



Permanent Mission of the Islamic Republic of Iran to the United Nations

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In the name of God, the most Compassionate, the most Merciful

No. 1837938

21 November 2023

Excellency,

Upon instructions from my Government, I am writing to you regarding the joint letter dated 14 November 2023 from the Permanent Representatives of France, Germany, and the United Kingdom to the United Nations addressed to the Secretary-General and the President of the Security Council (S/2023/875). In the letter, the representatives of these three countries (E3) made unfounded accusations against Iran, alleging violations of UN Security Council Resolution 2231 (2015) while disregarding their own blatant violations of the Resolution. In rejecting these allegations, I wish to state the following points:

- 1- In its joint letter, the E3 purposefully spread misleading and false information regarding Iran's commitments under the Joint Comprehensive Plan of Action (JCPOA) and its peaceful nuclear program. The E3 falsely accused Iran of non-compliance with JCPOA commitments, deliberately overlooking the root causes of the current JCPOA situation. Iran's decision to take remedial measures was in full accordance with its inherent rights under paragraphs 26 and 36 of the JCPOA and was a response to the US' unlawful unilateral withdrawal from the agreement on 8 May 2018, and the subsequent failure of the E3 to uphold their commitments. The objective behind Iran's decision, made a full year after the US' unlawful withdrawal and the E3/EU's inability to fulfill their sanctions-lifting commitments, was crystal clear: to restore a balance in reciprocal commitments and benefits under the JCPOA. This became imperative as the JCPOA hinged on Iran's nuclear-related commitments in exchange for the comprehensive lifting of sanctions, including those imposed unlawfully by the US and EU, as well as removing obstacles to Iran's international economic, commercial, and financial cooperation. The evident nature of this fact in no way provides a valid justification or basis for the E3 to refrain from implementing their commitments.
- 2- The Islamic Republic of Iran has always complied with its commitments under the Comprehensive Safeguard Agreements (CSA) and has rendered maximum cooperation to enable the IAEA to implement its verification activities in Iran efficiently. Regarding the modified Code 3.1 of the Subsidiary Arrangements, it should be reminded that accepting the implementation of modified Code 3.1 was among the transparency and confidence-building measures, as reflected in paragraph 65 of Annex I of the JCPOA. As a part of Iran's decision to stop implementing all voluntary transparency measures beyond its Safeguard Agreement, the implementation of modified Code 3.1 was ceased. However, it



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should be underlined that Iran continues to implement Code 3.1 of the Subsidiary Arrangements in full cooperation with the IAEA.

- 3- Iran in no way has enriched uranium above 60%. Iran's cooperation with the IAEA in clarifying the origin of uranium particles containing up to 83.7% U-235 enabled the Agency to confirm that no diversion has taken place in this regard. In his September 2023 report (Gov/2023/39), the IAEA Director General acknowledged Iran's explanation for the origin of such particles, and the Agency confirmed that it has not found any indication of the accumulation and collection of nuclear material enriched above 60% or diversion of declared nuclear material.
- 4- In November 2022, Iran notified the IAEA of its intention to enrich uranium in Fordow through advanced centrifuges. This decision was made in the context of remedial measures by Iran in response to non-compliance with the JCPOA commitments by other sides and in full accordance with its rights under the NPT and CSA. Furthermore, as already declared by Iran to the IAEA, the production of uranium metal is a part and parcel of the fuel for research reactors with medical purposes.
- 5- The Islamic Republic of Iran strongly emphasizes that States parties to the NPT shall not be prevented from exercising and enjoying their inalienable rights under the Treaty to develop research, production, and use of nuclear energy for peaceful purposes without discrimination and in full conformity with articles I and II of the Treaty.
- 6- The E3's failure to implement its sanctions-lifting commitments specified in paragraph 20 of Annex V of the JCPOA on Transition Day (18 October 2023) constitutes an unjustifiable unilateral action. This unlawful action serves as a clear and explicit example of substantial non-performance of their commitments, thereby violating both the JCPOA and UNSC Resolution 2231 (2015).
- 7- The E3's invocation of the JCPOA Dispute Resolution Mechanism (DRM) by referring to their letter dated 14 January 2020, in response to Iran's remedial measures from May 2019 onward, is totally misleading and irrelevant. As already stated, Iran's decision was a lawful and legitimate response, by its rights under paragraphs 26 and 36 of the JCPOA, to the United States' unilateral withdrawal from the JCPOA and re-imposition of its illegal sanctions. Therefore, characterizing the E3's decision not to fulfill their Transition Day sanctions-lifting commitments as a reaction to Iran's lawful remedial measures is entirely illogical and inexcusable.
- 8- The E3/EU's failure to uphold their commitments under paragraph 20 of Annex V of the JCPOA, coupled with the US' inability to fulfill its commitments as stipulated in



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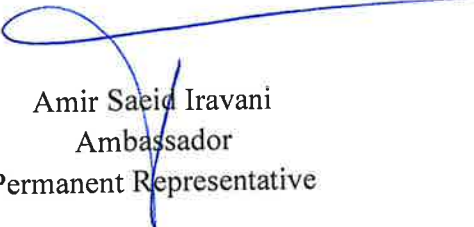
paragraph 21 of Annex V due to its unlawful unilateral withdrawal on May 8, 2018, has entitled the Islamic Republic of Iran to exercise its legitimate rights under paragraphs 26 and 36 of the JCPOA. Iran was then left with no other option than refraining from implementing its commitments under paragraph 22.1 of Annex V of the JCPOA.

9- As communicated to all Permanent Representatives and Observers of the Member States to the United Nations by the Secretariat on 19 October 2023 (NV SCA/4/23 (09)), in accordance with paragraphs 3, 4, and 6 of Annex B to UNSCR 2231 (2015), effective 18 October 2023, all unwarranted restrictions on ballistic missile-related activities and transfers to/from Iran, including the asset freeze on individuals and entities listed in 2231, automatically terminated. Consequently, any restrictions imposed at the national or regional level based on UNSCR 2231 (2015) are now null and void.

10- The Islamic Republic of Iran stands prepared to resume the full implementation of its commitments under the JCPOA once all other participants fulfill their commitments in their entirety. Iran engaged in good faith and serious negotiations to conclude the Vienna talks. Unfortunately, the United States and the E3 failed to appreciate the opportunity, swayed by their domestic politics and paradoxical anti-Iranian policies, as well as their unrealistic demands.

I should be grateful if you would circulate the present letter as a document of the Security Council.

Please accept, Excellency, the assurances of my highest consideration.


Amir Saeid Iravani
Ambassador
Permanent Representative

H.E. Mr. Antonio Guterres
Secretary-General
United Nations, New York

H.E. Mr. Zhang Jun
President of the Security Council
United Nations, New York