



P&I 特別回報

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日本船主責任相互保険組合

外航組員各位

イラン制裁—最近の状況について

本回報は、特にイランからの石油、石油製品、石油化学製品の輸送並びにそれに対する保険提供に関する EU 及び米国制裁措置に対して見込まれる変更についてご案内するものです。見込まれる措置は、国際原子力機関(IAEA)が本回報 Annex I の共同行動計画(Joint Plan of Action)に規定する核に関する措置をイランが実施したことを確認した後、1月20日より発効する予定です。

2013年11月24日に、中国、フランス、ドイツ、ロシア、英国並びに米国は、イランの核計画についてイランと合意しました。共同行動計画は6か月間において双方が取るべき措置の実施に依拠しており、イランが核施設及び濃縮施設への IAEA のアクセスを認める代わりに EU と米国が一部の制裁措置を緩和することが含まれています。

制裁緩和措置は現行の制裁措置の一時停止の形をとり、範囲と期間が制限され、EU 加盟各国と米国の法改正実施が必要となります。また、共同計画に規定した約束が守られない場合には、制裁措置は再度復活することになります。見込まれる措置の影響について以下の通りご案内致します。なお、以下の内容は、共同計画に規定される情報及び国際 P&I グループ(IG)が直近の EU 並びに米国当局との協議により入手した情報に基づくものです。

1 EU による措置

1.1 実施時期

欧州委員会によると、共同行動計画を実施する EU 理事会決議並びに規則は 1 月 20 日に同時に発行されるとのことです。EU 理事会規則は欧州委員会の提案(本回報の Annex II)をそのまま採用するものとなる模様です。IG が入手した情報では、外交上及び政治上の承認を条件に 1 月 20 日より EU と米国双方で各々の制裁緩和措置が実施されるよう歩調を合わせた対応が取られるようです。

1.2 注意事項

以下にてご案内する予定されている制裁停止措置を検討する上で、2 つの重要な点に注意する必要があります。

(i) 現行制裁措置の一時停止期間

予定されている制裁措置の一時停止は、2014 年 1 月 20 日から 6 か月間の期間限定であることに注意する必要があります。一時停止の継続、あるいは更なる一時停止措置はその間の進展次第です。一時停止措置を利用して 2014 年 1 月 20 日からの制裁緩和措置に伴い可能になる輸送契約を締結しようと考えている場合、当該契約は遅くとも 2014 年 7 月 20 日までに完全に実行するようにしなければなりません。制裁措置の一時停止が 6 か月後以降延長されない場合に、EU 理事会規則(267/2012 EC)に規定されるのと同様の猶予期間が与えられるかどうかについて EU 当局は確約していません。

(ii) 制裁対象団体との取引

予定されている制裁措置の一時停止措置には、現行の制裁対象団体との取引禁止に関する緩和は含まれていません。従いまして、例えば EU 理事会規則 267/2012 の Article

37 b に規定される禁止措置が一時停止になったとしても、NITC (National Iranian Tanker Co)やその他のイランの制裁対象団体に船舶を用船することは許されません。欧州委員会は、IG 加盟クラブが制裁対象団体(港湾エージェントや管理者)と取引せざるを得ない場合には実行前に関係当局に相談すべきとしています。船主及びクラブが直面するかもしれない実行上及び法的困難については欧州委員会も認識しており、制裁対象団体が所有する凍結口座への支払いを許可する可能性があるとのことですが。但し、必要な送金を銀行が行うかどうかの問題があります。

1.3 共同行動計画の EU の実施は船主及びクラブにとってどのような影響があるか？

(a) 石油及び石油製品

(i) 輸入及び購入

予定されている一時停止措置には、石油及び石油製品について現行の EU 法人による購入及び EU への輸入に対する禁止措置の一時停止は含まれていません。但し、現在米国の国防授權法(NDAA)の下で免除を受けている EU ではない国々(中国、インド、日本、韓国、台湾、トルコ)は、免除条件に従って現在容認されている購入及び輸入レベルを超えない条件で石油及び石油製品の購入を継続することができます。

(ii) 輸送

2014 年 1 月 20 日より EU 理事会規則 267/2012 の Article 11.1 (c)の禁止規定が一時停止となることから、EU 法人所有もしくは EU 籍の船舶は、イラン産もしくはイランからの石油及び石油製品の輸送が許可されます。非 EU 法人所有もしくは非 EU 籍の船舶については、現状通り当該貨物の輸送を継続できます。

(iii) 保険

2014 年 1 月 20 日より EU 理事会規則 267/2012 の Article 11.1 (d)の禁止規定が一時停止となることから、上記石油及び石油製品の輸送を行う船舶に対してクラブはカバーを提供することが可能になります。

但し、Article 11.1 (c)及び(d)に規定される禁止規定の一時停止は、NDAA 免除国向けではない石油及び石油製品の輸送及び保険提供を可能にするものではありません。イランから非 NDAA 免除国へ石油や石油製品の輸送を行う船主とそれに対して保険を提供する保険者は、EU 及び米国双方の制裁措置違反となります。

(b) 石油化学製品

EU 理事会規則 267/2012 の Article 13 の禁止規定は全て一時停止となり、現在の石油化学製品の輸入、購入、輸送及び保険提供の禁止が緩和されることとなります。石油化学製品とは EU 理事会決議 267/2012 の Annex V にリストされているものを指します。

従いまして、EU 及び非 EU 船舶はイランからの石油化学製品を EU 内外を問わず輸送でき、クラブは当該輸送に対してカバー提供が可能になります。但し、EU 及び米国以外の制裁で禁止されている場合は別です。

EU 理事会決議 267/2012 の Article 13 に規定される禁止措置の一時停止は、イラン産もしくはイランから輸出された天然ガスの購入、輸入、輸送並びにそれらに対する保険提供に対する現行の禁止規定には適用されません。同様に黒鉛及び未加工/半製品金属等の製品に対する禁止措置は継続されます。

(c) 金融取引

EU 理事会規則 267/2012 の Article 30 (3)(a)(b)及び(c)に規定される現行の上限額が 10 倍に引き上げられ、関連当局の事前許可を要せずに EUR400,000 までイランに送金できるようになります。但し、EU による制裁対象団体との金融取引は引き続き制裁対象となります。

(d) 石油及び石油化学製品の貯蔵や輸送用の船舶

EU 理事会規則 267/2012 及び改定規則 1263/2012 の Article 37 b に規定される石油及び石油化学製品の輸送や貯蔵のために船舶を提供することについての禁止は一時停止されます。但し、NITC や IRGC がコントロールする団体等の制裁対象団体への用船は引き続き禁止されます。

2 米国制裁の一時停止

IG ではより複雑な米国制裁について米国当局と協議し、米国当局としては共同行動計画に沿って EU 加盟各国が採用する制裁措置の一時停止と同様の措置をとる意向であることを確認しています。米国財務省外国資産管理局(OFAC)は、共同行動計画を実行するために改定することになる可能性が高い関連の大統領令、Iran Freedom and Counter-Proliferation Act of 2012 (IFCA)の該当箇所、the Iran Threat Reduction and Syrian Human Rights Act 及び Iran Sanctions Act を特定しています。

国務省、財務省、外国資産管理局等の関連政府部署は、法律で権限が付与されていない限り議会制定法を変更したり廃止したりすることはできませんが、大統領は自身の大統領令を変更することができます。従いまして、法律で規定されている米国制裁については、大統領は法律で権限が付与されている範囲に限り修正や廃止ができます。米国による措置の詳細については 2014 年 1 月 20 日まで判然としないと思われませんが、欧州委員会の提案措置と一致したものになると予想されます。

すなわち、以下の措置が取られることが米国で予定されています。

- ・ イランによる石油化学製品の輸出、イランによる自動車製造分野に関する物資やサービスの輸入に対する制裁措置の一時停止
- ・ イランの民間航空の安全飛行のための調査サービスを含むサービスやスペアパーツの提供のための迅速なライセンス交付の開始
- ・ イランから原油を購入している 6 か国に対して更なるイラン原油の輸入量削減を求める措置の停止
- ・ イランへの人道物資の提供、国連債務の支払い、留学中のイラン人学生の授業料支払のための金融チャンネルの設立促進
- ・ 容認される金融取引の許可のための上限額の修正

現行規則がどのように変更されるかについての詳細は 2014 年 1 月 20 日まで判明しないと思われます。IG では米国による措置の詳細が判明次第、別途ご案内する予定です。

IG 加盟全クラブが同様の回報を発行しています。

以上

添付1. Joint Plan of Action (Geneva, 24 November 2013)

添付2. イラン制裁緩和に関する欧州委員会提案 (Brussels, 7 January 2014)

Geneva, 24 November 2013

Joint Plan of Action

Preamble

The goal for these negotiations is to reach a mutually-agreed long-term comprehensive solution that would ensure Iran's nuclear programme will be exclusively peaceful. Iran reaffirms that under no circumstances will Iran ever seek or develop any nuclear weapons. This comprehensive solution would build on these initial measures and result in a final step for a period to be agreed upon and the resolution of concerns. This comprehensive solution would enable Iran to fully enjoy its right to nuclear energy for peaceful purposes under the relevant articles of the NPT in conformity with its obligations therein. This comprehensive solution would involve a mutually defined enrichment programme with practical limits and transparency measures to ensure the peaceful nature of the programme. This comprehensive solution would constitute an integrated whole where nothing is agreed until everything is agreed. This comprehensive solution would involve a reciprocal, step-by-step process, and would produce the comprehensive lifting of all UN Security Council sanctions, as well as multilateral and national sanctions related to Iran's nuclear programme.

There would be additional steps in between the initial measures and the final step, including, among other things, addressing the UN Security Council resolutions, with a view toward bringing to a satisfactory conclusion the UN Security Council's consideration of this matter. The E3+3 and Iran will be responsible for conclusion and implementation of mutual near-term measures and the comprehensive solution in good faith. A Joint Commission of E3/EU+3 and Iran will be established to monitor the implementation of the near-term measures and address issues that may arise, with the IAEA responsible for verification of nuclear-related measures. The Joint Commission will work with the IAEA to facilitate resolution of past and present issues of concern.

Elements of a first step

The first step would be time-bound, with a duration of 6 months, and renewable by mutual consent, during which all parties will work to maintain a constructive atmosphere for negotiations in good faith.

Iran would undertake the following voluntary measures:

From the existing uranium enriched to 20%, retain half as working stock of 20% oxide for fabrication of fuel for the TRR. Dilute the remaining 20% UF₆ to no more than 5%. No reconversion line.

Iran announces that it will not enrich uranium over 5% for the duration of the 6 months.

Iran announces that it will not make any further advances of its activities at the Natanz Fuel Enrichment Plant¹, Fordow², or the Arak reactor³, designated by the IAEA as IR-40.

Beginning when the line for conversion of UF₆ enriched up to 5% to UO₂ is ready, Iran has decided to convert to oxide UF₆ newly enriched up to 5% during the 6 month period, as provided in the operational schedule of the conversion plant declared to the IAEA.

No new locations for the enrichment.

Iran will continue its safeguarded R&D practices, including its current enrichment R&D practices, which are not designed for accumulation of the enriched uranium.

No processing or construction of a facility capable of reprocessing. Enhanced monitoring:

- Provision of specified information to the IAEA, including information on Iran's plans for nuclear facilities, a description of each building on each nuclear site, a description of the scale of operations for each location engaged in specified nuclear activities, information on uranium mines and mills, and information on source material. This information would be provided within three months of the adoption of these measures.
- Submission of an updated DIQ for the reactor at Arak, designated by the IAEA as the IR-40, to the IAEA.
- Steps to agree with the IAEA on conclusion of the Safeguards Approach for the reactor at Arak, designated by the IAEA as the IR-40.
- Daily IAEA inspector access when inspectors are not present for the purpose of Design Information Verification, Interim Inventory Verification, Physical Inventory Verification, and unannounced inspections, for the purpose of access to offline surveillance records, at Fordow and Natanz.
- IAEA inspector managed access to:
 - ① centrifuge assembly workshops⁴;
 - ① centrifuge rotor production workshops and storage facilities; and,
 - ① uranium mines and mills.

¹ Namely, during the 6 months, Iran will not feed UF₆ into the centrifuges installed but not enriching uranium. Not install additional centrifuges. Iran announces that during the first 6 months, it will replace existing centrifuges with centrifuges of the same type.

² At Fordow, no further enrichment over 5% at 4 cascades now enriching uranium, and not increase enrichment capacity. Not feed UF₆ into the other 12 cascades, which would remain in a non-operative state. No interconnections between cascades. Iran announces that during the first 6 months, it will replace existing centrifuges with centrifuges of the same type.

³ Iran announces on concerns related to the construction of the reactor at Arak that for 6 months it will not commission the reactor or transfer fuel or heavy water to the reactor site and will not test additional fuel or produce more fuel for the reactor or install remaining components.

⁴ Consistent with its plans, Iran's centrifuge production during the 6 months will be dedicated to replace damaged machines.

In return, the E3/EU+3 would undertake the following voluntary measures:

Pause efforts to further reduce Iran's crude oil sales, enabling Iran's current customers to purchase their current average amounts of crude oil. Enable the repatriation of an agreed amount of revenue held abroad. For such oil sales, suspend the EU and U.S. sanctions on associated insurance and transportation services.

Suspend U.S. and EU sanctions on:

- Iran's petrochemical exports, as well as sanctions on associated services.⁵
- Gold and precious metals, as well as sanctions on associated services.

Suspend U.S. sanctions on Iran's auto industry, as well as sanctions on associated services. License the supply and installation in Iran of spare parts for safety of flight for Iranian civil aviation and associated services. License safety related inspections and repairs in Iran as well as associated services.⁶

No new nuclear-related UN Security Council sanctions. No new

EU nuclear-related sanctions.

The U.S. Administration, acting consistent with the respective roles of the President and the Congress, will refrain from imposing new nuclear-related sanctions.

Establish a financial channel to facilitate humanitarian trade for Iran's domestic needs using Iranian oil revenues held abroad. Humanitarian trade would be defined as transactions involving food and agricultural products, medicine, medical devices, and medical expenses incurred abroad. This channel would involve specified foreign banks and non-designated Iranian banks to be defined when establishing the channel.

○ This channel could also enable:

- ① transactions required to pay Iran's UN obligations; and,
- ① direct tuition payments to universities and colleges for Iranian students studying abroad, up to an agreed amount for the six month period.

Increase the EU authorisation thresholds for transactions for non-sanctioned trade to an agreed amount.

⁵ "Sanctions on associated services" means any service, such as insurance, transportation, or financial, subject to the underlying U.S. or EU sanctions applicable, insofar as each service is related to the underlying sanction and required to facilitate the desired transactions. These services could involve any non-designated Iranian entities.

⁶ Sanctions relief could involve any non-designated Iranian airlines as well as Iran Air.

*Elements of the final step of a comprehensive solution**

The final step of a comprehensive solution, which the parties aim to conclude negotiating and commence implementing no more than one year after the adoption of this document, would:

Have a specified long-term duration to be agreed upon.

Reflect the rights and obligations of parties to the NPT and IAEA Safeguards Agreements.

Comprehensively lift UN Security Council, multilateral and national nuclear-related sanctions, including steps on access in areas of trade, technology, finance, and energy, on a schedule to be agreed upon.

Involve a mutually defined enrichment programme with mutually agreed parameters consistent with practical needs, with agreed limits on scope and level of enrichment activities, capacity, where it is carried out, and stocks of enriched uranium, for a period to be agreed upon.

Fully resolve concerns related to the reactor at Arak, designated by the IAEA as the IR-40. No reprocessing or construction of a facility capable of reprocessing.

Fully implement the agreed transparency measures and enhanced monitoring. Ratify and implement the Additional Protocol, consistent with the respective roles of the President and the Majlis (Iranian parliament).

Include international civil nuclear cooperation, including among others, on acquiring modern light water power and research reactors and associated equipment, and the supply of modern nuclear fuel as well as agreed R&D practices.

Following successful implementation of the final step of the comprehensive solution for its full duration, the Iranian nuclear programme will be treated in the same manner as that of any non-nuclear weapon state party to the NPT.

* With respect to the final step and any steps in between, the standard principle that "nothing is agreed until everything is agreed" applies.



EUROPEAN
COMMISSION

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

Brussels, 7.1.2014
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Joint Proposal for a

COUNCIL REGULATION

amending Regulation (EU) No 267/2012 concerning restrictive measures against Iran

EXPLANATORY MEMORANDUM

- (1) Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran gives effect to the measures provided for in Decision 2010/413/CFSP.
- (2) On 24 November 2013, China, France, Germany, the Russian Federation, the United Kingdom and the United States, supported by the High Representative of the European Union for Foreign Affairs and Security Policy reached an agreement with Iran on a Joint Plan of Action which sets out an approach towards reaching a long-term comprehensive solution to the Iranian nuclear issue. It was agreed that the process leading to this comprehensive solution would include, as a first step, initial mutually-agreed measures to be taken by both sides for a duration of six months, renewable by mutual consent.
- (3) As part of this first step, Iran would undertake a number of voluntary measures as specified in the Joint Plan of Action. In return the E3/EU+3 would undertake a number of voluntary measures which would include the EU temporary suspension of the following restrictive measures:
 - the prohibition on the provision of insurance and reinsurance and transport for Iranian crude oil.
 - the prohibition on the import, purchase or transport of Iranian petrochemical products and on the provision of related services.
 - the prohibition on trade in gold and precious metals with the Government of Iran, its public bodies and the Central Bank of Iran, or persons and entities acting on their behalf.
- (4) Furthermore, the Joint Plan of Action also foresees the increase by tenfold of the authorisation thresholds in relation to the transfers of funds to and from Iran.
- (5) Further action by the Union is needed in order to implement these measures.
- (6) The High Representative of the Union for Foreign Affairs and Security Policy and the European Commission propose to amend Regulation (EU) No 267/2012 accordingly.

Joint Proposal for a

COUNCIL REGULATION

amending Regulation (EU) No 267/2012 concerning restrictive measures against Iran

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP¹,

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

Whereas:

- (1) Council Regulation (EU) No 267/2012² gives effect to the measures provided for in Decision 2010/413/CFSP.
- (2) On 24 November 2013, China, France, Germany, the Russian Federation, the United Kingdom and the United States of America ('the E3/EU+3'), supported by the High Representative of the European Union for Foreign Affairs and Security Policy, reached an agreement with Iran on a Joint Plan of Action which sets out an approach towards reaching a long-term comprehensive solution to the Iranian nuclear issue. It was agreed that the process leading to this comprehensive solution would include as a first step initial mutually-agreed measures to be taken by both sides for a duration of six months, renewable by mutual consent.
- (3) As part of this first step, Iran would undertake a number of voluntary measures as specified in the Joint Plan of Action. In return the E3/EU+3 would undertake a number of voluntary measures which would include the EU temporary suspension of the following restrictive measures:
 - the prohibition on the provision of insurance and reinsurance and transport for Iranian crude oil,
 - the prohibition on the import, purchase or transport of Iranian petrochemical products and on the provision of related services,
 - the prohibition on trade in gold and precious metals with the Government of Iran, its public bodies and the Central Bank of Iran, or persons and entities acting on their behalf.
- (4) Furthermore, the Joint Plan of Action also foresees the increase by tenfold of the authorisation thresholds in relation to the transfers of funds to and from Iran.

¹ OJ L 195, 27.7.2010, p. 39.

² Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010 (OJ L 88, 24.3.2012, p. 1).

(5) These measures fall within the scope of the Treaty and regulatory action at the level of the Union is therefore necessary in order to implement it, in particular with a view to ensuring its uniform application by economic operators in all Member States.

(6) Regulation (EU) No 267/2012 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 267/2012 is amended as follows:

(1) In Article 11, the following paragraphs 3 and 4 are added:

‘3. The application of the prohibition in paragraph 1 point (c) shall be suspended as regards products listed in Annex XI.

4. The application of the prohibition in paragraph 1 (d) shall be suspended insofar as it concerns the provision of insurance and reinsurance related to the import, purchase or transport of products listed in Annex XI.’

(2) In Article 13, the following paragraph 3 is added:

‘3. The application of the prohibitions in paragraph 1 (a), (b), (c) and (d) shall be suspended.’

(3) In Article 15, the following paragraph 3 is added:

‘3. The application of the prohibitions in paragraph 1 (a), (b) and (c) shall be suspended as regards products listed in Annex XII.’

(4) The following Article 28b is inserted:

‘Article 28b

1. By way of derogation from Article 23 (2) and (3), the competent authorities may authorise, under such conditions as they deem appropriate, the release of economic resources or the making available of funds or economic resources, directly or indirectly, to the Ministry of Petroleum, as listed in Annex IX, after having determined that the funds or economic resources are necessary for the execution of contracts for import, purchase or transport of petrochemical products, as listed in Annex V, that originate in Iran or have been imported from Iran.

2. The Members State concerned shall inform the other Member States and the Commission, within 4 weeks, of authorisations granted under this Article.’

(5) Article 30 is amended as follows:

(a) in paragraph 3 (a):

(i) the reference to ‘EUR 100 000’ is replaced by ‘EUR 1 000 000’;

(ii) the reference to ‘EUR 40 000’ is replaced by ‘EUR 400 000’;

(b) in paragraph 3 (b):

(i) the reference to ‘EUR 100 000’ is replaced by ‘EUR 1 000 000’;

(ii) the reference to ‘EUR 40 000’ is replaced by ‘EUR 400 000’;

(c) in paragraph 3 (c) the reference to ‘EUR 10 000’ is replaced by ‘EUR 100 000’.

- (6) Article 30a is amended as follows:
- (a) in paragraph 1 (b), the reference to ‘EUR 40 000’ is replaced by ‘EUR 400 000’;
 - (b) in paragraph 1 (c), the reference to ‘EUR 40 000’ is replaced by ‘EUR 400 000’.
- (7) In Article 37b, the following paragraph 3 is added:
- ‘3. The application of the prohibition in paragraph 1 shall be suspended.’
- (8) Annex I and Annex II to this Regulation are added as Annexes XI and XII respectively.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President