

The Iran Deal's October Sunsets: Sanctions Without Snapback

by [Henry Rome \(/experts/henry-rome\)](#), [Louis Dugit-Gros \(/experts/louis-dugit-gros\)](#)

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ABOUT THE AUTHORS



[Henry Rome \(/experts/henry-rome\)](#)

Henry Rome is a Senior Fellow at The Washington Institute for Near East Policy, specializing in Iran sanctions, economic, and nuclear issues.



[Louis Dugit-Gros \(/experts/louis-dugit-gros\)](#)

Louis Dugit-Gros, a 2021-2022 Visiting Fellow at The Washington Institute, is a French diplomat.



Brief Analysis

Facing the imminent expiration of UN sanctions but unwilling to trigger “snapback,” the EU and Britain should unilaterally extend some of their own restrictions on Tehran.

The United States and Iran have held multiple rounds of [indirect talks](#) (<https://www.washingtonpost.com/opinions/2023/06/23/iran-nuclear-deal-prevention/>) this year and taken various steps to lower tensions and keep the prospect of an eventual nuclear agreement alive. Yet Tehran has also continued to engage in destabilizing behavior, from [providing weapons to Russia](#) (<https://www.washingtoninstitute.org/policy-analysis/iranian-reactions-wagner-standoff-russia>) for use against Ukraine and [cracking down](#) (<https://www.washingtoninstitute.org/policy-analysis/human-rights-sanctions-iran-need-more-coordination-and-creativity>) on civilians at home to [seizing commercial vessels](#) (<https://www.washingtoninstitute.org/policy-analysis/risks-maritime-escalation-strait-hormuz>) in the Persian Gulf and continuing to [produce high-enriched uranium](#) (<https://thehill.com/opinion/national-security/3922002-no-deal-no-crisis-is-no-plan-for-iran/>). Such actions underscore doubts about Iran's commitment to de-escalation.

On October 18, a series of deadlines will place the tensions in Western policy toward Iran in sharp relief. Although Washington and Tehran no longer adhere to the terms of the 2015 nuclear deal, some of its elements have continued on autopilot, including the scheduled expiration of some measures in less than three months. With full sanctions “snapback” likely off the table, the European Union and Britain should take other steps to ensure Iran does not benefit from unjustified sanctions relief.

Concerns About Snapback

The Joint Comprehensive Plan of Action (JCPOA) and accompanying UN Security Council Resolution 2231 established sunset dates for most of the restrictions they placed on Iran. To prevent such expirations, European governments **could trigger (<https://www.washingtoninstitute.org/policy-analysis/snapback-sanctions-iran-more-bark-bite>)** a process known as snapback, which would reactivate previously terminated UN resolutions on Iran, scrub the JCPOA from the books, and reimpose all sanctions waived by that agreement. Yet the European parties to the JCPOA—Britain, France, and Germany—are highly unlikely to flip that switch barring a major new escalation from Iran. (In legal terms, the decision is up to those three parties, as the United States withdrew from the deal in 2018; in practice, their actions are coordinated with Washington’s.)

Indeed, Europe currently regards the threat of snapback as more useful than actual snapback, arguing that Tehran’s worries about reactivated sanctions have helped deter it from **enriching uranium to 90 percent (<https://www.washingtoninstitute.org/policy-analysis/infographic-visual-guide-understanding-uranium-enrichment-process>)** or taking other steps to build a nuclear weapon. European officials are concerned that exercising snapback now would motivate Tehran to take such steps, with little prospect that the resultant **economic consequences (<https://www.washingtoninstitute.org/policy-analysis/irans-currency-collapse-may-not-lead-diplomatic-desperation>)** would compel it to reverse course. Snapback would also undermine Washington’s ongoing efforts to de-escalate tensions, which Europe supports.

Expiration Date

With snapback unlikely, Western governments must plan on how to address the various expirations and implications set to unfold on October 18, known as “Transition Day.”

UN restrictions. Three components of Resolution 2231 will expire on October 18:

- A provision under which Iran is “called upon not to undertake any activity related to ballistic missiles designed to be capable of delivering nuclear weapons.”
- The requirement that countries obtain Security Council permission before transferring certain missiles, drones, and related technology to or from Iran.
- The requirement that all UN member states freeze the assets of twenty-three individuals and sixty-one entities involved in Iran’s nuclear and ballistic missile programs.

Absent snapback, the only way to extend these restrictions would be to pass a new Security Council resolution, which is impossible given Russian and Chinese opposition. Therefore, these three components will almost certainly expire in October, relieving some diplomatic pressure on Tehran and giving President Ebrahim Raisi a political victory. Yet the practical impact may be limited, since Iran has consistently ignored these restrictions anyway by **conducting missile tests (<https://www.washingtoninstitute.org/policy-analysis/next-generation-iranian-ballistic-missiles-technical-advances-strategic-objectives>)** and **providing prohibited weaponry (<https://www.washingtoninstitute.org/policy-analysis/striking-back-iran-and-rise-asymmetric-drone-warfare-middle-east>)** to foreign partners and proxies.

EU and British restrictions. A broad swath of European sanctions and constraints are slated to be removed in October:

- Restrictions on individuals and entities involved in Iran’s missile, nuclear, and other weapons programs, including transposition (i.e., copying) of UN designations as well as a broader list of autonomous sanctions.
- Sanctions on more than 300 individuals and entities that were suspended when the JCPOA was implemented, along with other sectoral sanctions suspended at the same time.

- The prohibition on transferring “all types” of weaponry and ballistic missile-related technology to Iran or providing related services.
- Sanctions on transactions and services related to certain types of metal and software.
- Prohibitions on providing aviation and shipping services to Iranian aircraft and vessels suspected of involvement in illicit activity.

Of all the measures set to sunset in October, the removal of European restrictions would probably have the most practical benefit for Tehran. Entities whose designations would be lifted include key manufacturers of missiles, **[drones \(https://www.washingtoninstitute.org/policy-analysis/irans-military-drone-program-security-implications-and-policy-responses\)](https://www.washingtoninstitute.org/policy-analysis/irans-military-drone-program-security-implications-and-policy-responses)**, and aircraft (e.g., the Aerospace Industries Organization, Iran Aircraft Manufacturing Industries, Shahid Bakeri Industrial Group, and Shahid Hemmat Industrial Group). This could open up new opportunities for Iranian acquisitions of arms, technology, and spare parts.

Unlike the UN sanctions, however, the European expirations are not automatic. Brussels and London therefore have practical options to avert some of these adverse scenarios (see below).

U.S. sanctions. If Washington were still a party to the JCPOA, it would have been required to seek the termination of certain components of its sanctions laws in October and remove dozens of individuals and entities from its sanctions lists. Yet these obligations presumably became moot once the United States withdrew from the deal.

Iranian obligations. By Transition Day, the Iranians are required to seek formal ratification of the Additional Protocol, the advanced International Atomic Energy Agency inspection regime that they provisionally applied under the JCPOA. Yet they are no longer applying the protocol even provisionally, so they will not ratify it on schedule.

Recommendations

Given the destabilizing Iranian policies mentioned above, there are plenty of reasons for European governments to conclude that lifting sanctions in less than three months is not a viable option. But with UN snapback also off the table, they will need to find a middle ground.

European officials are keen to keep their actions within the framework of the JCPOA and Resolution 2231. Therefore, they may first employ the JCPOA’s dispute resolution mechanism, which allows a party to treat an unresolved issue “as grounds to cease performing its commitments...in whole or in part.” They previously triggered this mechanism in 2020 in response to Iranian nuclear escalation, though they did not take any reciprocal steps at the time. Under this framework, they could leave most restrictions in place after Transition Day. Maintaining European restrictions related to UN sanctions lists would be more complex and likely require European-level legislation, but such steps seem doable in the current context of broader tensions with Iran.

In addition to maintaining their restrictions, European officials should package their Transition Day policy with new efforts to highlight Iran’s drone proliferation and human rights abuses, underscoring that de-escalation in some theaters does not preclude Western action in others. September will mark anniversaries on both fronts: the initial spike in Iranian drones appearing on Ukraine’s battlefields, and the death of Mahsa Amini, which sparked Iran’s latest mass protest movement. Accordingly, the United States, the EU, and Britain should plan to levy additional sanctions related to these issues and declassify more details about them. The sanctions and export control authorities recently announced by **[Brussels \(https://www.consilium.europa.eu/en/press/press-releases/2023/07/20/iran-eu-adopts-new-restrictive-measures-for-military-support-to-syria-and-russia-s-war-of-aggression-against-ukraine/\)](https://www.consilium.europa.eu/en/press/press-releases/2023/07/20/iran-eu-adopts-new-restrictive-measures-for-military-support-to-syria-and-russia-s-war-of-aggression-against-ukraine/)** and **[London \(https://www.reuters.com/world/uk/britain-target-iranian-decision-makers-with-new-sanctions-regime-2023-07-06/\)](https://www.reuters.com/world/uk/britain-target-iranian-decision-makers-with-new-sanctions-regime-2023-07-06/)** are a good start, but they can and should go further.

European governments have **[already briefed \(https://www.reuters.com/world/middle-east/europeans-plan-keep-ballistic-missile-sanctions-iran-2023-06-28/\)](https://www.reuters.com/world/middle-east/europeans-plan-keep-ballistic-missile-sanctions-iran-2023-06-28/)** Tehran in general terms on their plan to keep restrictions in place,

and Iranian officials have objected—albeit not in extreme terms. Foreign Ministry spokesman Nasser Kanaani stated that Tehran would wait to see what Europe does in practice and then respond in a “**balanced and proportional**” (<https://amwaj.media/media-monitor/iran-vows-to-respond-if-european-powers-violate-jcpoa-sunset-clause>)” way; a news outlet linked to the Supreme National Security Council made **similar comments** (https://twitter.com/nournews_ir/status/1677529222145818625?s=61&t=lqoJG00dMmzjY2LqTww0g). Iran could take stronger action as October approaches, such as disavowing its claimed **2,000-kilometer range** (<https://www.tehrantimes.com/news/482328/IRGC-unveils-new-long-range-missile-warns-Europe>) cap for ballistic missiles. In that case, officials should remind Tehran that any extensions on European restrictions are a product of its own noncompliance with the terms of the agreement and can be removed as part of a reactivated nuclear deal.

Henry Rome is a senior fellow at The Washington Institute. Louis Dugit-Gros is a visiting fellow with the Institute and a diplomat with the French Ministry for Europe and Foreign Affairs; the views expressed herein are strictly personal. ❖

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