



Brussels, 6 July 2018  
(OR. en)

10871/18

COMER 64  
WTO 182  
DELECT 107  
CORLX 371

### 'I/A' ITEM NOTE

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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No. Cion doc.: doc. 9831/18 COMER 53 WTO 147 DELACT 95 + ADD1

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Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 6.6.2018 amending the Annex to Council Regulation (EC) No 2271/96 of 22 November 1996 protecting against the effects of extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom  
- Intention not to raise objections to a Delegated Act

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1. The Commission has submitted the above delegated act<sup>1</sup> to the Council in accordance with the procedure set out in Article 290 TFEU and with Article 1 of Council Regulation (EC) No 2271/96 of 22 November 1996 protecting against the effects of extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom<sup>2</sup>.
2. On 8 May 2018, the United States announced withdrawal from the Joint Comprehensive Plan of Action (JCPOA) and confirmed that they will no longer waive their national restrictive measures relating to Iran, which were in place at the time of the conclusion of the JCPOA. Some of those measures have extra-territorial application and cause adverse effects on the interests of the Union and the interests of natural and legal persons exercising rights under the Treaty on the Functioning of the European Union.

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<sup>1</sup> doc. 9381/18 + ADD 1

<sup>2</sup> OJ L 309, 29.11.1996, p.1-6

3. The Annex to the Regulation should therefore be amended to include those US restrictive measures. Pursuant to Article 1 of the Regulation, the Commission shall be empowered to adopt delegated acts to add such restrictive measures to the Annex.
4. As the Commission notified the delegated act on 6 June 2018, the Council may object to that delegated act within a period of two months, i.e. until 6 August 2018.
5. Within the framework of the Trade Questions Working Party, no objections were raised by delegations by the deadline of 5 July 2018.
6. It is therefore suggested to record that there is no objection to the delegated act and that the Commission and the European Parliament are to be informed thereof. This implies that, unless the European Parliament objects to it, the delegated act shall be published and enter into force in accordance with Article 1 of Council Regulation (EC) No 2271/96 of 22 November 1996 protecting against the effects of extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom.

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