

# Information Circular

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## Communication from the Permanent Mission of the Islamic Republic of Iran to the Agency

1. On 20 November 2024, the Secretariat received a Note Verbale, together with an attachment, from the Permanent Mission of the Islamic Republic of Iran to the Agency.
2. As requested, the Note Verbale and its attachment are herewith circulated for the information of all Member States.



PERMANENT MISSION  
OF THE ISLAMIC REPUBLIC OF IRAN  
TO THE UNITED NATIONS AND  
OTHER INTERNATIONAL ORGANIZATIONS

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جمهوری اسلامی ایران  
نماینده دائمی و قائم مقام ملل متحد و سازمانهای بین المللی  
وین

*In the Name of God, the Most Compassionate, the Most Merciful*

No. 2288025

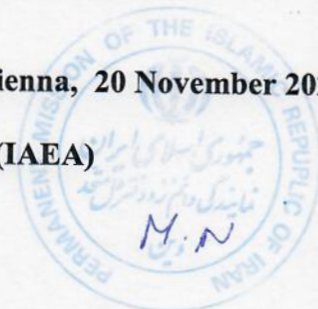
The Permanent Mission of the Islamic Republic of Iran to the United Nations Office and other International Organizations in Vienna presents its compliments to the Secretariat of the International Atomic Energy Agency (IAEA) and has the honor to hereby enclose an Explanatory Note regarding Reports of the IAEA Director General on "Verification and monitoring in the Islamic Republic of Iran in light of United Nations Security Council resolution 2231 (2015)", and "NPT Safeguards Agreement with the Islamic Republic of Iran" (GOV/2024/61 and GOV/2024/62 – 19 November 2024).

The Permanent Mission of the Islamic Republic of Iran would like to request the latter to circulate the enclosed Explanatory Note among the Member States and publish it as an INFCIRC document.

The Permanent Mission of the Islamic Republic of Iran to the United Nations Office and other International Organizations in Vienna avails itself of this opportunity to renew to the Secretariat of the International Atomic Energy Agency the assurances of its highest consideration.

Vienna, 20 November 2024

To: The Secretariat of the International Atomic Energy Agency (IAEA)





Permanent Mission of the Islamic Republic of Iran  
to the United Nations Office and other International Organizations in Vienna

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**Explanatory Note**

on the Reports of the Director General to the IAEA Board of Governors entitled “*NPT Safeguards Agreement with the Islamic Republic of Iran*” (GOV/2024/62 - 19 November 2024)  
as well as “*Verification and Monitoring in the Islamic republic of Iran in light of United Nations Security Council resolution 2231 (2015)*”  
(GOV/2024/61 - 19 November 2024)

The Permanent Mission of the Islamic Republic of Iran to the United Nations Office and other International Organizations in Vienna would like to share its comments and observations on the Director General Reports to the IAEA Board of Governors GOV/2024/61 and GOV/2024/62 as follows:

**A. General Comments**

1. The Islamic Republic of Iran has complied fully with its obligations including Comprehensive Safeguards Agreement (INFCIRC/214) and has done its utmost to enable the Agency to effectively carry out its verification activities in Iran, including C/S measures on Iran’s nuclear material and activities.
2. As it was mentioned before, the separation of issues divided under two different reports has not been duly respected. Some JCPOA related matters have been repeated in the NPT Safeguards report and, some NPT Safeguards related matters can be traced in the JCPOA report.
3. In the chronological important developments regarding the JCPOA in the report (GOV/2024/61), the United States’ unlawful withdrawal from the JCPOA in May 2018 which had adverse and serious impact on its implementation, has been neglected. It is a matter of disappointment that such an important issue which had merit to be highlighted in the text, has been underestimated by only citing it in its

footnote 4 of GOV/2024/61. Following the withdrawal of the United States and the failure of the E3/EU to fulfill their commitments, Iran in exercising of its rights under paragraphs 26 and 36 of the JCPOA, ceased voluntary transparency measures beyond its Comprehensive Safeguards Agreement (CSA), including the implementation of Modified Code 3.1 as specified in para. 13 of the preamble as well as in para. 65 of Annex I to the JCPOA in February 2021.

4. Iran's decision to cease performing its commitments under the JCPOA was fully in accordance with its inherent rights under paragraphs 26 and 36 of the JCPOA and in response to the U.S. unlawful withdrawal from the JCPOA, coupled with the E3's inability to uphold their commitments. This fact, by no means, can constitute a basis for E3 to refrain from implementing their commitments.
5. The E3's decision to refrain from implementing their sanctions-lifting commitments specified in Paragraph 20 of Annex V of the JCPOA on Transition Day (18 October 2023) was an unlawful act and another explicit instance of significant non-performance of their commitments in violation of both the JCPOA and the United Nations Security Council Resolution 2231.
6. On the so-called two locations, it should be underlined that the origin of the issue goes back to the allegations primarily posed by an ill-intended third party, namely the Israeli regime, which does not have a single commitment to any WMD instruments, including in particular NPT, and repeatedly threatens to attack Iran's nuclear facilities and installations devoted to peaceful purposes, contrary to the numerous GC resolutions, in particular 407, 1983; 444, 1985; 475, 1987 and 939, 1990, none of which has been respected by this regime. This regime's blatant nuclear threat against Iran was once again raised by the it's Prime Minister during UNGA 78 in September 2023 followed by this regime's heritage minister request "*dropping a nuclear bomb on Gaza*" are clear violation of International Law including the UN Charter.
7. From legal point of view, the assessments of the Agency in its report are based on unreliable information and unauthentic documents provided by a regime which not only constantly plotting has been against Iran's relation with the Agency, but also

continues to committing sabotages, attack, and threat of attack against Iran, along with assassination of Iranian nuclear scientists involved in Iran's peaceful nuclear activities.

8. In light of further cooperation with the Agency, Iran has implemented, in recent years voluntary measures in the framework of several Joint Statements including the 4 March 2023. Furthermore, most recently during the visit of the DG to Iran has provided opportunity reviewed for further review and planning.
9. Most recently, constant political pressure exerted by few certain States has led to the point that the result of technically resolved issues are later altered in the Agency's reports contrary to what have been agreed upon. These pressures which are politically motivated have impeded the Agency to carry out its professional and impartial role.

**B. Comments on the NPT Safeguards report (GOV/2024/62), Background:**

10. With respect to paragraph 3 of the report (GOV/2024/44), the Islamic Republic of Iran reiterates, time and again, that there has never been any location further to what has so far been reported to be declared under the CSA, including through INFCIRC/967 dated 3 December 2021, INFCIRC/996 dated 7 June 2022, INFCIRC/1159 dated 23 November 2023, INFCIRC/1131 dated 14 September 2023, INFCIRC/1183 dated 7 March 2024, INFCIRC/1215 dated 4 June 2024 and INFCIRC/1244 dated 4 September 2024. The Agency's claim of undeclared locations has not been supported by authentic safeguards-relevant information, documents and evidences.
11. On para. 4, once again Iran stresses that there have been no any nuclear material and activity in so called location "Lavisian-Shian". This location, as it has been stipulated in footnote 6 of the report, has gone under Agency's extensive verification activities including Complementary Access, accordingly the matter was closed in 2004 (GOV/2004/83).
12. On paras. 5 and 6, despite there have not been any nuclear material and activity needed to be declared, Iran has so far provided the Agency with its explanations. However, voluntary measures could be considered within the modality to be agreed

upon in line with the 4<sup>th</sup> March 2023 Joint Statement.

13. On para. 7 of the report “...the Agency’s assessment of the undeclared nuclear related activities that were undertaken by Iran at ‘Marivan’ remains unchanged” as it was said in paragraph 6 above, the Agency's assessment should not be based on unreliable information and unauthentic documents. Furthermore, there is no added value in referring to some previous arguments confirmed by subsequent information which led to resolution of this issue as specified in the previous Director General’s report (GOV/2023/26). However, the details have been reflected in paragraph 8 of INFCIRC/1094 dated 7 June 2023.

14. On para. 8, the following has to be noted:

- As to the outstanding issues, Iran has presented all available information to the Agency. This has been reflected in Iran’s various Explanatory Notes.<sup>1</sup>
- The Joint Statement of 4 March 2023 has been continuously implemented by Iran, however, as explicitly highlighted in the Joint Statement, modalities need to be agreed between Iran and the Agency for further steps.
- The right of designation and de-designation of the Agency’s inspectors, is recognized in Article 9 of Iran’s Comprehensive Safeguards Agreement (INFCIRC/214).
- During recent visit of the DG, Iran, acting in good faith, presented its proposal to the DG for introducing new alternative inspectors for the designation.
- Needless to say that ceasing the implementation of Modified Code 3.1 as specified in para. 13 of preamble and para. 65 of Annex I of the JCPOA, is due to the unlawful withdrawal of the US from the JCPOA, and according to the law entitled "**Strategic Action Plan to Lift Sanctions and Protect Iranian Nation's Interests**" passed by the Parliament, in exercising Iran’s rights under para 26 and 36 of the JCPOA. Full and effective implementation of the JCPOA by all participants, particularly sanctions-lifting commitments, is essential, enabling Iran

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<sup>1</sup> INFCIRC/1159 dated 23 November 2023, INFCIRC/1131 dated 14 September 2023, INFCIRC/996 dated 7 June 2022, INFCIRC/967 dated 3 December 2021, INFCIRC/1183 dated 7 March 2024, INFCIRC/1215 dated 4 June 2024, as well

to reverse its remedial measures under para 26 and 36 of the JCPOA.

- Iran has so far rendered its utmost cooperation to the Agency and taking into account the assessment made by the Agency in the year 2015 (GOV/2015/68), any political pressure on the Agency to question the previously final assessment (Final Assessment on Past and Present Outstanding Issues regarding Iran's Nuclear Programme - GOV/2015/68) is counterproductive and undoubtedly would jeopardize the integrity of the Agency, hence it is not acceptable to Iran.

**C. Comment on the Section C of the Report (GOV/2024/62):**

**15. On para. 9:** "Varamin", the following facts need to be considered:

- As it was frequently explained by Iran, there has not been any undeclared location required to be declared under the CSA.
- The allegation of existing "*undeclared pilot-scale plant used between 1999 and 2003*" is not supported by reliable information and authentic documents, rather is based on false and fabricated documents provided by ill-intended entity.
- The Agency's reference to a sole poor quality satellite imagery for assessing that "*... containers removed from Varamin were eventually transferred to Turqzabad...*" is NOT adequate and correct; there are thousands of similar containers moving around the country. Claim of movement of one container from a location to another, could not be a sound judgement based on such unprovable and imprecise evidence.

**16. On para. 9:** "*Turqzabad*" the following facts need to be considered:

- The Agency's assessment is not based on authentic information and evidences. Turqzabad is actually an industrial place encompassing various kinds of warehouses and depots for storing detergents, chemicals, foodstuff, fabrics & textiles, vehicles tire and parts, tubes & joints, and some industrial scraps.
- As it has been frequently said, the location in question is industrial scraps storage, movement of containers is a usual activity in that area. Transfer of a container from one area to another which is a usual activity cannot be considered as a solid ground

for such allegation.

- As a result of very intensive investigations carried out into the background of activities of this location, except sabotage as the most probable indication, no other reason has been found for the presence of such particles.
- On the Agency's incorrect assumption of intact removal of containers from the location, the explanations indicating incorrectness of the Agency's assumption, has already been provided to the Agency. However, Iran expresses its readiness to extend the explanations within the modality to be agreed upon in line with the 4<sup>th</sup> March 2023 Joint Statement.

## **C.2. Discrepancy in nuclear material balance**

17. On para. 12, following has to be considered:

- The uranium metal arising from declared conversion experiments conducted at the JHL (IRL-), received at the Uranium Conversion Facility, UCF (IRK-), has been frequently verified by the Agency since 2003, including quarterly and yearly, led to “**satisfactory**” issuance of relevant 90(a) and 90(b) statements by the Agency.
- Iran in a letter dated 9 August 2023, in response to the Agency’s inquiry, stressed that the mentioned discrepancy emerged at UCF (IRK-) was due to a different and irregular process of recovering uranium from the waste material, known as “dirty waste” containing various kinds of unknown elements as impurities. Basically, the difference of material between the starting and ending of recovery process is technically predictable and unavoidable. Although the difference emerged in ending point of recovery was accepted by Iran, the Agency was convinced that the amount initially claimed by the Agency was considerably less than what which has been announced earlier. To this end, several technical discussions on the subject were held between the Agency and Iran. In a technical discussion on 8 November 2023 in Vienna, Iran provided a presentation, based on firm technical documents and proofs, regarding detailed recovery process and its relevant accountancy calculation in IRK- for U-Metal dirty waste dissolution. To resolve this issue, it was agreed in the meeting that the Agency conduct additional verification activities at UCF in earliest possible time.



- The Agency's further verification activities in this regard were conducted on 21, 22 November 2023, 3, 4 December 2023 and 20 December 2023. During these follow-up activities at IRK-, the operator provided details of accountancy calculations for U-Metal dirty waste recovery. Despite the agreement reached with the Agency, and confirmation received dated 2023-12-21 for providing assessment including the analysis results of the environmental and destructive assay samples collected at the IRK- by February 2024, the results of these verifications has yet to be shared with Iran. However, the Agency accepted that the amount of SRD was far less than its initial evaluation.

18. **On para. 13**, it should be mentioned that:

- During the Agency's DDG and AEOI's Vice-President meeting in Tehran on 29 January 2024 and as a result of a proposal suggested by the DDG, technical discussion was concluded. In his proposal, DDG suggested that without continuing the technical discussion, a correction to the IRK- accountancy records with the agreed amount be submitted to the Agency by Iran, the issue would be resolved without any reflection to IRL-. Accordingly, the required corrected nuclear material accounting reports were provided to the Agency through Iran's letter dated 7 February 2024. The corrected nuclear material accounting reports indicate that all declared amount of uranium contained in the solid waste, sent from JHL to UCF for dissolution, was received at the UCF, and the mentioned shortfall only pertained to UCF (IRK-).
- Pursuant to this agreement, Iran corrected relevant accountancy records, and the Agency submitted the modified statements for IRK- and IRL- facilities. The Agency in its 90(a) statement dated 2024-02-21 stipulated that the discrepancy in the amount of uranium contained in the solid waste sent from JHL to UCF **has been resolved**. This resolution has also been reflected exactly as "**resolved**" in footnote 23 of the JCPOA report (GOV/2024/7 dated 26 February 2024). **However** surprisingly without giving any reason, at the same day, the word "**resolved**" has been changed to "**rectified**" (para. 15 of GOV/2024/8). Subsequently the reports were **unprofessionally, without issuing a corrigendum to the report, re-issued** on the 2

March 2024. There is no justifiable reason for such unwarranted deviation of agreement and hastily amending the distributed reports. This approach highlights external political pressures which undermines the credibility of the Agency.

19. **On para. 13:** The Agency in its letter dated 22 May 2024 requested Iran to re-evaluate the uranium metal production experiments that has been verified continuously since 2003. This request has no legal ground and is contrary to the mutual agreement of 29 February 2024. In this regard, the following points need to be considered:

- As explained above, the uranium metal at the JHL had been under Agency's continuous C/S measures (seals) while being retained at JHL (IRL-) facility and has been frequently verified by the Agency since 2003, for which the relevant 90(a) and 90(b) statements have been subsequently issued by the Agency with **satisfactory** endorsement. It should be noted that there has been no activity performed on this material that may change its status.
- The R&D project for U metal production from UF<sub>4</sub> has been declared to the Agency in 2003 and has been verified in depth in 2003-2004 and later in 2009 and eventually in 2014. In this R&D project, in addition to fine products, some different types of waste such as scrap, heterogeneous waste, etc. were produced. All of these materials have gone under Agency's different verifications.
- The Agency in its statement dated 2014-02-12 clearly assessed that **"all declared nuclear material has been accounted for and that there were no indication of the undeclared presence, production or processing of nuclear material"**. The Agency further in its report (GOV/2015/68) mentioned that **"...The Agency re-evaluated this information in 2014 and assessed that the amount of natural uranium involved was within the uncertainties associated with nuclear material accountancy and related measurements"**.
- The material being received by UCF (IRK-) from JHL (IRL-) was under the Agency's seals, verified by the Agency and the operator and evidently, the shipper data was accepted. Since the receiving MBA (IRK1) has accepted the shipper data, there is not any shipper-receiver-difference (SRD) to be reported.

After recovery in process area (IRK2), verification of the material was performed at the UCF and the shortfall was due to the processing of the material and can neither be considered as SRD nor causes changing the accounting reports of the origin facility JHL (IRL-).

- Taking into account that the mentioned shortfall was only identified in the end of the recovery process at UCF (IRK-), and not at the receiving point of this facility, thus, it definitely cannot be attributed to the origin facility, i.e. Jaber Ibn Hayan Multipurpose laboratory (IRL-).
- Taking into consideration that the material balance of the uranium involved in uranium metal production experiments conducted at JHL was concluded in year 2014 (statement 90(b)), reopening a closed matter which has been concluded by the Agency after an exhausted procedure, would undoubtedly jeopardize the credibility of the Agency's verification system including its accounting statements.
- The material balance in the period of 1995-2000 has been intrusively investigated and verified which led to issuance of satisfactory statements. This issue not only has finally concluded in 2015 (GOV/2015/68), but also verified constantly years later. Building upon such issue purposefully which dates back to 30 years ago, undoubtedly questions the Agency's verification system as well as undermines the Agency's credibility.
- On para. 14, technical discussion for further understanding to be reached with the Agency regarding correctness of Iran's technical calculations related to discrepancy is ongoing.

### **20\_C.3. Modified Code 3.1:**

- Acceptance of implementation of Modified Code 3.1 was among the measures reflected in para. 13 of the preamble as well as in para. 65 of Annex I to the JCPOA. Following the U.S. withdrawal from the JCPOA and failure of the E3/EU to fulfill their commitments under the agreement, Iran in accordance with the law entitled "**Strategic Action Plan to Lift Sanctions and Protect**

**Iranian Nation's Interests"** passed by the Parliament, ceased the implementation of the said Modified Code 3.1., in exercising its rights under para 26 and 36 of the JCPOA. However, acting in good faith and in light of understanding reached with the Director General, Iran has already provided general information on planning of new facilities and has stated that relevant safeguards information will be provided to the Agency in due time.

- The DG in his report has referred to the uniqueness of Iran's implementation of Modified Code 3.1 (*Iran remains the only State with significant nuclear activities in which the Agency is implementing a comprehensive safeguards agreement but which is not implementing the provisions of the modified*). In this regard, uniqueness of the JCPOA needs also to be reiterated which is characterized by high frequency of the inspections, confidence-building and transparency measures beyond the CSA and the Additional Protocol. This characteristic of the agreement made Iran to be the only State with having such a robust unique verification regime.
- According to the Law passed by Islamic Consultative Assembly (Majlis) entitled "**Strategic Action Plan to Lift Sanctions and Protect Iranian Nation's Interests**", Iran, in exercising its rights under para 26 and 36 of the JCPOA, decided to fulfill obligations merely under its Comprehensive Safeguards Agreement. One should not expect that while the unjust and illegal unilateral sanctions still continue, Iran will fully implement its commitments under the JCPOA.

**D. Comment on the Section D of the Report (GOV/2024/62) Joint Statement (paras. 20-30)**

21. Two important elements of the 4<sup>th</sup> March 2023 Joint Statement should be taken into considerations, i.e. the framework of the CSA and the agreed modality. The Islamic Republic of Iran acting in good faith and even pending the agreement to be reached out on the modalities, allowed the Agency to install 9 surveillance cameras. Furthermore, Iran allowed the Secretariat to successfully service the cameras and store the recorded data. The progress achieved arising from the

mutual cooperation with the Agency needs to be recognized by the Board of Governors.

22. It is obvious that further implementation of the Joint Statement requires Iran and the Agency to discuss on **modalities** to be mutually agreed upon.

**E. Comments on the reports (GOV/2024/61 and GOV/2024/62). Summary**

23. The full implementation of safeguards commitments by Iran, will prove the peaceful nature of all Iran's nuclear program. It is emphasized that the allegations raised by the ill-intended third party are baseless and has no justification.

24. Iran voluntarily granted access and provided information and clarification to the Agency on the claimed locations. This was despite the Agency did not present authentic and reliable documents to Iran concerning its claim. Iran was not and is not obliged to respond to the unauthentic and fabricated documents. Unfortunately, the Agency has considered the fabricated documents and the fake information provided by the Israeli regime as authentic. As a result of this, the Agency has concluded wrong and unreliable assumptions.

25. It has to be re-emphasized that all Iran's nuclear material and activities have been completely declared to the Agency and has gone through a very robust verification system. Although, the Islamic Republic of Iran has no obligation to respond to the Agency's questions based on fabricated and unauthentic documents. However, Iran provided all necessary information, supporting documents and granted accesses requested by the Agency. Unauthentic and fabricated documents shall not be relied upon to make any conclusion.

26. As explained earlier, implementation of Modified Code 3.1 has been ceased according to the law passed by the parliament, in exercising Iran's rights under para 26 and 36 of the JCPOA.

27. Iran has repeatedly stated its readiness to work on the modalities to be agreed upon within the Joint Statement, enabling to proceed for next steps.

28. Agency's statement in para. 31 of GOV/2024/611, as *"Iran's decision to remove*

*all of the Agency's equipment previously installed in Iran for JCPOA-related surveillance and monitoring activities has also had detrimental implications for the Agency's ability to provide assurance of the peaceful nature of Iran's nuclear programme" "*, does not have legal basis under the CSA. There should be a clear distinction between legal obligations of Member States under their respective safeguards agreements and their voluntary undertakings, in order to ensure that such voluntary undertakings are not turned into legal safeguards obligations. In this regard, the Agency is highly expected to comply with this requirement which is essential to uphold the Statute of the Agency, as well as the respective CSA governing relations with the Agency.

29. On para. 32 of GOV/2024/61, it should be reminded that the voluntary and provisional implementation of the Additional Protocol has been ceased according with the law passed by the parliament after unlawful withdrawal of the United States from the JCPOA, in exercising its rights under para 26 and 36 of the JCPOA.

### **Conclusion**

30. The Islamic Republic of Iran has so far rendered its full cooperation under the CSA to the Agency. It has to be re-emphasized that all Iran's nuclear material and activities have been completely declared and verified by the Agency.

31. The Islamic Republic of Iran rightfully expects that the Agency conducts its reporting on verification activities in Iran based on the principles of impartiality, professionalism, and objectivity.

32. It has to be re-emphasized that all Iran's nuclear material and activities have been completely declared to the Agency and has gone through a very robust verification system. Although, the Islamic Republic of Iran has no obligation to respond to the Agency's questions based on fabricated and unauthentic documents, however, on a voluntary basis and in a cooperative manner, Iran provided all necessary information, supporting documents and granted accesses requested by the Agency.

33. The Islamic Republic of Iran, once again, stresses the importance and value of

cooperation extended to the Agency. This constructive cooperation should not be undermined by short-sighted political interests. Accordingly, the Agency has the responsibility to show wisdom in addressing such issues in a diligent manner in order to avoid distorting the bigger picture on cooperation between Iran and the Agency.

34. Iran expresses its hope that interaction between the Agency and Iran will continue constructively and looks forward to further engagements.