

U.S. DEPARTMENT OF THE TREASURY

U.S. DEPARTMENT OF STATE

**GUIDANCE RELATING TO THE LIFTING OF CERTAIN U.S.
SANCTIONS PURSUANT TO THE JOINT COMPREHENSIVE PLAN OF
ACTION ON IMPLEMENTATION DAY**

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This document is explanatory only and does not have the force of law. Please see particularly the legally binding provisions cited below governing the sanctions. This document does not supplement or modify the statutory authorities, Executive orders, or regulations.

Background

On July 14, 2015, the P5+1 (China, France, Germany, Russia, the United Kingdom, and the United States), the European Union (EU), and Iran reached a Joint Comprehensive Plan of Action (JCPOA) to ensure that Iran's nuclear program will be exclusively peaceful. The JCPOA builds on the foundation of the Joint Plan of Action (JPOA) of November 24, 2013, and the political framework announced in Lausanne on April 2, 2015.

On January 16, 2016, upon confirmation by the Secretary of State that the International Atomic Energy Agency (IAEA) had verified that Iran had implemented the nuclear-related measures described in sections 15.1 to 15.11 of Annex V of the JCPOA, the United States lifted the U.S. nuclear-related sanctions described in sections 17.1 to 17.2 of Annex V of the JCPOA.¹ Consequently, January 16, 2016 is the day referred to as "Implementation Day" in paragraph 34.iii of the Main Text of the JCPOA.² The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) has updated its website to notify the public of certain steps the United States has taken to fulfill Implementation Day sanctions commitments.

As set out in sections 4.1 to 4.7 of Annex II and section 17.1 to 17.2 of Annex V of the JCPOA, the United States government (USG) has lifted nuclear-related secondary sanctions³ on: Iran's financial, banking, energy, petrochemical, shipping, shipbuilding, and automotive sectors; Iran's port operators; the provision of insurance, re-insurance and underwriting services in connection with activities that are consistent with the JCPOA; Iran's trade in gold and other precious metals; trade with Iran in graphite, raw or semi-finished metals such as aluminum and steel, coal, and certain software in connection with activities that are consistent with the JCPOA; and the provision of associated services for each of the categories above. As set out in section 4.8.1 of Annex II and section 17.3 of Annex V of the JCPOA, the USG also removed the individuals and entities listed in Attachment 3 to Annex II of the JCPOA from OFAC's List of Specially Designated Nationals and Blocked Persons (SDN List), Foreign Sanctions Evaders List (FSE List), and/or Non-SDN Iran Sanctions Act List (NS-ISA List), as appropriate.

In addition, as set out in section 5 of Annex II and section 17.5 of Annex V of the JCPOA, on Implementation Day, the USG took steps to: (i) allow for the export, reexport, sale, lease or transfer of commercial passenger aircraft and related parts and services to Iran for exclusively civil, commercial passenger aviation end-use; (ii) license non-U.S. entities that are owned or controlled by a U.S. person ("U.S.-owned or -controlled foreign entities") to engage in activities

¹ Upon reaching Implementation Day, the EU gave effect to its commitment to lift sanctions as set out in section 16 of Annex V of the JCPOA. In addition, the provisions of United Nations Security Council Resolutions (UNSCR) 1696, 1737, 1747, 1803, 1835, 1929, and 2224 were terminated (subject to re-imposition in the event of significant nonperformance by Iran of JCPOA commitments), although certain restrictions related to nuclear-, conventional arms-, and ballistic missile-related activities will be applied under UNSCR 2231 of July 20, 2015, which endorsed the JCPOA.

² On Implementation Day, the Joint Plan of Action of November 24, 2013, as extended (JPOA), ceased to be in effect, and the temporary suspension of certain sanctions under that arrangement was superseded by the relevant sanctions lifting provided as part of the JCPOA.

³ Secondary sanctions generally are directed toward non-U.S. persons for specified conduct involving Iran that occurs entirely outside of U.S. jurisdiction and does not involve U.S. persons.

that are consistent with the JCPOA and applicable U.S. laws and regulations; and (iii) license the importation into the United States of Iranian-origin carpets and foodstuffs, including pistachios and caviar. With the exception of the three categories of activities described above, none of the sanctions-related commitments outlined in this guidance apply to U.S. persons, and U.S. persons, including U.S. companies, continue to be broadly prohibited from engaging in transactions or dealings with Iran and the Government of Iran unless such activities are exempt from regulation or authorized by OFAC.⁴

To implement the commitments under sections 17.1 to 17.5 of Annex V of the JCPOA, the USG: (i) issued, on Adoption Day,⁵ waivers of relevant statutory sanctions authorities, which became effective on Implementation Day; (ii) removed, on Implementation Day, the individuals and entities set out in Attachment 3 to Annex II of the JCPOA from the SDN List, FSE List, and/or NS-ISA List, as appropriate; (iii) issued, on Implementation Day, an Executive order (E.O.) that revoked E.O.s 13574, 13590, 13622 and 13645, and sections 5-7 and 15 of E.O. 13628; and (iv) issued, on Implementation Day, a Statement of Licensing Policy and two general licenses.

After Implementation Day, the next major milestone in the JCPOA is Transition Day. Transition Day will occur 8 years from Adoption Day or upon a report from the Director General of the IAEA to the IAEA Board of Governors and in parallel to the United Nations Security Council (UNSC) stating that the IAEA has reached the Broader Conclusion that all nuclear material in Iran remains in peaceful activities, whichever is earlier. As set out in section 21 of Annex V of the JCPOA, on Transition Day, the USG will seek to terminate, or modify to effectuate the termination of, relevant statutory provisions set forth in sections 4.1 to 4.7 and 4.9 of Annex II and will remove the individuals and entities set forth in Attachment 4 to Annex II of the JCPOA from the SDN List and/or FSE List.⁶ The USG will issue additional guidance related to these commitments prior to Transition Day.

For additional information, please see section A of OFAC's [Frequently Asked Questions Relating to the Lifting of Certain U.S. Sanctions Under the JCPOA on Implementation Day \(JCPOA FAQs\)](#).

This guidance document is organized into seven sections. Section I contains introductory notes regarding the sanctions lifting under the JCPOA. Section II reviews the various nuclear-related secondary sanctions that were lifted on Implementation Day, explains how those sanctions were lifted, and describes the effect of the sanctions lifting. Section III addresses the sanctions list removals that occurred on Implementation Day, and what it means for parties engaging in transactions or activities with individuals and entities that were removed from the relevant

⁴ In addition, non-U.S. persons continue to be prohibited from knowingly engaging in conduct that seeks to evade U.S. restrictions on transactions or dealings with Iran or that causes the export of goods or services from the United States to Iran. See section VII.A.1.

⁵ "Adoption Day" under the JCPOA, which occurred on October 18, 2015, is the day on which the JCPOA became effective and the participants in the JCPOA began to make the necessary preparations to implement their JCPOA commitments.

⁶ This commitment does not impact the USG's ability under relevant statutes and E.O.s to remove persons from the relevant sanctions lists prior to Transition Day if the circumstances warrant.

sanctions lists. Section IV describes other U.S. commitments under the JCPOA, including commitments with respect to (i) exports of commercial passenger aircraft and related parts and services for commercial passenger aviation, (ii) the ability of U.S.-owned or -controlled foreign entities to engage in activities that are consistent with the JCPOA and U.S. law, and (iii) imports of Iranian-origin carpets and foodstuffs into the United States. Section V addresses the U.S. commitment to terminate four E.O.s and part of a fifth. Section VI provides an overview of the waiver determinations and findings with respect to certain statutory sanctions issued to implement U.S. Implementation Day sanctions commitments under the JCPOA. Finally, Section VII provides a list of key legal authorities that are outside the scope of the JCPOA and that remain in place after Implementation Day.

I. General Notes

In reviewing the JCPOA and this guidance, members of the regulated public should be aware of the following:

- *The sanctions-related commitments described in the JCPOA are directed towards non-U.S. persons,⁷ and except for the commitments described in section 5 of Annex II of the JCPOA, do not apply to U.S. persons.⁸*
- *The sanctions commitments described in the JCPOA and this guidance do not apply to transactions that involve persons who remain or are placed on the SDN List. Transactions involving such persons remain sanctionable after Implementation Day.*
- *The USG commitment to lift sanctions described in the JCPOA is without prejudice to sanctions that may apply under legal provisions not included within the scope of section 4 of Annex II of the JCPOA. As further detailed in section VII below, the USG retains the authority to continue imposing sanctions under authorities not included within the scope of section 4 of Annex II, including those used to address Iran's: support for terrorism, support for persons involved in human rights abuses in Syria or for the Government of Syria, support for persons threatening the peace, security, or stability of Yemen, human rights abuses, and ballistic missile program.⁹*

⁷ For the purpose of this guidance, the term "non-U.S. person" means any individual or entity excluding any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States. This definition of "non-U.S. person" therefore includes U.S.-owned or -controlled foreign entities. However, U.S.-owned or -controlled foreign entities are eligible to participate in transactions or activities subject to the sanctions lifting under the JCPOA only to the extent that the transactions or activities are exempt from regulation or authorized by OFAC.

⁸ The term "United States person" or "U.S. person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States. See 31 C.F.R. § 560.314.

⁹ For example, a transaction involving Iran that would be sanctionable under an authority that is not lifted pursuant to the JCPOA (e.g., a U.S. sanctions authority relating to Yemen or Syria) remains sanctionable under that other authority after Implementation Day.

II. Nuclear-related Secondary Sanctions

To effectuate the lifting of the nuclear-related secondary sanctions set out in sections 4.1 to 4.7 of Annex II and sections 17.1 to 17.2 of Annex V of the JCPOA, on Implementation Day, the USG took the steps set out below.

A. Financial and Banking-related Sanctions

Commitment:

Section 4.1 of Annex II and section 17.1 of Annex V of the JCPOA provide for the lifting, on Implementation Day, of secondary sanctions that apply to non-U.S. persons who engage in certain financial and banking activities related to Iran. In particular, beginning on Implementation Day, the following activities by non-U.S. persons are no longer sanctionable:

- Financial and banking transactions with individuals and entities set out in Attachment 3 to Annex II of the JCPOA, including: the Central Bank of Iran (CBI) and other specified Iranian financial institutions; the National Iranian Oil Company (NIOC), the Naftiran Intertrade Company (NICO), the National Iranian Tanker Company (NITC), and other specified individuals and entities identified as the Government of Iran by OFAC; and certain designated individuals and entities that were removed from the SDN List on Implementation Day (*see* section 4.1.1 of Annex II of the JCPOA);
- Transactions involving the Iranian rial or maintaining funds or accounts outside of Iran denominated in the Iranian rial (*see* section 4.1.2 of Annex II of the JCPOA);
- Providing U.S. bank notes to the Government of Iran (*see* section 4.1.3 of Annex II of the JCPOA);
- The purchase, subscription to, or facilitation of the issuance of Iranian sovereign debt, including governmental bonds (*see* section 4.1.5 of Annex II of the JCPOA);
- Providing specialized financial messaging services to the CBI and Iranian financial institutions set out in Attachment 3 to Annex II of the JCPOA (*see* section 4.1.6 of Annex II of the JCPOA); and
- The provision of associated services¹⁰ for each of the categories above (*see* section 4.1.7 of Annex II of the JCPOA).

In addition, the USG has removed bilateral trade limitations on Iranian revenues held abroad, including limitations on their transfer (*see* section 4.1.4 of Annex II of the JCPOA).

¹⁰ For purposes of the JCPOA and this guidance, the USG interprets the term “associated services” to mean any service – including technical assistance, insurance, re-insurance, brokering, transportation, or financial service – necessary and ordinarily incident to the underlying activity for which sanctions have been lifted pursuant to the JCPOA. U.S. persons and U.S.-owned or -controlled foreign entities remain prohibited from providing associated services in connection with transactions or activities within the scope of the sanctions lifting under the JCPOA, unless the transactions or activities are exempt from regulation or authorized by OFAC. U.S.-owned or -controlled foreign entities may provide such associated services to the extent the transactions or activities are within the scope of the general license described in Section IV.B, below.

Implementation:

To effectuate the lifting of these sanctions on Implementation Day, the USG has, in addition to removing certain individuals and entities from the SDN List, FSE List, and NS-ISA List as described in section III below, taken the following steps:

1. Correspondent or Payable-Through Account Sanctions:

- a. Waived the imposition of correspondent or payable-through account sanctions under: section 1245(d)(1) of the National Defense Authorization Act of Fiscal Year 2012, as amended (NDAA 2012)¹¹ (for significant financial transactions by foreign financial institutions (FFIs)¹² with the CBI)¹³; section 1244(d)(2) of the Iran Freedom and Counter-Proliferation Act of 2012 (IFCA) (for significant financial transactions by FFIs for the sale, supply, or transfer to or from Iran of significant goods or services used in connection with the energy, shipping, or shipbuilding sectors of Iran, including NIOC, NITC, and the Islamic Republic of Iran Shipping Lines (IRISL)); section 1244(h)(2) of IFCA (for financial transactions by FFIs for the sale, supply, or transfer to or from Iran of natural

¹¹ Sections 1245(d)(3) and 1245(d)(4)(C) of NDAA 2012, which clarify the scope of the sanction under section 1245(d)(1), are without effect when the sanction under 1245(d)(1) is waived.

¹² For purposes of this guidance, and as defined in 561.308 of the Iranian Financial Sanctions Regulations, 31 C.F.R. part 561 (IFSR), the term “foreign financial institution” or “FFI” means any foreign entity that is engaged in the business of accepting deposits, making, granting, transferring, holding, or brokering loans or credits, or purchasing or selling foreign exchange, securities, commodity futures or options, or procuring purchasers and sellers thereof, as principal or agent. It includes but is not limited to depository institutions, banks, savings banks, money service businesses, trust companies, securities brokers and dealers, commodity futures and options brokers and dealers, forward contract and foreign exchange merchants, securities and commodities exchanges, clearing corporations, investment companies, employee benefit plans, dealers in precious metals, stones, or jewels, and holding companies, affiliates, or subsidiaries of any of the foregoing.

¹³ Section 1245(d)(1) of NDAA 2012 further provides for correspondent or payable-through account sanctions for significant transactions by FFIs with Iranian financial institutions designated by the Secretary of the Treasury for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (“designated Iranian financial institutions”). As noted in section VI below, the waiver of section 1245(d)(1) of NDAA 2012 issued by the Secretary of State covers transactions by FFIs with the CBI, but not with designated Iranian financial institutions. Iranian financial institutions identified as persons whose property and interests in property are blocked solely pursuant to E.O. 13599 and section 560.211 of the Iranian Transactions and Sanctions Regulations, 31 C.F.R. part 560 (ITSR), are not designated Iranian financial institutions, and section 1245(d)(1) of NDAA 2012 does not, by its terms, apply to transactions with such financial institutions. Pursuant to the U.S. commitment described in section 4.8.1 of Annex II of the JCPOA, the United States removed the designations of Iranian financial institutions listed in Attachment 3 to Annex II of the JCPOA on Implementation Day (though these institutions remain blocked pursuant to E.O. 13599 and section 560.211 of the ITSR); as a result, these Iranian financial institutions were removed from the SDN List. Following Implementation Day, the sanction under section 1245(d)(1) of NDAA 2012 only applies to significant financial transactions by FFIs with Iranian financial institutions on the SDN List, including those designated pursuant to E.O. 13224 and the Global Terrorism Sanctions Regulations, 31 C.F.R. part 594 (GTSR), or E.O. 13382 and the Weapons of Mass Destruction Proliferators Sanctions Regulations, 31 C.F.R. part 544 (WMDPSR). As of January 16, 2016, the following Iranian financial institutions are designated pursuant to E.O. 13224 and the GTSR or E.O. 13382 and the WMDPSR: Ansar Bank, Bank Saderat, Bank Saderat PLC, and Mehr Bank.

gas)¹⁴; section 1245(c) of IFCA (for significant financial transactions by FFIs for the sale, supply, or transfer to or from Iran of precious metals or specified materials (graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes) that are within the scope of the waivers under section 1245(a)(1) of IFCA, as described in section VI below); and section 1247(a) of IFCA.¹⁵

- b. Revoked:¹⁶ E.O. 13622, including the correspondent or payable-through account sanctions under section (1)(a), as amended by section 16 of E.O. 13645 (for FFIs that conduct or facilitate transactions: with NIOC or NICO; for the purchase, acquisition, sale, transport, or marketing of petroleum or petroleum products from Iran; or for the purchase, acquisition, sale, transport, or marketing of petrochemical products from Iran); and E.O. 13645, including the correspondent or payable-through account sanctions under section 1(a) (for FFIs engaging in significant transactions related to the Iranian rial and maintaining significant funds or accounts outside the territory of Iran denominated in the Iranian rial) and subsection 3(a)(i) (for significant transactions by FFIs on behalf of any Iranian person on the SDN List or any other person included on the SDN List whose property and interests in property are blocked pursuant to subsection 2(a)(i) of E.O. 13645 or E.O. 13599).¹⁷
- c. Committed to refrain from imposing sanctions under section 561.203(a) of the Iranian Financial Sanctions Regulations, 31 C.F.R. part 561 (IFSR), for transactions by FFIs with the CBI that are consistent with the waiver of section 1245(d)(1) of NDAA 2012.

¹⁴ By its terms, section 1244(h)(2) of IFCA subjects FFIs to all sanctions available under section 1244 with respect to the sale, supply, or transfer of natural gas to or from Iran, including correspondent or payable-through account sanctions under section 1244(d)(2), blocking sanctions under section 1244(c)(1), and menu-based sanctions under section 1244(d)(1), unless bilateral trade limitations on Iranian revenues generated by such transactions are applied. To avoid repetition, and because it explicitly applies to FFIs, section 1244(h)(2) is discussed in this section focusing on correspondent or payable-through account sanctions and is not repeated in the following sections focusing on blocking sanctions and menu-based sanctions.

¹⁵ After Implementation Day, it continues to be sanctionable under section 1247(a) of IFCA for FFIs to knowingly facilitate a significant financial transaction on behalf of any Iranian person on the SDN List. The relevant sanction in section 1247(a) of IFCA continues not to apply, by its terms, in the case of Iranian financial institutions blocked solely pursuant to E.O. 13599. In addition, pursuant to the commitment in section 4.8.1 of Annex II of the JCPOA and as described in section III, below, on Implementation Day, such Iranian financial institutions were removed from the SDN List. As a result of these removals, after Implementation Day, the references in sections 1244(c)(1), 1246(a)(1), and 1247(a) of IFCA to Iranian financial institutions that have not been designated for the imposition of sanctions are no longer relevant and therefore are not further discussed in this guidance.

¹⁶ Revoking the specified E.O.s and E.O. provisions as further detailed in section V below has the effect of terminating the sanctions under the relevant E.O. or E.O. provision, as appropriate.

¹⁷ Notwithstanding the revocation of E.O. 13645, section 1247(a) of IFCA remains in place and it continues to be sanctionable for FFIs to knowingly facilitate a significant financial transaction on behalf of any Iranian person on the SDN List.

2. *Blocking Sanctions:*

- a. Waived the imposition of blocking sanctions under section 1244(c)(1) of IFCA¹⁸ (with respect to non-U.S. persons who knowingly provide significant financial, material, technological, or other support to, or goods or services in support of any activity or transaction on behalf of or for the benefit of a person determined to be part of the energy, shipping, or shipbuilding sectors of Iran or to operate a port in Iran, or Iranian individuals or entities set forth in Attachment 3 to Annex II of the JCPOA).¹⁹
- b. Committed to refrain from imposing discretionary blocking sanctions under section 220(c) of the Iran Threat Reduction and Syria Human Rights Act of 2012 (TRA) on non-U.S. persons who knowingly and directly provide specialized financial messaging services to, or knowingly enable or facilitate direct or indirect access to such messaging services for, the CBI or any Iranian financial institution not included on the SDN List.²⁰
- c. Revoked: E.O. 13622, including the blocking sanctions under section 5(a) (with respect to persons who have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, NIOC, NICO, or the CBI, or the purchase or acquisition of U.S. bank notes or precious metals by the Government of Iran); and E.O. 13645, including the blocking sanctions under section 1(a) (for FFIs engaging in significant transactions related to the Iranian rial or maintaining significant funds or accounts outside the territory of Iran denominated in the Iranian rial) and subsection 2(a)(i) (with respect to persons who have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, any Iranian person included on the SDN List or any other person included on the SDN List whose property and interests in property are blocked pursuant to subsection 2(a)(i) of E.O. 13645 or E.O. 13599).²¹

¹⁸ Pursuant to section 1244(c)(2)(C)(iii) of IFCA, the relevant sanction in 1244(c)(1) of IFCA continues not to apply, by its terms, in the case of Iranian financial institutions blocked solely pursuant to E.O. 13599.

¹⁹ After Implementation Day, it continues to be sanctionable under section 1244(c)(1) of IFCA for non-U.S. persons to knowingly provide significant financial, material, technological, or other support to, or goods or services in support of any activity or transaction on behalf of or for the benefit of any Iranian person on the SDN List.

²⁰ After Implementation Day, it continues to be sanctionable under section 220 of the TRA for non-U.S. persons to knowingly and directly provide specialized financial messaging services to, or knowingly enable or facilitate direct or indirect access to such messaging services for, any Iranian financial institution designated pursuant to E.O. 13382 or E.O. 13224 in connection with, respectively, Iran's proliferation of WMD and their means of delivery or Iran's support for international terrorism. In addition, persons providing, or enabling access to, such services for individuals or entities on the SDN List that are designated pursuant to E.O. 13382 or E.O. 13224 could themselves be designated under those authorities.

²¹ Notwithstanding the revocation of E.O. 13645, section 1244(c)(1)(A) remains in place and it continues to be sanctionable for non-U.S. persons to knowingly provide significant financial, material, technological, or other support to, or goods or services in support of any activity or transaction on behalf of or for the benefit of any Iranian person on the SDN List.

3. **Menu-based Sanctions:**²²

- a. Waived the imposition of menu-based sanctions under: section 213(a) of the TRA (with respect to non-U.S. persons who purchase, subscribe to, or facilitate the issuance of sovereign debt of the Government of Iran, including governmental bonds); section 1244(d)(1) of IFCA (with respect to non-U.S. persons who knowingly sell, supply, or transfer to or from Iran significant goods or services used in connection with the energy, shipping, or shipbuilding sectors of Iran, including NIOC, NITC, and IRISL); sections 1245(a)(1)(A) and 1245(a)(1)(C)(i)(II) of IFCA (with respect to non-U.S. persons who sell, supply, or transfer to or from Iran precious metals or specified materials (graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes), subject to certain limitations as described in section VI.A.6 below); and section 1246(a) of IFCA²³ (for non-U.S. persons who provide underwriting services, insurance, or reinsurance in connection with activities involving Iran that are described in sections 17.1 to 17.2 and 17.5 of Annex V of the JCPOA, or to or for any individual or entity whose property and interests in property are blocked solely pursuant to E.O. 13599).
- b. Revoked E.O. 13622, including the menu-based sanctions under section 2(a)(i)-(iii), as amended by section 16 of E.O. 13645 (for persons engaging in significant transactions for the purchase, acquisition, sale, transport, or marketing of petroleum, petroleum products, and petrochemical products from Iran and successor entities of such non-U.S. persons).

Sanctions under CISADA Section 104(c)(2)(E)(ii)(I). Finally, as described in section III below, correspondent and payable-through account sanctions under section 104(c)(2)(E)(ii)(I) of the Comprehensive Iran Sanctions and Divestment Act of 2010, as amended (CISADA) (for FFIs that knowingly facilitate a significant transaction or transactions or provide significant financial services for a person whose property or interests in property are blocked in connection with Iran's proliferation of WMD or their means of delivery) will no longer apply to such transactions or services for Iranian financial institutions included on Attachment 3 to Annex II of the JCPOA.²⁴

²² Certain sanctions authorities, including the Iran Sanctions Act of 1996, as amended (ISA), prescribe a menu of sanctions that the USG may impose in response to certain conduct specified in the authority. For the purposes of this guidance, such sanctions are termed "menu-based sanctions."

²³ Pursuant to section 1246(a)(1)(C) of IFCA, the relevant sanction in 1246(a)(1) continues not to apply, by its terms, in the case of Iranian financial institutions blocked solely pursuant to E.O. 13599.

²⁴ Following Implementation Day, section 104(c)(2)(E)(ii)(I) of CISADA continues to apply to FFIs that knowingly facilitate a significant transaction or transactions or provide significant financial services for a person whose property or interests in property are blocked in connection with Iran's proliferation of WMD or their means of delivery. In addition, after Implementation Day, correspondent and payable-through account sanctions under section 104(c)(2)(E)(ii)(II) of CISADA continue to apply to FFIs that knowingly facilitate a significant transaction or transactions or provide significant financial services for a person whose property or interests in property are blocked in connection with Iran's support for international terrorism.

See section III for an overview of the sanctions list removals that occurred on Implementation Day and section VI for an overview of the waiver determinations and findings issued in connection with the JCPOA.

Effects of the lifting of the financial and banking-related sanctions:²⁵

As a result of the lifting of sanctions specified in sections 4.1.1 to 4.1.7 of Annex II and section 17.1 of Annex V of the JCPOA and described in this section, beginning on Implementation Day such sanctions, including sanctions on associated services, do not apply to non-U.S. persons who engage in activities, including financial and banking transactions, with the Government of Iran, the CBI, Iranian financial institutions, and other Iranian persons specified in Attachment 3 to Annex II of the JCPOA, including the provision of loans, transfers, accounts (including the opening and maintenance of correspondent and payable-through accounts at non-U.S. financial institutions), investments, securities, guarantees, foreign exchange (including Iranian rial-related transactions), letters of credit and commodity futures or options, the provision of specialized financial messaging services and facilitation of direct or indirect access thereto, the purchase or acquisition by the GOI of U.S. bank notes, and the purchase, subscription to, or facilitation of the issuance of Iranian sovereign debt.²⁶

For additional information on the financial and banking-related sanctions lifting discussed in this subsection, please see section C of the [JCPOA FAQs](#).

B. Sanctions Related to Insurance

Commitment:

Section 4.2 of Annex II and section 17.1 of Annex V of the JCPOA provide for the lifting, on Implementation Day, of secondary sanctions that apply to non-U.S. persons who provide underwriting services, insurance, or re-insurance in connection with activities consistent with the JCPOA, including activities with individuals and entities set forth in Attachment 3 to Annex II of the JCPOA.

Implementation:

To effectuate the lifting of these sanctions on Implementation Day, the USG, in addition to removing certain individuals and entities from the SDN List, FSE List, and NS-ISA List as described in section III below, took the following steps:

²⁵ For the purposes of the lifting of sanctions set out in sections 4.1.1 to 4.1.7 of Annex II and section 17.1 of Annex V of the JCPOA, the effects described for non-U.S. financial institutions extend to the activities outside of U.S. jurisdiction of international financial institutions, including those identified in 22 U.S.C. § 262r(c)(2).

²⁶ Non-U.S., non-Iranian financial institutions engaging in transactions with Iranian financial institutions (including the CBI) not appearing on the SDN List will not be exposed to sanctions as a result of those Iranian financial institutions engaging in transactions or banking relationships involving Iranian individuals and entities, including financial institutions, on the SDN List, provided that the non-U.S., non-Iranian financial institution does not conduct or facilitate, and is not otherwise involved in, those specific transactions or banking relationships with the Iranian individuals and entities, including financial institutions, on the SDN List.

1. *Correspondent or Payable-Through Account Sanctions:*

- a. Waived the imposition of correspondent or payable-through account sanctions under: section 1245(d)(1) of NDAA 2012 (for significant financial transactions by FFIs with the CBI)²⁷; section 1244(d)(2) of IFCA (for significant financial transactions by FFIs for the sale, supply, or transfer to or from Iran of significant goods or services used in connection with the energy, shipping, or shipbuilding sectors of Iran, including NIOC, NITC, and IRISL); and section 1247(a) of IFCA.²⁸
- b. Revoked E.O. 13645, including the correspondent or payable-through account sanctions under subsection 3(a)(i) (for significant transactions by FFIs on behalf of any Iranian person on the SDN List or any other person included on the SDN List whose property and interests in property are blocked pursuant to subsection 2(a)(i) of E.O. 13645 or E.O. 13599).²⁹
- c. Committed to refrain from imposing sanctions under sections 561.203(a) of the Iranian Financial Sanctions Regulations, 31 C.F.R. part 561 (IFSR), for transactions by FFIs with the CBI that are consistent with the waiver of section 1245(d)(1) of NDAA 2012.

2. *Blocking Sanctions:*

- a. Waived the imposition of blocking sanctions under section 1244(c)(1) of IFCA³⁰ (with respect to non-U.S. persons who knowingly provide significant financial, material, technological, or other support to, or goods or services in support of any activity or transaction on behalf of or for the benefit of a person determined to be part of the energy, shipping, or shipbuilding sectors of Iran or to operate a port in Iran, or Iranian individuals or entities set forth in Attachment 3 to Annex II of the JCPOA).³¹
- b. Revoked: E.O. 13622, including the blocking sanctions under section 5(a) (with respect to persons who have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, NIOC, NICO, or the CBI, or the purchase or acquisition of U.S. bank notes or precious metals by the Government of Iran); and E.O. 13645, including the blocking sanctions under subsection 2(a)(i) (with respect to persons who have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, any Iranian person included on the SDN

²⁷ See *supra* note 11.

²⁸ See *supra* note 15.

²⁹ See *supra* note 17.

³⁰ See *supra* note 18.

³¹ See *supra* note 19.

List or any other person included on the SDN List whose property and interests in property are blocked pursuant to subsection 2(a)(i) of E.O. 13645 or E.O. 13599).³²

3. *Menu-based Sanctions:*

- a. Waived the imposition of menu-based sanctions under: section 5(a)(7) of ISA (with respect to non-U.S. persons who own, operate, or control, or insure a vessel used to transport crude oil from Iran to another country); section 212(a) of the TRA (with respect to non-U.S. persons who knowingly provide underwriting services or insurance or reinsurance for NIOC, NITC, or a successor entity to either company, in cases where the transactions are for activities described in sections 4.2.1, 4.3, and 4.4 of Annex II of the JCPOA); section 1244(d)(1) of IFCA (with respect to non-U.S. persons who knowingly sell, supply, or transfer to or from Iran significant goods or services used in connection with the energy, shipping, or shipbuilding sectors of Iran, including NIOC, NITC, and IRISL); and section 1246(a) of IFCA³³ (for non-U.S. persons who provide underwriting services, insurance, or reinsurance in connection with activities involving Iran that are described in sections 17.1 to 17.2 and 17.5 of Annex V of the JCPOA, or to or for any individual or entity whose property and interests in property are blocked solely pursuant to E.O. 13599).

See section III for an overview of the sanctions list removals that occurred on Implementation Day and section VI for an overview of the waiver determinations and findings issued in connection with the JCPOA.

Effects of the lifting of sanctions related to insurance services:

As a result of the lifting of sanctions specified in section 4.2 of Annex II and section 17.1 of Annex V of the JCPOA and described in this section, beginning on Implementation Day such sanctions, including sanctions on associated services, do not apply to non-U.S. persons who provide underwriting services, insurance, or re-insurance in connection with activities consistent with the JCPOA, including activities with individuals and entities set forth in Attachment 3 to Annex II of the JCPOA, including underwriting services, insurance, or re-insurance in connection with activities in the energy, shipping, and shipbuilding sectors of Iran, for NIOC or NITC, or for vessels that transport crude oil, natural gas, liquefied natural gas, petroleum, and petrochemical products to or from Iran.

For additional information on the insurance-related sanctions lifting discussed in this subsection, please see section D of the [JCPOA FAQs](#).

³² See *supra* note 21.

³³ See *supra* note 23.

C. Sanctions Related to Iran's Energy and Petrochemical Sectors

Commitment:

Section 4.3 of Annex II and section 17.1 of Annex V of the JCPOA provide for the lifting, on Implementation Day, of secondary sanctions that apply to non-U.S. persons who engage in certain activities related to the energy sector of Iran. In particular, beginning on Implementation Day, the following activities by non-U.S. persons are no longer sanctionable:

- Investment, including participation in joint ventures, goods, services, information, technology and technical expertise and support for Iran's oil, gas, and petrochemical sectors (*see* section 4.3.2 of Annex II of the JCPOA);
- The purchase, acquisition, sale, transportation, or marketing of petroleum, petrochemical products and natural gas from Iran (*see* section 4.3.3 of Annex II of the JCPOA);
- The export, sale, or provision of refined petroleum products and petrochemical products to Iran (*see* section 4.3.4 of Annex II of the JCPOA);
- Transactions with Iran's energy sector, including with NIOC, NICO, and NITC (*see* section 4.3.5 of Annex II of the JCPOA); and
- The provision of associated services for each of the categories above (*see* section 4.3.6 of Annex II of the JCPOA).

In addition, the United States has ceased efforts to reduce Iran's crude oil sales, including limitations on the quantities of Iranian crude oil sold and the nations that can purchase Iranian crude oil, and has lifted sanctions on the provision of associated services (*see* sections 4.3.1 and 4.3.6 of Annex II of the JCPOA).³⁴

Implementation:

To effectuate the lifting of these sanctions on Implementation Day, the USG, in addition to removing certain individuals and entities from the SDN List, FSE List, and NS-ISA List as described in section III below, took the following steps:

1. *Correspondent or Payable-Through Account Sanctions:*

- a. Waived the imposition of correspondent or payable-through account sanctions under: section 1245(d)(1) of NDAA 2012 (for significant financial transactions by FFIs with the CBI)³⁵; section 1244(d)(2) of IFCA (for significant financial transactions by FFIs for the sale, supply, or transfer to or from Iran of significant goods or services used in connection with the energy, shipping, or shipbuilding sectors of Iran, including NIOC, NITC, and IRISL); section 1244(h)(2) of IFCA (for financial transactions by FFIs for the sale, supply, or transfer to or from Iran

³⁴ As a result of the cessation of efforts to reduce Iranian crude oil sales, including the waiver of section 1245(d)(1) of NDAA 2012 and the revocation of E.O. 13622, the bilateral trade limitations set forth in sections 561.203(j) and (k) of the IFSR no longer apply.

³⁵ *See supra* note 11.

of natural gas)³⁶; section 1245(c) of IFCA (for significant financial transactions by FFIs for the sale, supply, or transfer to or from Iran of precious metals or specified materials (graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes) that are within the scope of the waivers under section 1245(a)(1) of IFCA, as described in section VI below); and section 1247(a) of IFCA.³⁷

- b. Revoked: E.O. 13622, including the correspondent or payable-through account sanctions under section 1(a), as amended by section 16 of E.O. 13645 (for FFIs that conduct or facilitate transactions: with NIOC or NICO; for the purchase, acquisition, sale, transport, or marketing of petroleum or petroleum products from Iran; or for the purchase, acquisition, sale, transport, or marketing of petrochemical products from Iran); and E.O. 13645, including the correspondent or payable-through account sanctions under section 3(a)(i) (for significant transactions by FFIs on behalf of any Iranian person on the SDN List or any other person included on the SDN List whose property and interests in property are blocked pursuant to subsection 2(a)(i) of E.O. 13645 or E.O. 13599).³⁸
- c. Committed to refrain from imposing sanctions under sections 561.203(a) of the IFSR for transactions by FFIs with the CBI that are consistent with the waiver of section 1245(d)(1) of NDAA 2012.

2. **Blocking Sanctions:**

- a. Waived the imposition of blocking sanctions under section 1244(c)(1) of IFCA³⁹ (with respect to non-U.S. persons who knowingly provide significant financial, material, technological, or other support to, or goods or services in support of any activity or transaction on behalf of or for the benefit of a person determined to be part of the energy, shipping, or shipbuilding sectors of Iran or to operate a port in Iran, or Iranian individuals or entities set forth in Attachment 3 to Annex II of the JCPOA).⁴⁰
- b. Revoked: E.O. 13622, including the blocking sanctions under section 5(a) (with respect to persons who have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, NIOC, NICO, or the CBI, or the purchase or acquisition of U.S. bank notes or precious metals by the Government of Iran); and E.O. 13645, including the blocking sanctions under section 2(a)(i) (with respect to persons who have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, any Iranian person included on the SDN

³⁶ See *supra* note 14.

³⁷ See *supra* note 15.

³⁸ See *supra* note 17.

³⁹ See *supra* note 18.

⁴⁰ See *supra* note 19.

List or any other person included on the SDN List whose property and interests in property are blocked pursuant to subsection 2(a)(i) of E.O. 13645 or E.O. 13599).⁴¹

3. ***Menu-based Sanctions:***

- a. Waived the imposition of menu-based sanctions under:
 - i. Section 5(a) of ISA (with respect to non-U.S. persons who: make investments above specified thresholds that could directly and significantly contribute to the maintenance or enhancement of Iran's ability to develop petroleum resources; knowingly sell, lease, or provide to Iran goods, services, technology, information, or support that could directly and significantly facilitate the maintenance or enhancement of Iran's domestic production of refined petroleum products; sell or provide to Iran refined petroleum products or sell, lease, or provide to Iran goods, services, technology, information, or support that could directly and significantly contribute to the enhancement of Iran's ability to import refined petroleum products; knowingly participate in certain joint ventures for the development of petroleum resources outside of Iran; knowingly sell, lease, or provide to Iran goods, services, technology, information, or support that could directly and significantly contribute to the maintenance or enhancement of Iran's ability to develop petroleum resources located in Iran or domestic production of refined petrochemical products; knowingly sell, lease, or provide to Iran goods, services, technology, or support that could directly and significantly contribute to the maintenance or expansion of Iran's domestic production of petrochemical products; own, operate, or control, or insure a vessel used to transport crude oil from Iran to another country; or own, operate, or control a vessel used in a manner that conceals the Iranian origin of crude oil or refined petroleum products transported on the vessel);
 - ii. Section 212(a) of the TRA (with respect to non-U.S. persons who knowingly provide underwriting services or insurance or reinsurance for NIOC, NITC, or a successor entity to either company, in cases where the transactions are for activities described in sections 4.2, 4.3, and 4.4 of Annex II of the JCPOA);
 - iii. Section 1244(d)(1) of IFCA (with respect to non-U.S. persons who knowingly sell, supply, or transfer to or from Iran significant goods or services used in connection with the energy, shipping, or shipbuilding sectors of Iran, including NIOC, NITC, and IRISL);

⁴¹ See *supra* note 21.

- iv. Section 1245(a)(1) of IFCA (with respect to non-U.S. persons who sell, supply, or transfer to or from Iran precious metals or specified materials (graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes), subject to certain limitations as described in section VI below); and
 - v. Section 1246(a) of IFCA⁴² (for non-U.S. persons who provide underwriting services, insurance, or reinsurance in connection with activities involving Iran that are described in sections 17.1 to 17.2 and 17.5 of Annex V of the JCPOA, or to or for any individual or entity whose property and interests in property are blocked solely pursuant to E.O. 13599).
- b. Revoked: E.O. 13574, including section 1 (providing implementation authority for certain menu-based sanctions under ISA); E.O. 13590, including section 1 (providing for menu-based sanctions with respect to persons who knowingly sell, lease, or provide to Iran goods, services, technology, or support that could directly and significantly contribute to the maintenance or expansion of Iran's domestic production of petrochemical products); E.O. 13622, including section 2(a)(i)-(iii), as amended by section 16 of E.O. 13645 (for persons engaging in significant transactions for the purchase, acquisition, sale, transport, or marketing of petroleum, petroleum products, and petrochemical products from Iran and successor entities of such non-U.S. persons); and section 5 of E.O. 13628 (providing for menu-based sanctions with respect to persons who knowingly, between July 1, 2010, and August 10, 2012: sold, leased, or provided to Iran goods, services, technology, information, or support that could directly and significantly facilitate the maintenance or expansion of Iran's domestic production of refined petroleum products; sold or provided to Iran refined petroleum products; or sold, leased, or provided to Iran goods, services, technology, information, or support that could directly and significantly contribute to the enhancement of Iran's ability to import refined petroleum products).

See section III for an overview of the sanctions list removals that occurred on Implementation Day and section VI for an overview of the waiver determinations and findings issued in connection with the JCPOA.

Effects of the lifting of sanctions on the energy and petrochemical sectors:

As a result of the lifting of sanctions specified in sections 4.3.1 to 4.3.6 of Annex II and section 17.1 of Annex V of the JCPOA and described in this section, beginning on Implementation Day such sanctions, including sanctions on associated services, do not apply to non-U.S. persons who: (i) are part of the energy sector of Iran; (ii) purchase, acquire, sell, transport, or market petroleum, petroleum products (including refined petroleum products), petrochemical products, or natural gas (including liquefied natural gas) to or from Iran; (iii) provide to Iran support,

⁴² See *supra* note 23.

investment (including through joint ventures), goods, services (including financial services), and technology that can be used in connection with Iran's energy sector, the development of its petroleum resources, and its domestic production of refined petroleum products and petrochemical products; or (iv) engage in activities with Iran's energy sector, including NIOC, NITC, and NICO.

For additional information on the energy and petrochemical sector-related sanctions lifting discussed in this subsection, please see section B of the [JCPOA FAQs](#).

D. Sanctions Related to Iran's Shipping and Shipbuilding Sectors and Port Operators

Commitment:

Section 4.4 of Annex II and section 17.1 of Annex V of the JCPOA provide for the lifting, on Implementation Day, of secondary sanctions that apply to non-U.S. persons with respect to Iran's shipping and shipbuilding sectors and port operators. In particular, beginning on Implementation Day, the following activities by non-U.S. persons are no longer sanctionable:

- Transactions with Iran's shipping and shipbuilding sectors and port operators, including IRISL, South Shipping Line, and NITC, and the port operator(s) of Bandar Abbas⁴³ (see section 4.4.1 of Annex II of the JCPOA); and
- The provision of associated services for the categories above (see section 4.4.2 of Annex II of the JCPOA).

Implementation:

To effectuate the lifting of these sanctions on Implementation Day, the USG, in addition to removing certain individuals and entities from the SDN List, FSE List, and NS-ISA List as described in section III below, took the following steps:

1. Correspondent or Payable-Through Account Sanctions:

- a. Waived the imposition of correspondent or payable-through account sanctions under: section 1245(d)(1) of NDAA 2012 (for significant financial transactions by FFIs with the CBI)⁴⁴; section 1244(d)(2) of IFCA (for significant financial transactions by FFIs for the sale, supply, or transfer to or from Iran of significant goods or services used in connection with the energy, shipping, or shipbuilding sectors of Iran, including NIOC, NITC, and IRISL); section 1245(c) of IFCA (for significant financial transactions by FFIs for the sale, supply, or transfer to or from Iran of precious metals or specified materials (graphite, raw or semi-finished

⁴³ As stated in the JCPOA, this commitment is based on the port operator(s) of Bandar Abbas no longer being controlled by a person on the SDN List. For additional information on the operations of Bandar Abbas, please see [JCPOA FAQ E.2](#).

⁴⁴ See *supra* note 11.

metals such as aluminum and steel, coal, and software for integrating industrial processes) that are within the scope of the waivers under section 1245(a)(1) of IFCA, as described in section VI below); and section 1247(a) of IFCA.⁴⁵

- b. Revoked E.O. 13645, including the correspondent or payable-through account sanctions under subsection 3(a)(i) (for significant transactions by FFIs on behalf of any Iranian person on the SDN List or any other person included on the SDN List whose property and interests in property are blocked pursuant to subsection 2(a)(i) of E.O. 13645 or E.O. 13599).⁴⁶
- c. Committed to refrain from imposing sanctions under section 561.203(a) of the IFSR for transactions by FFIs with the CBI that are consistent with the waiver of section 1245(d)(1) of NDAA 2012.

2. Blocking Sanctions:

- a. Waived the imposition of blocking sanctions under section 1244(c)(1) of IFCA⁴⁷ (with respect to non-U.S. persons who knowingly provide significant financial, material, technological, or other support to, or goods or services in support of any activity or transaction on behalf of or for the benefit of a person determined to be part of the energy, shipping, or shipbuilding sectors of Iran or to operate a port in Iran, or Iranian individuals or entities set forth in Attachment 3 to Annex II of the JCPOA).⁴⁸
- b. Revoked: E.O. 13622, including the blocking sanctions under section 5(a) (with respect to persons who have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, NIOC, NICO, or the CBI, or the purchase or acquisition of U.S. bank notes or precious metals by the Government of Iran); and E.O. 13645, including the blocking sanctions under subsection 2(a)(i) (with respect to persons who have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, any Iranian person included on the SDN List or any other person included on the SDN List whose property and interests in property are blocked pursuant to subsection 2(a)(i) of E.O. 13645 or E.O. 13599).⁴⁹

3. Menu-based Sanctions:

- a. Waived the imposition of menu-based sanctions under: section 212(a) of the TRA (with respect to non-U.S. persons who knowingly provide underwriting services

⁴⁵ See *supra* note 15.

⁴⁶ See *supra* note 17.

⁴⁷ See *supra* note 18.

⁴⁸ See *supra* note 19.

⁴⁹ See *supra* note 21.

or insurance or reinsurance for NIOC, NITC, or a successor entity to either company, in cases where the transactions are for activities described in section 4.4 of Annex II of the JCPOA); section 1244(d)(1) of IFCA (with respect to non-U.S. persons who knowingly sell, supply, or transfer to or from Iran significant goods or services used in connection with the energy, shipping, or shipbuilding sectors of Iran, including NIOC, NITC, and IRISL); sections 1245(a)(1)(B), 1245(a)(1)(C)(i)(I)-(II) and 1245(a)(1)(C)(ii)(I)-(II) of IFCA (with respect to non-U.S. persons who sell, supply, or transfer to or from Iran specified materials (graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes), subject to certain limitations as described in section VI below); and section 1246(a) of IFCA⁵⁰ (for non-U.S. persons who provide underwriting services, insurance, or reinsurance in connection with activities involving Iran that are described in sections 17.1 to 17.2 and 17.5 of Annex V of the JCPOA, or to or for any individual or entity whose property and interests in property are blocked solely pursuant to E.O. 13599).

See section III for an overview of the sanctions list removals that occurred on Implementation Day and section VI for an overview of the waiver determinations and findings issued in connection with the JCPOA.

Effects of the lifting of the sanctions related to Iran's shipping and shipbuilding sectors and port operators:

As a result of the lifting of sanctions specified in sections 4.4.1 to 4.4.2 of Annex II and 17.1 of Annex V of the JCPOA and described in this section, beginning on Implementation Day such sanctions, including sanctions on associated services, do not apply to non-U.S. persons who are part of the shipping or shipbuilding sectors of Iran or who: own, operate, control, or insure a vessel used to transport crude oil, petroleum products (including refined petroleum products), petrochemical products, or natural gas (including liquefied natural gas) to or from Iran; operate a port in Iran, engage in activities with, or provide financial services and other goods and services used in connection with, the shipping and shipbuilding sectors of Iran or a port operator in Iran (including the port operator(s) of Bandar Abbas⁵¹), including port services, such as bunkering and inspection, classification, and financing, and the sale, leasing, and provision of vessels to Iran, including to IRISL, NITC, and South Shipping Line or their affiliates.

For additional information on the sanctions lifting related to Iran's shipping and shipping sectors and port operators discussed in this subsection, please see section E of the [JCPOA FAQs](#).

⁵⁰ See *supra* note 23.

⁵¹ See *supra* note 43.

E. Sanctions Related to Gold and Other Precious Metals

Commitment:

Section 4.5 of Annex II and section 17.1 of Annex V of the JCPOA provide for the lifting, on Implementation Day, of secondary sanctions that apply to non-U.S. persons with respect to Iran's trade in gold and other precious metals and the provision of associated services for such trade.

Implementation:

To effectuate the lifting of these sanctions on Implementation Day, the USG, in addition to removing certain individuals and entities from the SDN List, FSE List, and NS-ISA List as described in section III below, took the following steps:

1. *Correspondent or Payable-Through Account Sanctions:*

- a. Waived the imposition of correspondent or payable-through account sanctions under: section 1245(d)(1) of NDAA 2012 (for significant financial transactions by FFIs with the CBI)⁵²; section 1245(c) of IFCA (for significant financial transactions by FFIs for the sale, supply, or transfer to or from Iran of precious metals); and section 1247(a) of IFCA.⁵³
- b. Revoked E.O. 13645, including the correspondent or payable-through account sanctions under subsection 3(a)(i) (for significant transactions by FFIs on behalf of any Iranian person on the SDN List or any other person included on the SDN List whose property and interests in property are blocked pursuant to subsection 2(a)(i) of E.O. 13645 or E.O. 13599).⁵⁴
- c. Committed to refrain from imposing sanctions under section 561.203(a) of the IFSR for transactions by FFIs with the CBI that are consistent with the waiver of section 1245(d)(1) of NDAA 2012.

2. *Blocking Sanctions:*

- a. Waived the imposition of blocking sanctions under section 1244(c)(1) of IFCA⁵⁵ (with respect to non-U.S. persons who knowingly provide significant financial, material, technological, or other support to, or goods or services in support of any activity or transaction on behalf of or for the benefit of a person determined to be part of the energy, shipping, or shipbuilding sectors of Iran or to operate a port in

⁵² See *supra* note 9.

⁵³ See *supra* note 15.

⁵⁴ See *supra* note 17.

⁵⁵ See *supra* note 18.

Iran, or Iranian individuals or entities set forth in Attachment 3 to Annex II of the JCPOA).⁵⁶

- b. Revoked: E.O. 13622, including the blocking sanctions under section 5(a) (with respect to persons who have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, NIOC, NICO, or the CBI, or the purchase or acquisition of U.S. bank notes or precious metals by the Government of Iran); and E.O. 13645, including subsection 2(a)(i) (with respect to persons who have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, any Iranian person included on the SDN List or any other person included on the SDN List whose property and interests in property are blocked pursuant to subsection 2(a)(i) of E.O. 13645 or E.O. 13599).⁵⁷

3. Menu-based Sanctions:

- a. Waived the imposition of menu-based sanctions under: section 1245(a)(1)(A) of IFCA (with respect to non-U.S. persons who sell, supply, or transfer to or from Iran precious metals); and section 1246(a) of IFCA⁵⁸ (for non-U.S. persons who provide underwriting services, insurance, or reinsurance in connection with activities involving Iran that are described in sections 17.1 to 17.2 and 17.5 of Annex V of the JCPOA, or to or for any individual or entity whose property and interests in property are blocked solely pursuant to E.O. 13599).

See section III for an overview of the sanctions list removals that occurred on Implementation Day and section VI for an overview of the waiver determinations and findings issued in connection with the JCPOA.

Effects of the lifting of sanctions related to gold and other precious metals:

As a result of the lifting of sanctions specified in section 4.5 of Annex II and section 17.1 of Annex V of the JCPOA and described in this section, beginning on Implementation Day such sanctions, including sanctions on associated services, do not apply to non-U.S. persons who sell, supply, export, or transfer, directly or indirectly, to or from Iran, gold and other precious metals, or conduct or facilitate a financial transaction or provide services for the foregoing, including any security, insurance, and transportation.

For additional information on the sanctions lifting related to Iran's trade in gold and other precious metals discussed in this subsection, please see section F of the [JCPOA FAQs](#).

⁵⁶ See *supra* note 19.

⁵⁷ See *supra* note 21.

⁵⁸ See *supra* note 23.

F. Sanctions Related to Software and Metals

Commitment:

Section 4.6 of Annex II and section 17.2 of Annex V of the JCPOA provide for the lifting, on Implementation Day, of secondary sanctions that apply to non-U.S. persons with respect to trade with Iran in graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes, in connection with activities consistent with the JCPOA, including trade with individuals and entities set forth in Attachment 3 to Annex II of the JCPOA and the provision of associated services for each of the categories above.

Implementation:

To effectuate the lifting of these sanctions on Implementation Day, the USG, in addition to removing certain individuals and entities from the SDN List, FSE List, and NS-ISA List as described in section III below, took the following steps:

1. *Correspondent and Payable-Through Account Sanctions:*

- a. Waived the imposition of correspondent or payable-through account sanctions under: section 1245(d)(1) of NDAA 2012 (for significant financial transactions by FFIs with the CBI);⁵⁹ section 1244(d)(2) of IFCA (for significant financial transactions by FFIs for the sale, supply, or transfer to or from Iran of significant goods or services used in connection with the energy, shipping, or shipbuilding sectors of Iran, including with NIOC, NITC, and IRISL); section 1245(c) of IFCA (for significant financial transactions by FFIs for the sale, supply, or transfer to or from Iran of specified materials (graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes) that are within the scope of the waivers under section 1245(a)(1) of IFCA, as described in section VI below); and section 1247(a) of IFCA.⁶⁰
- b. Revoked E.O. 13645, including the correspondent or payable-through account sanctions under subsection 3(a)(i) (for significant transactions by FFIs on behalf of any Iranian person on the SDN List or any other person included on the SDN List whose property and interests in property are blocked pursuant to subsection 2(a)(i) of E.O. 13645 or E.O. 13599).⁶¹
- c. Committed to refrain from imposing sanctions under section 561.203(a) of the IFSR for transactions by FFIs with the CBI that are consistent with the waiver of section 1245(d)(1) of NDAA 2012.

⁵⁹ See *supra* note 11.

⁶⁰ See *supra* note 15.

⁶¹ See *supra* note 17.

2. *Blocking Sanctions*

- a. Waived the imposition of blocking sanctions under IFCA section 1244(c)(1)⁶² (with respect to non-U.S. persons who knowingly provide significant financial, material, technological, or other support to, or goods or services in support of any activity or transaction on behalf of or for the benefit of a person determined to be part of the energy, shipping, or shipbuilding sectors of Iran or to operate a port in Iran, or Iranian individuals or entities set forth in Attachment 3 to Annex II of the JCPOA).⁶³
- b. Revoked E.O. 13622, including the blocking sanctions under section 5(a) (with respect to persons who have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, NIOC, NICO, or the CBI, or the purchase or acquisition of U.S. bank notes or precious metals by the Government of Iran); and E.O. 13645, including the blocking sanctions under subsection 2(a)(i) (with respect to persons who have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, any Iranian person included on the SDN List or any other person included on the SDN List whose property and interests in property are blocked pursuant to subsection 2(a)(i) of E.O. 13645 or E.O. 13599).⁶⁴

3. *Menu-based Sanctions:*

- a. Waived the imposition of menu-based sanctions under: section 1244(d)(1) of IFCA (with respect to non-U.S. persons who knowingly sell, supply, or transfer to or from Iran significant goods or services used in connection with the energy, shipping, or shipbuilding sectors of Iran, including with NIOC, NITC, and IRISL); section 1245(a)(1)(B)-(C) of IFCA (with respect to non-U.S. persons who sell, supply, or transfer to or from Iran specified materials (graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes), subject to certain limitations as described in section VI below); section 1246(a) of IFCA⁶⁵ (for non-U.S. persons who provide underwriting services, insurance, or reinsurance in connection with activities involving Iran that are described in sections 17.1 to 17.2 and 17.5 of Annex V of the JCPOA, or to or for any individual or entity whose property and interests in property are blocked solely pursuant to E.O. 13599).

See section III for an overview of the sanctions list removals that occurred on Implementation Day and section VI for an overview of the waiver determinations and findings issued in connection with the JCPOA.

⁶² See *supra* note 18.

⁶³ See *supra* note 19.

⁶⁴ See *supra* note 21.

⁶⁵ See *supra* note 23.

Effects of the lifting of sanctions relating to software and metals:

As a result of the lifting of sanctions specified in section 4.6 of Annex II and sections 17.1 to 17.2 of Annex V of the JCPOA and described in this section, beginning on Implementation Day such sanctions, including sanctions on associated services, do not apply to non-U.S. persons who sell, supply, or transfer, directly or indirectly, graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes, to or from Iran in connection with activities consistent with the JCPOA, including trade with individuals and entities set forth in Attachment 3 to Annex II of the JCPOA, and the sale, supply, or transfer of such materials to the energy, petrochemical, shipping, and shipbuilding sectors of Iran, and Iranian ports, or conduct or facilitate a financial transaction or provide services for the foregoing, including insurance and reinsurance.

For additional information on the sanctions lifting related to Iran's trade in software and metals discussed in this subsection, please see section G of the [JCPOA FAQs](#).

G. Sanctions Related to the Automotive Sector

Commitment:

Section 4.7 of Annex II and section 17.1 of Annex V of the JCPOA provide for the lifting, on Implementation Day, of secondary sanctions that apply to non-U.S. persons with respect to the sale, supply, or transfer of goods or services used in connection with Iran's automotive sector and the provision of associated services for such activity.

Implementation:

To effectuate the lifting of these sanctions on Implementation Day, the USG, in addition to removing certain individuals and entities from the SDN List, FSE List, and NS-ISA List as described in section III below, took the following steps:

1. Correspondent or Payable-Through Account Sanctions:

- a. Waived the imposition of correspondent or payable-through account sanctions under: section 1245(d)(1) of NDAA 2012 (for significant financial transactions by FFIs with the CBI)⁶⁶; section 1245(c) of IFCA (for significant financial transactions by FFIs for the sale, supply, or transfer to or from Iran of precious metals or specified materials (graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes) that are within the scope of the waivers under section 1245(a)(1) of IFCA, as described in section VI below); and section 1247(a) of IFCA.⁶⁷

⁶⁶ See *supra* note 11.

⁶⁷ See *supra* note 15.

- b. Revoked E.O. 13645, including the correspondent or payable-through account sanctions under subsection 3(a)(i) (for significant transactions by FFIs on behalf of any Iranian person on the SDN List or any other person included on the SDN List whose property and interests in property are blocked pursuant to subsection 2(a)(i) of E.O. 13645 or E.O. 13599) and subsection 3(a)(ii) (for significant transactions by FFIs for the sale, supply, or transfer to Iran of significant goods or services used in connection with the automotive sector of Iran).⁶⁸
- c. Committed to refrain from imposing sanctions under section 561.203(a) of the IFSR for transactions by FFIs with the CBI that are consistent with the waiver of section 1245(d)(1) of NDAA 2012.

2. *Blocking Sanctions:*

- a. Waived the imposition of blocking sanctions under section 1244(c)(1) of IFCA⁶⁹ (with respect to non-U.S. persons who knowingly provide significant financial, material, technological, or other support to, or goods or services in support of any activity or transaction on behalf of or for the benefit of a person determined to be part of the energy, shipping, or shipbuilding sectors of Iran or to operate a port in Iran, or Iranian individuals or entities set forth in Attachment 3 to Annex II of the JCPOA).⁷⁰
- b. Revoked: E.O. 13622, including the blocking sanctions under section 5(a) (with respect to persons who have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, NIOC, NICO, or the CBI, or the purchase or acquisition of U.S. bank notes or precious metals by the Government of Iran); and E.O. 13645, including the blocking sanctions under subsection 2(a)(i) (with respect to persons who have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, any Iranian person included on the SDN List or any other person included on the SDN List whose property and interests in property are blocked pursuant to subsection 2(a)(i) of E.O. 13645 or E.O. 13599).⁷¹

3. *Menu-based Sanctions:*

- a. Waived the imposition of menu-based sanctions under: sections 1245(a)(1)(B), 1245(a)(1)(C)(i)(II), and 1245(a)(1)(C)(ii)(II) of IFCA (with respect to non-U.S. persons who sell, supply, or transfer to or from Iran specified materials (graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes), subject to certain limitations as described in

⁶⁸ See *supra* note 17.

⁶⁹ See *supra* note 18.

⁷⁰ See *supra* note 19.

⁷¹ See *supra* note 21.

section VI below); and section 1246(a) of IFCA⁷² (for non-U.S. persons who provide underwriting services, insurance, or reinsurance in connection with activities involving Iran that are described in sections 17.1 to 17.2 and 17.5 of Annex V of the JCPOA, or to or for any individual or entity whose property and interests in property are blocked solely pursuant to E.O. 13599).

- b. Revoked E.O. 13645, including the menu-based sanctions under section 5 (for non-U.S. persons engaging in significant transactions for the sale, supply, or transfer to Iran of significant goods or services used in connection with the automotive sector of Iran).

See section III for an overview of the sanctions list removals that occurred on Implementation Day and section VI for an overview of the waiver determinations and findings issued in connection with the JCPOA.

Effects of the lifting of sanctions related to the automotive sector:

As a result of the lifting of sanctions specified in section 4.7 of Annex II and section 17.1 of Annex V of the JCPOA and described in this section, beginning on Implementation Day such sanctions, including sanctions on associated services, do not apply to non-U.S. persons who conduct or facilitate financial or other transactions for the sale, supply, or transfer to Iran of goods and services used in connection with the automotive sector of Iran.

For additional information on the sanctions lifting related to Iran's automotive sector discussed in this subsection, please see section H of the [JCPOA FAQs](#).

III. Sanctions List Removals

In addition to the measures described above, to implement its commitments under the JCPOA, on Implementation Day, the USG removed the individuals and entities specified in Attachment 3 to Annex II of the JCPOA from the SDN List, FSE List, and/or NS-ISA List, as appropriate.⁷³ See Attachment 3 to Annex II of the JCPOA for the list of individuals and entities that were removed from these lists on Implementation Day. OFAC published information regarding its actions to give effect to these removals on its website on Implementation Day, and will subsequently publish a notice of the removal actions in the *Federal Register*.⁷⁴

⁷² See *supra* note 23.

⁷³ The underlying authorities for the sanctions listings removed on Implementation Day pursuant to section 4.8.1 of Annex II and section 17.5 of Annex V of the JCPOA include: section 5(a) of ISA, section 212(a) of the TRA, sections 1244(c) and 1244(d)(1) of IFCA, E.O. 13382, E.O. 13608, E.O. 13622, and E.O. 13645.

⁷⁴ To give effect to these removals, the Department of State took separate actions to remove the legal basis for the listings of certain other individuals and entities, and will publish notice of such actions in the *Federal Register*. These actions include waiving the imposition of sanctions with respect to certain persons sanctioned pursuant to sections 1244(c)(1) and 1244(d)(1) of IFCA. See sections VI.A.1 and VI.A.2 below. As a result of these actions, all sanctions measures that were selected by the Secretary of State when he took the actions resulting in the listings were lifted.

A. Non-applicability of certain secondary sanctions authorities

As a result of these removals, beginning on Implementation Day, non-U.S. persons are no longer subject to secondary sanctions for engaging in transactions with the individuals and entities set out in Attachment 3 to Annex II of the JCPOA, including the CBI and other Iranian financial institutions, provided that the transactions do not involve conduct described in sections VII.B-C below or individuals or entities who remain or are placed on the SDN List. Those individuals and entities set out in Attachment 3 to Annex II of the JCPOA that were previously designated for sanctions have had those designations removed.⁷⁵ In addition, all individuals and entities listed in Attachment 3 to Annex II of the JCPOA were removed from the SDN List and/or, where applicable, the FSE List and the NS-ISA List.⁷⁶ As a result of these actions, the following statutory sanctions authorities will no longer apply to transactions with these individuals and entities:

- *Section 104(c)(2)(E)(ii)(I) of CISADA* (correspondent or payable-through account sanctions with respect to FFIs that knowingly facilitate a significant transaction or transactions or provide significant financial services for a person whose property or interests in property are blocked in connection with Iran’s proliferation of WMD or their means of delivery);⁷⁷
- *Section 1245(d) of NDAA 2012* (correspondent or payable-through account sanctions for significant financial transactions by FFIs with a designated Iranian financial institution);
- *Section 1244(c)(1) of IFCA* (blocking sanctions with respect to persons who knowingly provide significant financial, material, technological, or other support to, or goods or services in support of any activity or transaction on behalf of or for the benefit of any Iranian person on the SDN List, other than an Iranian financial institution whose property and interests in property are blocked solely pursuant to E.O. 13599);
- *Section 1246(a)(1)(B)(iii)(I) of IFCA* (menu-based sanctions with respect to persons who knowingly provide underwriting services or insurance or reinsurance to or for any person

⁷⁵ As noted with respect to NIOC’s determination under section 312 of the TRA in Annex II of the JCPOA, removal of persons from the SDN List includes resolution of related designations and determinations. The U.S. Department of the Treasury has now determined that NIOC is no longer an agent or affiliate of the IRGC.

⁷⁶ Notwithstanding the removal of these listings, persons meeting the definition of the terms “Government of Iran” or “Iranian financial institution” remain persons whose property and interests in property are blocked pursuant to E.O. 13599 and section 560.211 of the ITSR. See section III.B below.

⁷⁷ Following Implementation Day, section 104(c)(2)(E)(ii)(I) of CISADA continues to apply to FFIs that knowingly facilitate a significant transaction or transactions or provide significant financial services for a person whose property or interests in property remain blocked in connection with Iran’s proliferation of WMD or their means of delivery. In addition, section 104(c)(2)(E)(ii)(II) of CISADA continues to apply to FFIs that knowingly facilitate a significant transaction or transactions or provide significant financial services for a person whose property or interests in property are blocked in connection with Iran’s support for international terrorism. Persons falling into these two categories are identified on the SDN List with the “[IFSR]” program tag.

designated for the imposition of sanctions in connection with Iran's proliferation of WMD or their means of delivery);⁷⁸ and

- *Section 1247(a) of IFCA* (correspondent or payable-through account sanctions with respect to FFIs that knowingly facilitate a significant financial transaction on behalf of any Iranian person on the SDN List, other than an Iranian financial institution whose property and interests in property are blocked solely pursuant to E.O. 13599).

B. Continued blocking under E.O. 13599 and section 560.211 of the ITSR

Further, even after Implementation Day, individuals and entities meeting the definition of the Government of Iran or an Iranian financial institution, as those terms are defined in sections [560.304](#) and [560.324](#) of the ITSR, remain persons whose property and interests in property are blocked pursuant to E.O. 13599 and section 560.211 of the ITSR. As a result, U.S. persons continue to be broadly prohibited from engaging in transactions or dealings with these individuals and entities unless such transactions or dealings are exempt from regulation or authorized by OFAC. U.S. persons also continue to have an obligation to block the property and interests in property of all individuals and entities that meet the definition of the Government of Iran or an Iranian financial institution, regardless of whether the individual or entity has been identified by OFAC as meeting those definitions. Individuals and entities that have been previously identified by OFAC as meeting the definition of the Government of Iran or an Iranian financial institution are marked with an asterisk in Attachment 3 to Annex II of the JCPOA. Following Implementation Day, these individuals and entities continue to meet the relevant definitions and continue to be persons whose property and interests in property are blocked pursuant to E.O. 13599 and section 560.211 of the ITSR.⁷⁹ To assist U.S. persons in meeting their primary sanctions obligations under the ITSR with respect to these persons, OFAC has made available on its website a list of persons identified as blocked solely pursuant to E.O. 13599 (E.O. 13599 List).

Please be advised that, under the ITSR, U.S. persons continue to have an obligation to block the property and interests in property of individuals and entities listed in Attachment 3 to Annex II of the JCPOA that do not have an asterisk next to their name and are not included on the E.O. 13599 List if such persons meet the definition of either the Government of Iran or an Iranian financial institution as set forth in section 560.304 or 560.324 of the ITSR, respectively.

⁷⁸ Following Implementation Day, section 1246(a)(1)(B)(iii)(I) of IFCA continues to apply to persons who knowingly provide underwriting services or insurance or reinsurance to or for any person who remains designated for the imposition of sanctions under IEEPA in connection with Iran's proliferation of WMD or their means of delivery. In addition, section 1246(a)(1)(B)(iii)(II) of IFCA continues to apply to persons who knowingly provide underwriting services or insurance or reinsurance to or for any person designated for the imposition of sanctions under IEEPA in connection with Iran's support for international terrorism. Persons falling into these two categories are identified on the SDN List with the "[IFSR]" program tag.

⁷⁹ To the extent a person identified as meeting the definition of the term "Government of Iran" or "Iranian financial institution" is also designated pursuant to one or more other authorities in addition to E.O. 13599, that person continues to be listed on the SDN List with the "[IRAN]" identifying tag, as well as identifying tags for any other relevant sanctions program(s).

Non-U.S. persons will not be subject to secondary sanctions for engaging in transactions with the individuals and entities listed on the E.O. 13599 List, provided that the transactions do not involve conduct described in sections VII.B-C below or individuals or entities who remain or are placed on the SDN List. See section III.A above.

For additional information on the sanctions list removals discussed in this section, please see section I of the [JCPOA FAQs](#).

IV. Other Trade Measures

Commitment:

Pursuant to section 5 of Annex II and section 17.5 of Annex V of the JCPOA, the USG committed to license three categories of activity that would otherwise be prohibited under the ITSR, provided that relevant transactions do not involve individuals or entities on the SDN List and are otherwise consistent with applicable U.S. laws and regulations.⁸⁰

Implementation:

To fulfill these commitments, OFAC has issued: (i) a Statement of Licensing Policy (SLP) allowing for the case-by-case licensing of the export, reexport, sale, lease, or transfer to Iran of commercial passenger aircraft, spare parts and components for such aircraft, and associated services, all for exclusively commercial passenger aviation; (ii) a general license authorizing U.S.-owned or -controlled foreign entities to engage in certain activity with Iran that is consistent with the JCPOA; and (iii) a general license authorizing the importation into the United States of Iranian-origin carpets and foodstuffs, including pistachios and caviar.

A. Statement of Licensing Policy for Activities Related to the Export or Reexport to Iran of Commercial Passenger Aircraft and Related Parts and Services (SLP)

OFAC has issued a [SLP](#), effective on Implementation Day, which establishes a favorable licensing policy regime through which U.S. persons and, where there is a nexus to U.S. jurisdiction, non-U.S. persons may request specific authorization from OFAC to engage in transactions for the (i) export, reexport, sale, lease or transfer to Iran of commercial passenger aircraft for exclusively civil aviation end use, (ii) export, reexport, sale, lease or transfer to Iran of spare parts and components for commercial passenger aircraft; and (iii) provision of associated services, including warranty, maintenance, and repair services and safety-related inspections, for all the foregoing, provided that licensed items and services are used exclusively for commercial passenger aviation.⁸¹ Any export, reexport, or transfer of U.S. export-controlled

⁸⁰ These laws include, but are not limited to, the Export Administration Act, the Federal Food, Drug, and Cosmetic Act, and the Iran-Iraq Arms Non-Proliferation Act.

⁸¹ Licenses issued under the SLP in furtherance of the U.S. commitment in section 5.1.1 of Annex II of the JCPOA will include appropriate conditions to ensure that licensed activities do not involve, and no licensed aircraft, goods, or services are re-sold or retransferred to, any person on the SDN list.

items must be consistent with U.S. legal requirements, including those under the Iran-Iraq Arms Non-Proliferation Act and section 6(j) of the Export Administration Act. In addition, exports or reexports to individuals and entities listed on the Department of Commerce's Denied Persons List and, in some cases, the Entity List will require separate authorization from the Department of Commerce.

Please note that, should the United States determine that aircraft, goods, or services licensed for export, reexport, sale, lease, or transfer to Iran under the SLP have been used for purposes other than exclusively for commercial passenger aviation, or have been re-sold or re-transferred to persons on the SDN List, the United States would view this as grounds to cease performing its commitments under Section 5.1.1 of Annex II of the JCPOA in whole or in part. See section 5.1.1. of Annex II of the JCPOA.

For additional information on the SLP discussed in this subsection, please see section J of the [JCPOA FAQs](#).

B. General License Authorizing Activities by Non-U.S. Persons that are Owned or Controlled by a U.S. Person

OFAC has issued [General License H: Authorizing Certain Transactions Relating to Foreign Entities Owned or Controlled by a United States Person \(GL H\)](#), effective on Implementation Day, authorizing U.S.-owned or -controlled foreign entities to engage in certain transactions involving Iran that would otherwise be prohibited by section 560.215 of the ITSR. GL H does not authorize U.S.-owned or -controlled foreign entities to engage in any transactions involving: (1) the direct or indirect exportation or reexportation of goods, technology, or services from the United States (without separate authorization from OFAC); (2) any transfer of funds to, from, or through the U.S. financial system; (3) any individual or entity on the SDN List or any activity that would be prohibited by non-Iran sanctions administered by OFAC if engaged in by a U.S. person or in the United States; (4) any individual or entity identified on the FSE List; (5) unless authorized by the U.S. Department of Commerce, activity prohibited by, or requiring a license under, part 744 of the U.S. Export Administration Regulations (EAR) or a person whose export privileges have been denied pursuant to part 764 or 766 of the EAR; (6) any military, paramilitary, intelligence, or law enforcement entity of the Government of Iran, or any officials, agents, or affiliates thereof; (7) any activity that is sanctionable under E.O. 12938 or 13382 (relating to Iran's proliferation of weapons of mass destruction and their means of delivery, including ballistic missiles); E.O. 13224 (relating to international terrorism); E.O. 13572 or 13582 (relating to Syria); E.O. 13611 (relating to Yemen); or E.O. 13553 or 13606, or section 2 or 3 of E.O. 13628 (relating to Iran's commission of human rights abuses against its citizens); and (8) any nuclear activity involving Iran that is subject to the procurement channel established pursuant to paragraph 16 of UNSCR 2231 (2015) and section 6 of Annex IV of the Joint Comprehensive Plan of Action of July 14, 2015 and that has not been approved through the procurement channel process.

In addition, GL H authorizes U.S. persons to engage in certain activities otherwise prohibited by the ITSR, namely, activities related to the establishment or alteration of corporate policies and procedures to the extent necessary to allow U.S.-owned or -controlled foreign entities to engage

in transactions involving Iran that are authorized under GL H, and making available to foreign entities they own or control certain automated and globally integrated business support systems. Please be advised, however, that with the exception of activities authorized in GL H, the prohibition on facilitation by United States persons under section 560.208 of the ITSR will remain in effect.

For additional information on GL H, please see section K of the [JCPOA FAQs](#).

C. General License Authorizing the Importation of Iranian-Origin Carpets and Foodstuffs

OFAC has issued a regulatory amendment to the ITSR, effective upon publication in the *Federal Register*, to authorize the importation into the United States of Iranian-origin carpets and foodstuffs, including pistachios and caviar. This authorization covers: (i) carpets and other textile floor coverings and carpets used as wall hangings that are classified under chapter 57 or heading 9706.00.0060 of the Harmonized Tariff Schedule of the United States (HTS),⁸² and (ii) foodstuffs intended for human consumption that are classified under chapters 2-23 of the HTS.⁸³ Carpets and foodstuffs authorized for importation pursuant to the general license are still subject to all other laws and regulations applicable to goods imported into the United States, including generally applicable laws and regulations administered by other departments and agencies, such as the Departments of Agriculture or Commerce, the Food and Drug Administration, or Customs and Border Protection.

In addition, under an accompanying provision, U.S. depository institutions are authorized to process letters of credit for payments for Iranian-origin carpets and foodstuffs, and U.S. persons are authorized to act as brokers for the purchase or sale of Iranian-origin carpets and foodstuffs authorized to be imported into the United States under the general license.

OFAC's publication of this general license as an amendment to the ITSR fulfills the requirements of section 103(d)(2)(A) of CISADA. In addition, the Secretary of State's submission to the appropriate congressional committees of a certification in writing that it is in the national interest of the United States to provide an exception to the prohibition on the importation of Iranian-origin goods to the extent required to implement the sanctions relief described in section 5.1.3 of Annex II of the JCPOA and a report describing the reasons for this exception fulfills the requirements of section 103(d)(2)(B) of CISADA.

For additional information on the general license for carpets and foodstuffs, please see section L of the [JCPOA FAQs](#).

⁸² Items that are classified under heading 9706.00.0060 ("Antiques of an age exceeding one hundred years/Other") that are not carpets and other textile wall coverings or carpets used as wall hangings are not authorized for importation into the United States by general license.

⁸³ Items that are classified in chapters 2-23 of the HTS that are not foodstuffs intended for human consumption are not authorized for importation into the United States by this general license.

V. Termination of Executive Orders

To effectuate the lifting of sanctions set out in sections 4.1 to 4.7 of Annex II of the JCPOA and described in section II of this Guidance, the United States committed in section 4 of Annex II and section 17.4 of Annex V of the JCPOA to terminate E.O.s 13574, 13590, 13622, and 13645, and sections 5-7 and 15 of E.O. 13628. To fulfill this commitment, on Implementation Day, the President issued an E.O. (the “Termination E.O.”) revoking⁸⁴ the following:

- (i) *E.O. 13574* (providing implementation authority for certain menu-based sanctions set forth in ISA);
- (ii) *E.O. 13590* (providing for menu-based sanctions with respect to persons who knowingly sell, lease or provide to Iran goods, services, technology, or support that could directly and significantly contribute to the maintenance or expansion of Iran’s domestic production of petrochemical products);
- (iii) *E.O. 13622* (providing for: sanctions on FFIs that knowingly facilitate significant financial transactions with NIOC or NICO, or for the purchase or acquisition of petroleum, petroleum products, or petrochemical products from Iran; sanctions on persons who knowingly engage in significant transactions for the purchase or acquisition of petroleum, petroleum products, or petrochemical products from Iran; and sanctions on persons that have provided material support to NIOC, NICO, or the CBI, or for the purchase or acquisition of U.S. bank notes or precious metals by the Government of Iran);
- (iv) *E.O. 13645* (providing for sanctions relating to: the purchase or sale of the Iranian rial (or contracts whose value is based on the Iranian rial); significant holdings of the Iranian rial outside of Iran; Iran’s automotive sector; and persons that have provided material support to any Iranian person on the SDN List or any other person included on the SDN List whose property and interests in property are blocked pursuant to subsection 2(a)(i) of E.O. 13645 or E.O. 13599 (other than an Iranian depository institution whose property and interests in property are blocked solely pursuant to E.O. 13599)); and
- (v) *Sections 5-7 and 15 of E.O. 13628* (providing for: (1) menu-based sanctions with respect to persons who knowingly, between July 1, 2010, and August 10, 2012: sold, leased, or provided to Iran goods, services, technology, information, or support that could directly and significantly facilitate the maintenance or expansion of Iran’s domestic production of refined petroleum products; sold or provided to Iran refined petroleum products; or sold, leased, or provided to Iran goods, services, technology, information, or support that could directly and significantly contribute to the enhancement of Iran’s ability to import refined petroleum products and (2) certain amendments to subsections 1(c)(iii), 1(d), and 2(b)(ii) of E.O.13622).

⁸⁴ See *supra* note 16.

The Termination E.O. also continues in effect implementation provisions for aspects of certain statutory sanctions that are outside the scope of the U.S. commitment to lift nuclear-related sanctions under the JCPOA.⁸⁵

Except as noted above, the Termination E.O. does not affect: (i) the national emergency declared in E.O. 12957, which shall remain in place, (ii) any E.O. issued in furtherance of that national emergency other than E.O.s 13574, 13590, 13622, 13628, and 13645, or (iii) the Iranian Assets Control Regulations, 31 C.F.R. part 535. Further, the revocation of E.O.s 13574, 13590, 13622, and 13645 and sections 5-7 and 15 of E.O. 13628 will not affect any enforcement action pending or taken prior to the effective date of the Termination E.O., or any action or proceeding based on any act committed prior to the date of the Termination E.O.⁸⁶

For additional information on the Termination E.O., please see [JCPOA FAQs](#) A.8 and A.9.

⁸⁵ These provisions relate to the implementation of certain statutory authorities that are outside the scope of U.S. commitments with respect to sanctions described in sections 4.1 to 4.8 and 5 of Annex II and sections 17.1 to 17.3 and 17.5 of Annex V of the JCPOA. Specifically, they provide for the implementation of aspects of the following sections of IFCA that are outside the scope of the U.S. commitments: 1244(c)(1)(A), 1244(d)(1)(A), 1245(a)(1), and 1246(a). The implementing provisions related to section 1244(c)(1)(A) only apply to the extent sanctions are imposed with respect to transactions or activities that are outside the scope of the JCPOA, specifically, providing significant financial, material, technological, or other support to, or goods and services in support of any activity or transaction on behalf of or for the benefit of persons described in section 1244(c)(2)(C)(iii) of IFCA (*i.e.*, Iranian persons on the SDN List). The implementing provisions related to sections 1244(d)(1)(A), 1245(a)(1), and 1246(a) of IFCA only apply to the extent sanctions are imposed with respect to transactions or activities that are outside the scope of the JCPOA, as reflected in waiver determinations as to those sections issued by the Secretary of State to give effect to sanctions commitments described in sections 17.1 to 17.3 and 17.5 of Annex V of the JCPOA (including any transactions or activities involving persons on the SDN List), and any renewals thereof. The implementing provisions related to section 1249 of IFCA only apply to the extent sanctions are imposed with respect to transactions or activities that are described in that section of IFCA, which are outside the scope of the JCPOA.

⁸⁶ The pending enforcement actions referenced herein are independent of actions to impose sanctions under the terminated E.O.s, such as designation or identification actions that result in the blocking of a person's property or interests in property. To the extent an ongoing investigation of a non-U.S. person relates to activity within the scope of the secondary sanctions lifted on Implementation Day, including sanctions imposed pursuant to the terminated E.O.s, the U.S. government will not sanction the non-U.S. persons under those authorities following Implementation Day. The enforcement actions referenced herein relate to apparent violations of the prohibitions set out in the terminated E.O.s and relevant implementing regulations, and may result in civil or criminal penalties for the apparent violator. On Implementation Day, the prohibitions under the relevant E.O.s were terminated, which means that there would be no new violations arising from the prohibitions under these E.O.s after Implementation Day. To the extent there are investigations of apparent violations that relate to activities that occurred prior to Implementation Day, such apparent violations will be analyzed in light of the laws and regulations that were in place at the time of the underlying activities, consistent with U.S. law and longstanding practice. As with all OFAC enforcement actions, any response to an apparent violation under the terminated E.O.s that relates to activities occurring prior to Implementation Day will be analyzed and acted upon consistent with the framework established in OFAC's Economic Sanctions Enforcement Guidelines. See [Appendix A to 31 C.F.R. part 501](#). The framework set out in the Economic Sanctions Enforcement Guidelines provides for the consideration of a series of general factors in determining an appropriate enforcement response to an apparent violation.

VI. Waivers

Commitment:

Pursuant to the U.S. commitment in section 11 of Annex V of the JCPOA, on Adoption Day, the Secretary of State issued waiver determinations and made findings with respect to certain statutory sanctions provisions set out in section 4 of Annex II of the JCPOA.⁸⁷ By their terms, these waivers and findings were contingent in nature; they only took effect upon confirmation by the Secretary of State that Iran had implemented the nuclear-related measures specified in sections 15.1 to 15.11 of Annex V of the JCPOA, as verified by the IAEA (*i.e.*, upon Implementation Day).⁸⁸

These waivers and findings, effective on January 16, 2016, waive the imposition of sanctions under specified provisions of NDAA 2012 and IFCA and find it is vital to the national security interests of the United States to issue waivers regarding the application of sanctions under specified provisions of ISA and the TRA, all with respect to certain transactions and activities by non-U.S. persons⁸⁹ involving Iran, as set forth in section 4 of Annex II of the JCPOA and described in section II above. In addition, the waiver determination under sections 1244(c)(1) and 1246(a) of IFCA waives the imposition of sanctions with respect to transactions by U.S. persons for the export, reexport, sale, lease, or transfer of commercial passenger aircraft and related parts and services to Iran exclusively for commercial passenger aviation as set forth in section 5.1.1 of the JCPOA, provided that OFAC has issued any required licenses.

Implementation:

To implement the U.S. commitments with respect to sanctions described in sections 17.1 to 17.3 and 17.5 of Annex V of the JCPOA, effective Implementation Day, the USG is waiving the (i) sanctions under IFCA and NDAA 2012 and (ii) application of sanctions under TRA and ISA, to the extent necessary to implement the JCPOA and excluding any transactions involving persons on OFAC's SDN List:

A. IFCA

1. *Section 1244(c)(1)* – to the extent required for transactions by non-U.S. persons (and, in the case of commercial passenger aviation activities described in section IV.A above, U.S. persons, provided that OFAC has issued any required licenses) on behalf of, or for the benefit of: (i) a person determined to be part of the energy, shipping, or shipbuilding

⁸⁷ See [80 Fed. Reg. 67470 \(November 2, 2015\)](#).

⁸⁸ Pursuant to the relevant statutes, several of the waiver determinations and findings are in effect for a specified duration (generally 120 or 180 days). To keep in effect U.S. commitments with respect to sanctions set out in sections 17.1 to 17.3 and 17.5 of Annex V of the JCPOA, the Secretary of State will renew waiver determinations and findings, as necessary, and expects to publish notice of such renewals in the *Federal Register*.

⁸⁹ For purposes of the waivers and findings issued on Adoption Day and renewed as necessary, the term “transactions by non-U.S. persons” includes transactions by U.S.-owned or -controlled foreign entities to the extent U.S.-owned or -controlled foreign entities are authorized by OFAC to engage in such transactions, including pursuant to the general license described in section IV.B above.

sectors of Iran, (ii) a person determined to operate a port in Iran; or (iii) Iranian individuals and entities set forth in Attachment 3 to Annex II of the JCPOA;⁹⁰

2. *Section 1244(d)* – to the extent required for transactions by non-U.S. persons for the sale, supply, or transfer to or from Iran of goods or services used in connection with the energy, shipping, or shipbuilding sectors of Iran, including NIOC, NITC, and IRISL;⁹¹
3. *Section 1244(h)(2)* – to the extent required for FFIs to conduct or facilitate transactions for the sale, supply, or transfer to or from Iran of natural gas;
4. *Section 1245(a)(1)(A)* – to the extent required for transactions by non-U.S. persons for the sale, supply, or transfer to or from Iran of precious metals;
5. *Section 1245(a)(1)(B)* – to the extent required for transactions by non-U.S. persons for the sale, supply, or transfer to or from Iran of materials described in section 1245(d) of IFCA (graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes) determined to be (i) used by Iran as a medium for barter swap, or any other exchange or transaction or (ii) listed as assets of the Government of Iran for purposes of the national balance sheet of Iran;⁹²
6. *Section 1245(a)(1)(C)* – to the extent required for transactions by non-U.S. persons for the sale, supply, or transfer to or from Iran of materials described in section 1245(d) of IFCA (graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes) if the material is (i) to be used in connection with the energy, shipping, or shipbuilding sectors of Iran, or resold, retransferred, or otherwise supplied to an end user in one or more such sectors; (ii) sold, supplied, or transferred to any individual or entity blocked solely pursuant to E.O. 13599, or resold, retransferred, or otherwise supplied to such an individual or entity; or (iii) determined pursuant to section 1245(e)(3) of IFCA to be used as described in that section, or resold, retransferred, or otherwise supplied for use in the nuclear program of Iran, provided that the transactions do not involve:

(a) the sale, supply, or transfer of materials described in section 1245(d) that have not been approved by the procurement channel established pursuant to paragraph

⁹⁰ On Implementation Day, the Secretary of State waived the imposition of sanctions under section 1244(c)(1) of IFCA on persons previously determined to meet the criteria set forth in section 1244(c)(2)(A) of IFCA. *See supra* note 88.

⁹¹ On Implementation Day, the Secretary of State waived the imposition of sanctions under section 1244(d)(1) of IFCA on a person previously determined to meet the criteria set forth in that section. *See supra* note 88.

⁹² Pursuant to section 1245(e)(1) of IFCA, the President is required to report to Congress whether Iran is using any of the materials described in section 1245(d) of IFCA as assets of the Government of Iran for purposes of the national balance sheet of Iran. The responsibility for this report has been delegated to the Secretary of State. The report is published in the *Federal Register*. To date, there has been no determination that the GOI is using any of the materials described in section 1245(d) of IFCA in this manner, but persons should continue referring to any updated reports issued pursuant to section 1245(e)(1) of IFCA.

16 of UNSCR 2231 and section 6 of Annex IV of the JCPOA, in cases in which the procurement channel applies; or

(b) the sale, supply, or transfer of materials described in section 1245(d) if the material is sold, supplied, or transferred, or resold, retransferred, or otherwise supplied directly or indirectly, for use in connection with the military or ballistic missile program of Iran;⁹³

7. *Section 1245(c)* – to the extent required for FFIs to conduct or facilitate transactions that are within the scope of the waivers under section 1245(a)(1) of IFCA, as described in sections VI.A.4-VI.A.6 above;
8. *Sections 1246(a)(1)(A)* – to the extent required for non-U.S. persons to provide underwriting services or insurance or reinsurance in connection with activities involving Iran that are within the scope of the JCPOA (as described in sections 17.1 to 17.2 and 17.5 of Annex V of the JCPOA);
9. *Section 1246(a)(1)(B)(i)* – to the extent required for non-U.S. persons to provide underwriting services or insurance or reinsurance with respect to, or for the benefit of, any activity in the energy, shipping, or shipbuilding sectors of Iran for which sanctions are imposed under IFCA;
10. *Section 1246(a)(1)(B)(ii)* – to the extent required for non-U.S. persons to provide underwriting services or insurance or reinsurance for transactions that are within the scope of the waivers under section 1245(a)(1)(B) and (C) of IFCA as described in paragraphs VI.A.5-VI.A.6 above;
11. *Section 1246(a)(1)(C)* – to the extent required for non-U.S. persons to provide underwriting services or insurance or reinsurance with respect to or for any Iranian person whose property and interests in property are blocked solely pursuant to E.O. 13599 and section 560.211 of the ITSR, including Iranian individuals and entities set forth in Attachment 3 to Annex II of the JCPOA;
12. *Section 1246(a)* – to the extent required for U.S. persons to provide underwriting services or insurance or reinsurance in connection with commercial passenger aviation activities described in section IV.A above, provided that OFAC has issued any required licenses; and
13. *Section 1247(a)* – to the extent required for FFIs to facilitate transactions on behalf of Iranian individuals and entities set forth in Attachment 3 to Annex II of the JCPOA;

⁹³ Pursuant to section 1245(e)(1) of IFCA, the President is required to report to Congress whether Iran is using any of the materials described in section 1245(d) of IFCA in connection with the nuclear, military, or ballistic missile programs of Iran. The responsibility for this report has been delegated to the Secretary of State. The report is published in the *Federal Register*.

B. NDAA 2012

1. *Section 1245(d)(1)* – to the extent necessary to implement the JCPOA, including for FFIs to conduct or facilitate transactions with the CBI covered by the U.S. commitments with respect to sanctions described in sections 17.1 to 17.2 of Annex V of the JCPOA;⁹⁴

C. TRA

1. *Section 212(a)* – to the extent required for transactions by non-U.S. persons⁹⁵ for the provision of underwriting services or insurance or reinsurance for NIOC, NITC, or a successor entity to either company, in cases where the transactions are for activities described in sections 4.2.1, 4.3, and 4.4 of Annex II of the JCPOA;
2. *Section 213(a)* – to the extent required for transactions by non-U.S. persons for the purchase, subscription to, or facilitation of the issuance of sovereign debt of the Government of Iran or debt or equity of an entity owned or controlled by the Government of Iran, in cases where the transactions are for activities described in section 4.1.5 and 4.1.7 of Annex II of the JCPOA; and

D. ISA

1. *ISA section 5(a)* – to the extent required for transactions by non-U.S. persons related to: (i) the development of petroleum resources of Iran; (ii) the production of refined petroleum products in Iran; (iii) the exportation of refined petroleum products to Iran; (iv) joint ventures with Iran relating to the development of petroleum resources outside of Iran; (v) support for the development of petroleum resources and refined petroleum products in Iran; (vi) the development and purchase of petrochemical products from Iran; (vii) the transportation of crude oil from Iran; or (viii) the ownership, operation, or control of a vessel used in a manner that conceals the Iranian origin of crude oil or refined petroleum products transported on the vessel, in cases where the transactions are for activities described in sections 4.2.1, 4.3.1, 4.3.2, 4.3.4, and 4.3.6 of Annex II of the JCPOA.

VII. Key U.S. Legal Authorities That Remain in Place After Implementation Day

A number of U.S. legal authorities that are outside the scope of the JCPOA and are directed toward, or have been used to address, U.S. concerns with respect to, Iran remain in place after Implementation Day. A non-exhaustive list of such authorities is set out below:

⁹⁴ See *supra* note 11.

⁹⁵ The waiver provision under section 4(c) of ISA, which is invoked by sections 212(d) and 213(b) of the TRA, as well as section 5(a) of ISA, refers to waiving as to a “national of a country.” As a result, the waiver determinations and findings issued by the Secretary of State on Adoption Day use the term “non-U.S. nationals” in connection with sections 212(a) and 213(a) of the TRA and section 5(a) of ISA. For purposes of implementing U.S. commitments under the JCPOA with respect to these sections of the TRA, the term “non-U.S. nationals” has the same meaning as “non-U.S. persons.” Therefore, this guidance uses the term “non-U.S. persons” in describing the relevant waivers.

A. Trade Sanctions

1. Trade Embargo: The U.S. domestic trade embargo imposed on Iran under the national emergency declared in E.O. 12957, as implemented through the ITSR, also referred to as U.S. primary sanctions, remains in place following Implementation Day. Pursuant to the ITSR and with limited exceptions,⁹⁶ U.S. persons, as defined in section 560.314 of the ITSR, continue to be broadly prohibited from engaging in transactions or dealings directly or indirectly with Iran or its government. In addition, non-U.S. persons continue to be prohibited from knowingly engaging in conduct that seeks to evade U.S. restrictions on transactions or dealings with Iran or that causes the export of goods or services from the United States to Iran.

Please note that, under the ITSR, the clearing of transactions involving Iran through the U.S. financial system, including foreign branches of U.S. financial institutions continues to be prohibited.

2. Export Controls: U.S. controls on the exportation or reexportation of goods, technology, and services to Iran imposed pursuant to the ITSR, including sections 560.204 and 560.205, as well as the Export Administration Regulations, 15 C.F.R. parts 730-774 (EAR), and the International Traffic in Arms Regulations, 22 CFR parts 120-130 (ITAR), remain in place. Pursuant to these authorities and unless exempt from regulation or authorized under the relevant regulations, the exportation or reexportation by a U.S. person or from the United States to Iran or the Government of Iran, as well as the reexportation by non-U.S. persons of items that contain 10 percent or more U.S.-controlled content with knowledge or reason to know that the reexportation is intended specifically to Iran or the Government of Iran, generally requires a license.

B. Designation Authorities and Blocking Sanctions

In addition, the United States retains a number of authorities that are directed toward, or have been used to address, U.S. concerns with respect to Iran. Generally, these authorities provide for the imposition of blocking sanctions on persons meeting certain criteria or engaging in specified conduct, as well as their support networks.

Designation authorities:

The activities targeted by these authorities include:

1. Support for terrorism: E.O. 13224 (blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism);

⁹⁶ These exceptions include the three categories of activity the United States has committed to license pursuant to section 5 of Annex II of the JCPOA, as well as activities that are exempt from regulation or authorized under the ITSR. See section IV above and sections J, K, and L of the [JCPOA FAQs](#) for further details.

2. Iran's human rights abuses:

- E.O.s 13553 and 13628 (implementing sections 105, 105A, and 105B of CISADA (related to persons who are responsible for or complicit in human rights abuses committed against the citizens of Iran; transfers of goods or technologies to Iran that are likely to be used to commit serious human rights abuses against the people of Iran; and persons who engage in censorship or similar activities with respect to Iran)); and
- E.O. 13606 (relating to the provision of information technology used to further serious human rights abuses);

3. Proliferation of WMD and their means of delivery, including ballistic missiles: E.O.s 12938 and 13382;

4. Support for persons involved in human rights abuses in Syria or for the Government of Syria: E.O.s 13572 and 13582;

5. Support for persons threatening the peace, security, or stability of Yemen: E.O. 13611;

6. Transactions or activities described in section 1244(c)(1)(A) of IFCA if the transaction involves any person on the SDN list (other than an Iranian financial institution whose property and interests in property are blocked solely pursuant to E.O. 13599): Section 1244(c)(1) of IFCA;

7. Diversion of goods intended for the people of Iran: CISADA 105C, as added by section 1249 of IFCA (relating to the diversion of goods, including agricultural commodities, food, medicine, and medical devices, intended for the people of Iran, or the misappropriation of proceeds from the sale or resale of such goods);

8. Knowingly and directly providing specialized financial messaging services to, or knowingly enabling or facilitating direct or indirect access to such messaging services for a financial institution whose property or interests in property are blocked in connection with Iran's proliferation of WMD or their means of delivery, or Iran's support for international terrorism: Section 220 of the TRA;⁹⁷

9. Officials, agents, and affiliates of the IRGC: Section 301 of the TRA⁹⁸ (providing for the designation of officials, agents, or affiliates of the IRGC); and

⁹⁷ The United States has committed not to apply the sanctions under section 220 of the TRA with respect to the CBI or any financial institution listed in Attachment 3 to Annex II of the JCPOA.

⁹⁸ Section 302(b)(2) of the TRA further provides for discretionary blocking of persons determined to meet the criteria set out in section 302(a). See section VII.D.1 below.

10. Foreign sanctions evaders: E.O. 13608 (authorizing the imposition of prohibitions on transactions or dealings by U.S. persons involving persons determined to have: (i) violated, attempted to violate, conspired to violate, or caused a violation of U.S. sanctions with respect to Iran or Syria (including sanctions imposed under counter-proliferation or counter-terrorism authorities); or (ii) facilitated deceptive transactions for or on behalf of any person subject to U.S. sanctions concerning Iran or Syria).⁹⁹

Blocking authorities:

The persons targeted by these authorities include:

1. The Government of Iran and Iranian Financial Institutions: E.O. 13599, section 217(a) of the TRA, section 560.211 of the ITSR; and
2. Islamic Republic of Iran Broadcasting and its president under section 105(c) of CISADA: Section 1248 of IFCA.

C. Correspondent and Payable-through Account Sanctions

After Implementation Day, FFIs may be subject to correspondent or payable-through account secondary sanctions for:

1. Knowingly facilitating a significant financial transaction with designated Iranian financial institutions that remain or are placed on the SDN List (section 1245(d) of NDAA 2012);
2. Knowingly facilitating a significant financial transaction on behalf of any Iranian persons that remain or are placed on the SDN List (section 1247(a) of IFCA);
3. Knowingly facilitating a significant financial transaction or providing significant financial services for any other person on the SDN List with the “[IFSR]” identifying tag (*i.e.*, the Islamic Revolutionary Guard Corps (IRGC) and any of its designated officials, agents, or affiliates; individuals and entities designated pursuant to E.O. 13382 in connection with Iran’s proliferation of WMD or their means of delivery; and individuals and entities designated pursuant to E.O. 13224 in connection with Iran’s support for international terrorism) (section 104(c)(2)(E) of CISADA);
4. Knowingly facilitating a significant financial transaction for the sale, supply, or transfer to or from Iran of significant goods and services used in connection with the energy, shipping, or shipbuilding sectors of Iran where the transactions

⁹⁹ E.O. 13608 is not a blocking authority. However, U.S. persons are prohibited from engaging in transactions or dealings with persons sanctioned under this authority.

involve persons who remain or are placed on the SDN List (section 1244(d)(2) of IFCA); or

5. Knowingly conducting or facilitating a significant financial transaction for the sale, supply, or transfer to or from Iran of graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes that have been determined pursuant to section 1245(e)(3) of IFCA to be used as described in that section if the transactions involve (i) persons on the SDN List; (ii) the sale, supply, or transfer of materials described in section 1245(d) of IFCA that have not been approved by the procurement channel established pursuant to paragraph 16 of UNSCR 2231 and section 6 of Annex IV of the JCPOA, in cases in which the procurement channel applies; or (iii) the sale, supply, or transfer of materials described in section 1245(d) of IFCA if the material is sold, supplied, or transferred, or resold, retransferred, or otherwise supplied directly or indirectly, for use in connection with the military or ballistic missile program of Iran (section 1245(c) of IFCA).

D. Menu-based Sanctions

After Implementation Day, menu-based secondary sanctions continue to attach to:

1. Persons who materially assist, sponsor, or provide financial, material, or technological support for, or goods or services in support of: the IRGC or any of its officials, agents, or affiliates blocked pursuant to IEEPA; persons that engage in significant transactions with (i) any of the foregoing or (ii) persons subject to financial sanctions pursuant to the UNSCRs that impose sanctions with respect to Iran, or a person acting for or on behalf of, or owned or controlled by, such person (section 302(a) of the TRA);
2. Non-U.S. persons who engage in transactions or activities described in sections 1244(d)(1) and 1246(a) of IFCA if the transactions involve persons on the SDN List; and
3. Non-U.S. persons who sell, supply, or transfer directly or indirectly to or from Iran graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes that have been determined pursuant to section 1245(e)(3) of IFCA to be used as described in that section if the transactions involve (i) persons on the SDN List; (ii) the sale, supply, or transfer of materials described in section 1245(d) of IFCA that have not been approved by the procurement channel established pursuant to paragraph 16 of UNSCR 2231 and section 6 of Annex IV of the JCPOA, in cases in which the procurement channel applies; or (iii) the sale, supply, or transfer of materials described in section 1245(d) of IFCA if the material is sold, supplied, or transferred, or resold, retransferred, or otherwise supplied directly or indirectly, for use in connection with the military or ballistic missile program of Iran (section 1245(a) of IFCA).

E. Non-Proliferation Sanctions

On Transition Day, the United States will seek such legislative action as may be appropriate to terminate, or modify to effectuate the termination of, the nuclear proliferation-related statutory sanctions set forth in paragraph 4.9 of Annex II of the JCPOA, including sanctions under the Iran, North Korea and Syria Nonproliferation Act on the acquisition of nuclear-related commodities and services for nuclear activities contemplated in the JCPOA, to be consistent with the U.S. approach to other non-nuclear weapon states under the Treaty on the Non-Proliferation of Nuclear Weapons. The JCPOA does not address the application of a number of generally-applicable non-proliferation statutes related to transfers of proliferation-sensitive equipment and technology, or statutes that provide for sanctions for activities that would be outside the scope of the JCPOA.

F. Terrorism List Sanctions

Iran remains designated as a state sponsor of terrorism under relevant laws (section 6(j) of the Export Administration Act; section 40 of the Arms Export Control Act; and section 620A of the Foreign Assistance Act), and the JCPOA does not alter that designation. A number of different sanctions laws and restrictions are keyed to this designation, including restrictions on foreign assistance (22 U.S.C. § 2371), a ban on defense exports and sales (22 U.S.C. § 2780), controls on exports of certain sensitive technology and dual-use items (50 U.S.C. App. § 2405), and various financial and other restrictions.