iraq-reveal-iran%E2%80%99s-embrace-missile-operations-201431>)

29. Barak Ravid, “Scoop: Iran plans to limit range of missiles sent to Russia, Israeli officials say,” *Axios*, December 12, 2022. (<https://www.axios.com/2022/12/12/ukraine-war-russia-missiles-iran-limit>). Recently, an Iranian Close-Range Ballistic Missile (CRBM) was on display for the first time at a defense exposition in Moscow. See: “نمایش موشک بالستیک «آباییل» در نمایشگاه نظامی روسیه ۲۰۲۲” [Display of Iranian Ballistic Missile ‘Ababil’ at Russian Military Exhibition 2023], *Young Journalists Club* (Iran), August 14, 2023. (<http://www.yjc.ir/00ZkhG>)

30. Emanuel Fabian, “Gantz claims Iran giving Venezuela attack drone know-how,” *The Times of Israel* (Israel), February 22, 2022. (<https://www.timesofisrael.com/gantz-accuses-iran-of-providing-venezuela-with-attack-drone-know-how>); Wim Zwijnenburg, “Is Ethiopia Flying Iranian-Made Armed Drones?” *Bellingcat*, August 17, 2021. (<https://www.bellingcat.com/news/rest-of-world/2021/08/17/is-ethiopia-flying-iranian-made-armed-drones>)

31. “سرلشکر صفوی: ۲۲ کشور از ایران تقاضای خرید هواپیمای بدون سرنشین دارند” [General Safavi: 22 Countries Have Requested to Buy Unmanned Aerial Vehicles from Iran], *Fars News Agency* (Iran), October 18, 2022. (<https://www.farsnews.ir/news/14010726000215/>)

(سرلشکر صفوی-۲۲ کشور از ایران تقاضای خرید هواپیمای بدون سرنشین دارند)

32. Emanuel Fabian, “Gallant says Iran in talks with 50 countries to sell missiles and drones,” *The Times of Israel* (Israel), February 17, 2023. <https://www.timesofisrael.com/gallant-says-iran-in-talks-with-50-countries-to-sell-missiles-and-drones>

33. Natasha Turak, “Iran's drones could reach a new South American market as Bolivia expresses interest,” *CNBC*, July 31, 2023. (<https://www.cnbcm.com/2023/07/31/irans-drones-could-reach-a-new-south-american-market-as-bolivia-expresses-interest-.html>)

34. See range references in: Behnam Ben Taleblu, “Iran's ballistic missile capabilities are a growing threat to Europe,” *Politico Europe* (Belgium), July 4, 2023. (<https://www.politico.eu/article/iran-ballistic-missile-capabilities-growing-threat-europe>)

Worse, if the EU and UK choose to overlook Iran's noncompliance and meet their own Annex II – Attachment 2 commitments under the JCPOA, this action would ensure that the worst of the worst organizations in the Islamic Republic responsible for supporting the country's military-industrial complex would suddenly be rendered sanctions free across Europe. This includes government actors like Iran's Islamic Revolutionary Guard Corps (IRGC),<sup>35</sup> the IRGC Aerospace Force (IRGC-AF), the IRGC Quds-Force (IRGC-QF), Iran's Ministry of Defense and Armed Forces Logistics (MODAFL) as well as a host of MODAFL subsidiaries and affiliates supporting Iran's ballistic missile and military programs. These include: Defense Industries Organization (DIO), Iran Electronics Industries (IEI), Iran Aircraft Manufacturing Industries (HESA), Aerospace Industries Organization (AIO), Shahid Bagheri Industrial Group (SBIG), Shahid Hemmat Industrial Group (SHIG), and the commander of Iran's IRGC-AF, Brigadier General Amir-Ali Hajizadeh, and former leaders of the AIO, such as Ahmad Vahid Dastjerdi. The removal of these persons and entities from EU and UK sanctions lists could open the floodgates for Iranian procurement of military technology from Europe, relieve political and economic pressure off the beating heart of Iran's ballistic missile and military programs, and create significant sanctions coordination problems in the trans-Atlantic community since virtually all of these entities remain subject to either counterproliferation or terrorism penalties by Washington.<sup>36</sup>

Washington will likely not delist entities found in Annex II – Attachment 4 of the JCPOA. But surveying that list for the names of persons and entities on which the Obama administration considered eventually lifting sanctions proves why the structure of the JCPOA has been self-defeating. Those slated for delisting in 2023 included the likes of Mohsen Fakhrizadeh-Mahabadi, who was Iran's chief military nuclear scientist (but was killed in 2020),<sup>37</sup> Fereidoun Abbasi-Davani,<sup>38</sup> the former head of the sanctioned Atomic Energy Organization of Iran (AEOI), and entities like the Organization of Defensive Innovation and Research (SPND), which led Iran's past nuclear weapons development efforts. In 2019, the Trump administration sanctioned four persons and 17 entities linked to SPND due to their continued support for Iran's defense sector.<sup>39</sup>

## **Q: What is the significance of Europe following through on its warning to not relieve missile sanctions?**

**A:** However welcome any European effort to defend missile sanctions on Iran might appear in principle, in practice it would represent a commendable but insufficient policy choice given Iran's fast-evolving ballistic missile capabilities, widening radius of drone proliferation, as well as its proven capability to enrich uranium to just shy of weapons grade levels.

The last batch of nonproliferation sanctions by the EU on Iran was in late 2012,<sup>40</sup> nearly one year before the start of overt Iranian diplomacy with the United States that led to the 2013 Joint Plan of Action (JPOA) interim nuclear deal. Since then, EU and UK sanctions on Iran have focused on punishing human rights violators,<sup>41</sup> or more recently the Iran-Russia drone nexus, with select exceptions for terrorism.<sup>42</sup>

Conversely, but more importantly, retaining missile sanctions on Iran would constitute Europe's first ever move that could be deemed as inconsistent with its JCPOA obligations or potentially even treated by Tehran as a JCPOA violation. Even at

---

35. By way of example, given that in the EU, the IRGC in its entirety is only subject to proliferation sanctions, the net effect of delisting the IRGC by the EU at a time when the entire organization is not subject to terrorism or human rights sanctions would mean the entire organization would be sanctions-free across Europe.

36. To discern under what program/authority each entity is sanctioned under by the U.S. Treasury Department, insert its name into the SDN search function here: "Sanctions List Search," U.S. Department of the Treasury, Office of Foreign Assets Control, accessed Aug 2, 2023. (<https://sanctionssearch.ofac.treas.gov>)

37. Behnam Ben Taleblu, "Parsing Iranian Responses to the Killing of Mohsen Fakhrizadeh-Mahabadi," *FDD's Long War Journal*, December 5, 2020. (<https://www.longwarjournal.org/archives/2020/12/parsing-iranian-responses-to-the-killing-of-mohsen-fakhrizadeh-mahabadi.php>)

38. "Fereidoun Abbasi-Davani," *Iran Watch*, September 24, 2021. (<https://www.iranwatch.org/iranian-entities/fereidoun-abbasi-davani>)

39. U.S. Department of the Treasury, Press Release, "U.S. Government Sanctions Organizations and Individuals in Connection with an Iranian Defense Entity Linked to Iran's Previous Nuclear Weapons Effort," March 22, 2019. (<https://home.treasury.gov/news/press-releases/sm634>)

40. Valerie Lincy, Mana Mostatabi, and Meghan Peri Crimmins, "The Missile Sanctions Gap: Re-Aligning U.S. and EU Iran Designations," *Iran Watch*, January 25, 2018. (<https://www.wisconsinproject.org/wp-content/uploads/2018/01/The-Missile-Sanctions-Gap-Re-Aligning-U.S.-and-EU-Iran-Designations.pdf>)

41. European Council, "Iran: EU restrictive measures," July 25, 2023. (<https://www.consilium.europa.eu/en/policies/sanctions/iran/#human>)

42. The first non-human rights sanctions issued by the EU after the advent of the JCPOA occurred in 2019 and were terrorism related. See: Behnam Ben Taleblu, "With new EU sanctions, Europe takes a stricter approach to Iran," *Axios*, January 10, 2019. (<https://www.axios.com/2019/01/10/with-new-eu-sanctions-europe-takes-a-stricter-approach-to-iran>)

the height of Iranian pushback against the Trump administration's maximum pressure policy (2018-2020),<sup>43</sup> the EU and the UK remained so committed to the JCPOA that they created a financial channel, termed a Special-Purposed Vehicle (SPV), with the intent of circumventing U.S. sanctions to make sure Iran reaped the economic and political rewards of the JCPOA.<sup>44</sup>

That the pending European decision to remain firm on missile sanctions was also reportedly influenced by both nuclear and non-nuclear factors should also not be ignored. These include Iran's provision of drones to Russia and its potential missile transfer to Moscow as well as the imperative of depriving Tehran of JCPOA dividends in the face of its mounting nuclear violations.<sup>45</sup> Such thinking creates political space in Europe to work towards developing a broader, more integrated, and more united trans-Atlantic Iran policy pertaining to Iran's nuclear escalation, terrorism and regional destabilization, great power ties, arms and drone transfers, maritime threats, sanctions busting, and human rights violations.

The last time a series of nuclear and non-nuclear developments led Europe to intensify its Iran policy (to include even outpacing U.S. Treasury Department designations) was between 2010 and 2012. At the time, Europe was confronted with a cocktail of factors that included: then Iranian President Mahmoud Ahmadinejad's genocidal rhetoric against Israel, reports of potential Israeli preemptive military options against Iran, Iran's mounting nuclear escalation to include uranium enrichment to 20 percent purity and the development of the Fordow Fuel Enrichment Plant (FFEP), as well as Iran's violent repression of protestors in the aftermath of the 2009 Green Movement.

## **Q: What exactly can Europe do before October?**

**A:** With limited time before Transition Day, the E3 should not seek to effect change by trying to pass a new UNSCR on Iran given the presence of Russia and China on the council and their increased willingness to serve as Iran's lawyers on that body. Instead, they should reach for the only mechanism that allows for a collapsing of both the UNSCR 2231 and JCPOA frameworks. That mechanism is snapback.<sup>46</sup>

Snapback offers the E3 both the political cover and the legal authority to not perform all of its JCPOA-related Annex II sanctions relief obligations as well as the ability to neatly reset the clock and prevent the sunset of all UNSCR-based prohibitions. Given that enacting a snapback takes one month, the process would need to be commenced as soon as possible.

To date, press reports about European desires to retain missile sanctions on Iran do not mention snapback, and thus far, Iran's nuclear violations of both the JCPOA and Annex B of UNSCR 2231 have been, despite the view of many outside experts, deemed insufficient by the Biden administration and its trans-Atlantic partners to abandon the JCPOA.<sup>47</sup> Therefore, the most likely move the E3 is considering centers around (once again) triggering the Dispute Resolution Mechanism (DRM), which is a conflict resolution mechanism built into the JCPOA that takes advantage of deal-created institutions like a "Joint Commission" to address issues of perceived non-compliance. While the DRM could lead to snapback at the UNSC as outlined in paragraphs 36-37 of the JCPOA, it has multiple prolonged political steps that offer parties off-ramps to avoid snapback.

The E3 triggered the DRM in January 2020 in response to Iran's mounting nuclear violations,<sup>48</sup> but the process did not lead to any reciprocal measures or snapback nor to an Iranian nuclear rollback. In this case, triggering the DRM could afford the E3

<sup>43</sup>. Which included, among other things: attaching mines to civilian tankers and impeding commercial maritime traffic, violating JCPOA limits, attacking U.S. positions in Iraq, downing a U.S. drone over international waters, stepping up support for regional proxies like the Houthis in Yemen, and firing cruise missiles and drones at Saudi oil installations.

<sup>44</sup>. Leila Gharagozlou, "EU implements new Iran trade mechanism," *CNBC*, February 1, 2019. (<https://www.cnbc.com/2019/01/31/eu-implements-new-iran-trade-mechanism.html>). Reflecting a change in European policy and acknowledging Iranian political roadblocks rather than U.S. sanctions as the impediment to the functioning of this mechanism, in March 2023, the special purpose vehicle was terminated. See: UK Foreign, Commonwealth & Development Office, Press Release, "The 10 INSTEX shareholder states have decided to liquidate INSTEX due to continued obstruction from Iran: E3 statement," March 9, 2023. (<https://www.gov.uk/government/news/the-10-instex-shareholder-states-have-decided-to-liquidate-instex-due-to-continued-obstruction-from-iran>)

<sup>45</sup>. John Irish, Arshad Mohammed, and Parisa Hafezi, "Exclusive: Europeans plan to keep ballistic missile sanctions on Iran," *Reuters*, June 29, 2023. (<https://www.reuters.com/world/middle-east/europeans-plan-keep-ballistic-missile-sanctions-iran-2023-06-28>)

<sup>46</sup>. For more on Snapback, see: Richard Goldberg, "FAQ: The 'Snapback' of UN Sanctions on Iran," *Foundation for Defense of Democracies*, July 9, 2020. (<https://www.fdd.org/wp-content/uploads/2020/07/fdd-backgrounder-faq-the-snapback-of-un-sanctions-on-iran.pdf>)

<sup>47</sup>. John Caves, John Krzyzaniak, and Valerie Lincy, "Trigger Warning: The Consequences of Snapping Back Sanctions on Iran," *Iran Watch*, January 31, 2023. (<https://www.iranwatch.org/our-publications/policy-briefs/trigger-warning-consequences-snapping-back-sanctions-iran>)

<sup>48</sup>. See: UK Government, Foreign & Commonwealth Office, Press Release, "E3 foreign ministers' statement on the JCPOA: 14 January 2020," January 14, 2020. (<https://www.gov.uk/government/news/e3-foreign-ministers-statement-on-the-jcpoa-14-january-2020>)

political cover to not delist the 300-plus persons and entities found in Annex II – Attachment 2 – Parts I and II of the JCPOA as well as to not have to work to effectuate the broad range of sectoral sanctions relief that was promised in Annex II of the JCPOA and covered earlier in this document. However, the DRM process would still fail to account for the lapsing penalties found in Annex B of UNSCR 2231, which would include the erosion of limits on Iran’s ballistic missile tests and transfers and would do nothing to stop expiration of an asset freeze on the persons and entities on the 2231 list.

Given that Transition Day in October follows several key dates in September, including the 78th session of the United Nations General Assembly in New York, the one-year anniversary of the nationwide anti-regime protests in Iran that were touched off by the killing of a 22-year-old Iranian woman,<sup>49</sup> as well as the one-year anniversary of the revelation of Iranian drones being used by Russia against Ukraine, the E3 should build on the momentum created by these events to generate support for its new sanctions regimes. These include new sovereign authorities in the UK to target Iranian officials supporting terror operations and other forms of destabilization<sup>50</sup> as well as new export controls by the EU to impede Iran’s military support to Russia, especially with respect to drone technologies.<sup>51</sup>

## **Q: What is “Snapback” and why does the mechanism exist?**

**A:** Snapback refers to a process that would lead to the restoration of six UNSCRs on Iran from 2006 to 2010 as well as the reinstatement of all their prohibitions and penalties. While UNSCR 2231 is an international organization’s binding resolution and the JCPOA is a voluntary political agreement, snapback would have the net effect of both collapsing UNSCR 2231 and gutting the political architecture that enshrined and supported the JCPOA, thereby ending the accord as well. Snapback was agreed to in the JCPOA to make sure that Iran recognized there would be costs to its non-compliance, costs that cannot be stopped by Russia and China, Iran’s partners on the Security Council that wield veto power.<sup>52</sup>

Snapback can be triggered by any “JCPOA participant state”<sup>53</sup> — the United States, France, Germany, the UK, Russia, China, or Iran — by bringing a matter they deem to be “significant non-performance of its commitments under the JCPOA”<sup>54</sup> to the attention of the UNSC. If no resolution is brought forward within 30 days to ignore the complaint by a different party, then the aforementioned restrictions and resolutions on Iran come back into force and snapback has been achieved. Should a resolution to ignore the motion be offered,<sup>55</sup> any permanent member of the UNSC could veto the resolution, and in effect, run the clock until snapback happens.<sup>56</sup> The tool is sometimes termed a reverse-engineered veto because it only needs one permanent member of the UNSC to accomplish snapback.

While the United States, the EU, and the UK have other broad-based sanctions on the Islamic Republic in place, snapback’s utility is that it enables the restoration of an internationally understood baseline position against Iran’s missile, military, and nuclear programs. This is particularly important for jurisdictions that might want to do something about the Iranian threat but either do not have the authority to or seldom use sanctions and trade controls as instruments of their foreign and security policy. Restoring older and more punitive sanctions resolutions on Iran through snapback would also serve to support the efforts of individual nations to develop, implement, or enforce, Iran sanctions.

49. For an interactive tracker on these protests, see: Mark Dubowitz, “Mapping Protests in Iran,” *Foundation for Defense of Democracies*, August 7, 2023. (<https://www.fdd.org/analysis/2023/01/27/mapping-the-protests-in-iran-2>)

50. UK Government, Foreign & Commonwealth Office, Press Release, “UK steps up action to tackle rising threat posed by Iran,” July 6, 2023. (<https://www.gov.uk/government/news/uk-steps-up-action-to-tackle-rising-threat-posed-by-iran>)

51. Council of the European Union, Press Release, “Iran: EU adopts new restrictive measures for military support to Syria and Russia’s war of aggression against Ukraine,” July 20, 2023. (<https://www.consilium.europa.eu/en/press/press-releases/2023/07/20/iran-eu-adopts-new-restrictive-measures-for-military-support-to-syria-and-russia-s-war-of-aggression-against-ukraine>)

52. “What is ‘snapback’? US’ Iran sanctions move explained,” *Agence France-Presse (France)*, August 20, 2020. (<https://www.france24.com/en/20200819-what-is-snapback-us-iran-sanctions-move-explained>)

53. While the European Union is listed as a JCPOA participant, it is not technically a JCPOA participant state, as it is not a state and therefore cannot trigger snapback.

54. The JCPOA text leaves this definition vague and up to the participant state to determine. See: Joint Comprehensive Plan of Action, Vienna, July 14, 2015, paragraphs 36-37. (<https://2009-2017.state.gov/documents/organization/245317.pdf>)

55. Or, if no such resolution is offered by a state after 10 days, the president of the Security Council can introduce a resolution to ignore the complaint.

56. Richard Goldberg, “FAQ: The ‘Snapback’ of UN Sanctions on Iran,” *Foundation for Defense of Democracies*, July 9, 2020. (<https://www.fdd.org/wp-content/uploads/2020/07/fdd-backgrounder-faq-the-snapback-of-un-sanctions-on-iran.pdf>)



## Q: What can Congress do to support Europe in this context?

**A:** Legislatively, Congress has a long history of supporting pressure against Iran's ballistic missile program.<sup>57</sup> Even amidst a heated debate over exiting the JCPOA, Congress sought to tighten ballistic missile sanctions on Tehran by targeting Iran's domestic missile supply chain.<sup>58</sup> More recently, Congress has considered sanctions against Iranian missile and drone supply networks abroad as a backstop to lapsing UNSC penalties<sup>59</sup>— as well as legislation terminating sanctions sunsets.<sup>60</sup> Congress could also codify into law a September 2020 executive order further imposing penalties on elements of Iran's conventional arms programs.<sup>61</sup> Additionally, letters and floor speeches from lawmakers on the imperative of missile and military sanctions against Iran's defense industrial base would be helpful as well as more hearings featuring both administration voices and outside experts on how to counter Iran's evolving conventional and asymmetric threats.

Prior to Transition Day, Congress can exercise its authority by urging the Biden administration not to impede any European effort to, at the very least, retain missile sanctions on Tehran due to Washington's own desires for indirect nuclear diplomacy. Congress can also play a helpful role by encouraging a tougher position by the administration with respect to Iran at the International Atomic Energy Agency Board of Governors (IAEA – BoG) meeting this September and in future sessions. By putting a spotlight on Iran's nuclear violations and non-compliance with the AP, the United States would be able to add greater political credence to the case for European non-performance of its JCPOA obligations.

Following Transition Day, Congress can continue to play a role by encouraging the administration to help the EU and UK develop contingencies to offset any Iranian ballistic missile proliferation to Russia (and Belarus for that matter). Further, the United States and Europe should work together to make sure existing missile defenses on the continent, like the Aegis-Ashore system, which is a part of the European Phased Adaptive Approach, have the capabilities and funding they need to devalue, deter, and, if needed, defeat Iran's long-range strike platforms. On the sanctions front, following any retention of missile sanctions by Europe, Congress can urge the administration to work with its trans-Atlantic partners to share information about other Iranian defense industry subsidiaries, affiliates, and fronts supporting Tehran's missile program. Entities ripe for designation by the EU and UK would include those the United States has targeted since leaving the JCPOA in 2018. The goal of such a policy would be to prevent Iran from exploiting gaps in U.S., EU, and UK sanctions architecture.

## Q: What is Tehran likely to do in response to the prevention of lapsing restrictions?

**A:** In the event of missile sanctions retention by Europe, Iran may attempt to wield an increase in ballistic missile range as a threat against the continent.<sup>62</sup> Iranian officials have long referred to the 2,000-kilometer range cap on their ballistic missiles as merely a political rather than technical constraint. Such comments are aimed at intimidating Europe and preventing a united trans-Atlantic position against Iran.<sup>63</sup> In January 2023, for example, three years after the Iranian ballistic missile barrage at U.S. positions in Iraq, IRGC Brigadier General Hajizadeh claimed that Iran's 2,000-kilometer range limit on its ballistic missiles was “out of respect for Europe,” before adding that “God willing, the Europeans maintain their respect.”<sup>64</sup>

57. Note the missile-related provisions in: Comprehensive Iran Sanctions, Accountability, and Divestment, 22 U.S.C. §8543. (<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title22-section8543&num=0&edition=prelim>)

58. For example: Iran Ballistic Missiles and International Sanctions Enforcement Act, H.R. 1698, 115th Congress (2017). (<https://www.congress.gov/bills/115/congress-house/bills/1698/text>)

59. Marc Rod, “Bipartisan HFAC bill targets Iran missile, drone program ahead of U.N. embargo's expiration,” *Jewish Insider*, May 10, 2023. (<https://jewishinsider.com/2023/05/iran-missile-drone-program-bill-un-embargo-house-foreign-affairs-committee>)

60. Office of Congresswoman Michelle Steele, Press Release, “House Foreign Affairs Committee Unanimously Passes Steel Bill to Permanently Sanction Iran,” June 23, 2023. (<https://steel.house.gov/media/press-releases/house-foreign-affairs-committee-unanimously-passes-steel-bill-permanently>)

61. Executive Order 13949, “Blocking Property of Certain Persons With Respect to the Conventional Arms Activities of Iran,” September 21, 2020. (<https://www.govinfo.gov/content/pkg/DCPD-202000711/pdf/DCPD-202000711.pdf>)

62. “[Iran's Missile Warning to European Capitals],” *Taadol* (Iran), July 11, 2023. (<https://www.taadolnewspaper.ir/fa/tiny/news-210349>); “[Europe's Gamble, Iran's Nuclear Hand is Opened],” *Farhikhtegan* (Iran), July 8, 2023. (<https://farhikhtegandaily.com/page/239205>)

63. For more on this, see: Behnam Ben Taleblu, “Iran's ballistic missile capabilities are a growing threat to Europe,” *Politico Europe* (Belgium), July 4, 2023. (<https://www.politico.eu/article/iran-ballistic-missile-capabilities-growing-threat-europe>)

64. “[Breaking News - Commander Hajizadeh's Conversation - Achievements of the Aerospace Force in Maintaining and Improving the Country's Security],” *Aparat* (Iran), February 24, 2023. (<https://www.aparat.com/v/gF2dw>)

Iran's foreign ministry spokesperson has indicated that the Islamic Republic will "react proportionately to any breach of commitment by the other parties" come Transition Day.<sup>65</sup> A media affiliate of Iran's Supreme National Security Council (SNSC), the most important deliberative national security body in Iran, claimed that Europe's retention of missile sanctions would lead to the "continuation of compensatory measures" in the nuclear domain.<sup>66</sup> Tehran's chargé d'affaires in London likened Europe's decision to "shooting themselves in the foot" and claimed Iran could increase its uranium enrichment to higher levels of purity and potentially leave the Nuclear Non-Proliferation Treaty (NPT) as a response.<sup>67</sup> With Iran already at 60 percent purity and having flirted with nearly 84 percent purity earlier this year — which is a stone's throw from 90 percent, or weapons-grade — there is limited room for escalation.<sup>68</sup> Given Iran's existing stockpile, experts assess Tehran could produce enough weapons-grade uranium for one bomb in 12 days and eight bombs worth of weapons-grade uranium in three months.<sup>69</sup>

Tehran is waiting to see the degree to which Europe decides to retain missile sanctions and if snapback or the DRM are invoked. Tehran is also trying to cast Europe as the prime mover in the crises, rather than its own mounting nuclear violations and deteriorating international context as the reason for a shift in European policy to not carry out JCPOA commitments.<sup>70</sup>

## Q: Why is Tehran's ballistic missile program a threat?

**A:** Iran is home to the largest ballistic missile arsenal in the Middle East.<sup>71</sup> For more than a decade, Tehran has refined its ballistic missile capabilities to include improved range, precision, mobility, and survivability. Iran's growing missile prowess offers the Islamic Republic a conventional strike option to punish, coerce, and deter adversaries, in addition to serving as a potential nuclear delivery vehicle.<sup>72</sup> Iran's missile force offers the regime an ability to become a hybrid warfighter in a changing Middle East. The more confidence Tehran feels in its missile capabilities, the lower the bar for Iran's overt use of force with these weapons. Similarly, the more Tehran believes in the deterrent power of its growing missile force, the bolder and more unconstrained it may become in its support for terrorism, assassination, and destabilization.

Iran has proliferated ballistic missiles and/or related technology to state and non-state actors in the Middle East, such as Shiite Militia Groups (SMGs) in Iraq, the Assad regime in Syria, the Houthis in Yemen, and Hezbollah in Lebanon. This proliferation serves to enhance Tehran's forward deployed deterrent across various battlefields as well as to threaten U.S. positions and regional partners from multiple directions, thereby complicating the equation for existing missile and air defense assets. Progress on select Iranian missile systems and, in particular, improvements to larger solid-propellant rocket motors under the guise of a space program afford Tehran the opportunity to develop SLVs<sup>73</sup> that can contribute to a potential Intermediate-Range Ballistic Missile (IRBM) capability and eventually to Intercontinental Ballistic Missile (ICBM) capability, which would in turn threaten Europe and America.

65. [Kanani's Reaction to the Claim of Some Media Outlets About the Use of the Trigger Mechanism by Europe + Film], *Student News Network* (Iran), July 3, 2023. ([snn.ir/004Y2l](https://snn.ir/004Y2l))

66. Pooya Mirzaie, "Europe's big three's comical show against the JCPOA," *Nour News* (Iran), July 17, 2023. (<https://nournews.ir/En/News/145196/Europe%E2%80%99s-big-three%E2%80%99s-comical-show-against-the-JCPOA>)

67. See: [Europe, by Not Removing Missile Sanctions on Iran, Shoots Itself in the Foot], *Alef* (Iran), July 5, 2023. (<https://www.alef.ir/news/4020414126.html>)

68. Conversely, some might welcome the move, given the limited technical differences between Iranian enrichment levels to date. See: Mark Dubowitz and Jacob Nagel, "Why it would be better for Israel if Iran enriched to 90% now," *Israel Hayom* (Israel), July 28, 2023. (<https://www.fdd.org/analysis/2023/07/28/why-it-would-be-better-for-israel-if-iran-enriched-to-90-now>)

69. David Albright, Sarah Burkhard, Spencer Faragasso, and Andrea Stricker, "Analysis of IAEA Iran Verification and Monitoring Report - May 2023," *Institute for Science and International Security*, June 6, 2023. (<https://isis-online.org/isis-reports/detail/analysis-of-iaea-iran-verification-and-monitoring-report-may-2023>)

70. [Europe's Plan to Retain Missile Sanctions on Iran], *Jahan News* (Iran), June 29, 2023. (<https://jahannews.com/vdcjv8eomuqexvz.fsfu.html>); [Europe's New Plan for Iran: Renewing Missile Sanctions], *Asr Iran* (Iran), June 29, 2023. (<https://www.asriran.com/fa/news/موسکی-تحریم-جدید-برای-ایران-تمدید-تحریم-موسکی>)

71. Office of the Director of National Intelligence, "Annual Threat Assessment of the U.S. Intelligence Community," February 6, 2023. (<https://www.dni.gov/files/ODNI/documents/assessments/ATA-2023-Unclassified-Report.pdf>)

72. For more, see: Behnam Ben Taleblu, "Arsenal: Assessing the Islamic Republic of Iran's Ballistic Missile Program," *Foundation for Defense of Democracies*, February 15, 2023. (<https://www.fdd.org/analysis/2023/02/15/arsenal-assessing-the-islamic-republic-of-irans-ballistic-missile-program>)

73. Noting with concern recent comments by CIA Director Bill Burns about Russia-Iran SLV ties, in: "Recovered debris offers 'undeniable' proof Russia is using Iran-made one-way drones in Ukraine, U.S. intel analysts say," *NBC News*, August 4, 2023. (<https://www.nbcnews.com/news/world/recovered-debris-proof-russia-using-iran-made-shahed-drones-rcna98245>)

## **Q: What other major sunsets are left in the 2015 Iran nuclear deal?**

**A:** Despite U.S. President Joe Biden admitting in December 2022 that the JCPOA is “dead,”<sup>74</sup> the 2015 Iran nuclear deal continues to shape U.S. and international thinking on Iran policy. For example, at the G7 meeting held in Hiroshima this past May, the JCPOA was termed “a useful reference” for a diplomatic solution to the Iranian nuclear program.<sup>75</sup> So long as this thinking, and, in effect, this overcommitment to the philosophy behind the JCPOA and its political legacy remains in effect, snapback will be highly unlikely and will expire, per Annex V of the JCPOA, in 2025.

This raises the risk that other Iran deal sunsets in the JCPOA might still be carried out or be on autopilot. Ironically, this risk is somewhat mitigated by the fact that Iran is already significantly violating its commitments under the JCPOA, rendering some of the forthcoming removals of limits on its nuclear program moot. Nonetheless, the next major restrictions that are slated to lapse after 2023 include: restrictions on advanced centrifuge deployment between 2024 and 2029, the 2025 termination of older UNSCRs (1696, 1737, 1747, 1803, 1835, and 1929) on Iran and closure of the UN procurement channel for nuclear-related goods, and the erosion of limits on Iran’s enriched uranium purity and stockpile in 2031 as well as an end to prohibitions on new Iranian heavy water reactors and enrichment facilities, among others.<sup>76</sup>

---

**74.** Barak Ravid and Hans Nichols, “Biden in newly surfaced video: Iran nuclear deal is ‘dead,’” *Axios*, December 20, 2022. (<https://www.axios.com/2022/12/20/biden-iran-nuclear-deal-dead-video>)

**75.** The White House, Press Release, “G7 Hiroshima Leaders’ Communiqué,” May 20, 2023, point 56. (<https://www.whitehouse.gov/briefing-room/statements-releases/2023/05/20/g7-hiroshima-leaders-communicue>)

**76.** For more, see: Behnam Ben Taleblu and Andrea Stricker, “Key Sunsets Under the JCPOA and UNSC Resolution 2231,” *Foundation for Defense of Democracies*, February 24, 2021. (<https://www.fdd.org/analysis/2021/02/19/key-sunsets-under-the-jcpoa-and-unsr-resolution-2231>)