

**IAEA Board of Governors**  
**1- 5 March 2010, Vienna**  
**Statement of Spain on behalf of the European Union**

**Item 5(c): “Implementation of the NPT safeguards agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran” (GOV/2010/10).**

Mr Chairperson,

1. I have the honour to speak on behalf of the European Union. The candidate countries Croatia, the former Yugoslav Republic of Macedonia,<sup>1</sup> the Countries of the Stabilization and Association process and potential candidates Albania, Bosnia and Herzegovina, Montenegro, the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, as well as Ukraine and the Republic of Moldova associate themselves with this statement.
2. The European Union would like to thank the Director General for his report in document GOV/2010/10 on the implementation of IAEA safeguards and the relevant Security Council resolutions on the Islamic Republic of Iran since last November. We also thank DDG-SGs, Mr. Heinonen, and his colleagues for organizing a technical briefing on this subject on last 24<sup>th</sup> February. The EU commends the Director General and the Secretariat for their continuing efforts to seek clarifications from Iran and to verify its nuclear programme.

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<sup>1</sup> Croatia and the Former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process.

3. The February 7<sup>th</sup> announcement that Iran will enrich uranium up to 20%, and Iran's subsequent formal notification to the IAEA, are contrary to UN Security Council and Board of Governors resolutions. These new developments raise further serious concerns about Iran's nuclear intentions. In light of the fact that Iran does not appear to have the necessary technology and cannot produce the needed nuclear fuel assemblies to ensure the uninterrupted production of medical isotopes by the Tehran Research Reactor, and could procure the necessary isotopes on the international market, it follows that the reasons given for these enrichment activities are questionable.
4. It is of serious concern that Iran has not only not suspended its enrichment related activities and heavy water projects, but that it began to enrich uranium to a higher level in order, argues Iran, to refuel the Research Reactor in Tehran. In light of Article 45 of Iran's Safeguards Agreement, the Agency requested that no low enriched uranium (LEU) be fed into the process at the Pilot Fuel Enrichment Plant (PFEP) before the Agency was able to adjust its existing safeguards procedures at that facility. However when on February 10<sup>th</sup> 2010 Agency inspectors arrived at PFEP, they were informed that Iran had begun to feed the LEU into one cascade at PFEP, thus breaching the aforementioned Article, which calls for notice of major changes "sufficiently in advance".
5. The EU would like to highlight the information contained in the report, contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran has also continued with the construction of the IR-40 reactor and related heavy water activities. The Agency has not been permitted to take samples of the heavy water which are stored at UCF, and has not been provided with access to the Heavy Water Production Plant.
6. The EU deeply regrets the late revelation of the existence of an undeclared uranium enrichment facility located near Qom and that Iran

has continued with its construction despite UN Security Council and Board of Governors relevant resolutions. Furthermore, despite positive steps in allowing the Agency to inspect the facility for verification purposes, Iran has not yet responded to several requests by the Agency about relevant design documents and companies involved in the design of the facility. Iran should have informed the Agency on the day the decision to construct the facility was taken, as well as about its design parameters and other characteristics, in accordance with the modified Code 3.1 of the Subsidiary Arrangements to its Safeguards Agreement.

7. The EU notes that the Agency has assessed the timeline purported by Iran for the construction of this facility as not coherent with strong evidence available to the Agency.
8. The EU is also greatly concerned by the recent announcement by Iran over its intention to build 10 more fuel enrichment plants, in particular in the context of its stated decision to decrease cooperation with the Agency. This constitutes a further provocation and defiance to the international community in clear violation of UNSC resolutions and safeguards obligations. As stated in the DG's report in accordance with Iran's safeguards agreement, subsidiary arrangements can not be changed unilaterally, nor suspended. Therefore modified code 3.1 remains in force.
9. The late revelation of the Fordow plant has further eroded confidence in the exclusively peaceful nature of Iran's nuclear programme. In this regard, the EU requests an assurance from Iran that no undeclared nuclear materials and no new nuclear facilities, including research laboratories or manufacturing facilities exist or are being built in Iran.
10. The EU also notes that Iran has submitted preliminary design information on the nuclear power plant to be built in Darkhovin. However, this was in reply to a request by the Agency made nearly two

years ago and thus long overdue. This is clearly in violation of Iran's obligations to implement the modified Code 3.1.

11. The EU strongly regrets that Iran has not provided the necessary cooperation to permit the Agency to confirm that all nuclear material and facilities in Iran is for peaceful activities. The situation remains as highly unsatisfactory as it was in November and Iran continues to defy requirements by the Security Council and the IAEA Board of Governors. The Director General's report makes it clear that Iran has refused to engage with the Agency on the questions relating to a possible military dimension to their nuclear program since August 2008. The EU urges Iran to respond to the Agency's repeated requests for access to persons, information and locations in order to solve all outstanding issues. The EU takes note that the information available in connection with these outstanding issues is considered to be extensive, consistent and credible. Moreover, the EU shares the Agency's concerns about the possible existence in Iran of past or current undisclosed activities related to the development of a nuclear payload for a missile. The Agency has reiterated its readiness to discuss modalities that could enable Iran to demonstrate credibly that the activities referred to in the documentation are not nuclear related, as Iran asserts, while protecting sensitive information related to its conventional military activities.

Mr. Chairperson,

12. Iran's refusal to cooperate with the IAEA is in defiance of its obligations under the Non-Proliferation Treaty and of its Safeguards Agreement as well as of Security Council Resolutions 1737, 1747, 1803 and 1835. These international obligations are mandatory.

13. In this regard, the EU reiterates its strong support for Security Council Resolution 1887(2009) of 24<sup>th</sup> September on non-proliferation and disarmament. This resolution underlines that the parties concerned including Iran must comply fully with their obligations under the relevant Security Council resolutions. This resolution also encourages States to provide the IAEA with the cooperation necessary to verify whether they are in compliance with its safeguards obligations, and affirms the Security Council's resolve to support the IAEA's efforts to that end.
14. Iran must comply with all its international obligations and suspend all enrichment and heavy water related activities. Iran should ratify and implement the Additional Protocol. Until that moment, the Agency has made clear that it will not be in a position to assure that Iran has no undeclared nuclear material or activities. This is a matter of great concern.
15. The EU reiterates its commitment to seek a comprehensive, long-term solution to the Iranian nuclear issue through dialogue and negotiations, based on the far reaching offer submitted by the EU High Representative to Iran in June 2008. As the European Council conclusions states the European Union remains ready to engage with Iran in order to reach a negotiated solution to the issue, should Iran take concrete decisions towards that end. However, Iran's persistent failure to meet its international obligations and Iran's apparent lack of interest in pursuing negotiations require a clear response, including through appropriate measures. Consistent with the dual-track approach, the European Union would support action by the UNSC if Iran continues not to co-operate with the international community over its nuclear programme. The European Union stands ready to take the necessary steps to accompany this UNSC process.

Thank you Mr Chairperson.