

PART 745

CHEMICAL WEAPONS CONVENTION REQUIREMENTS

Sec.		Page
745.1	Advance notification and annual report of all exports of Schedule 1 chemicals to other States Parties	1
745.2	End-Use Certificate reporting requirements under the Chemical Weapons Convention	2
	SCHEDULES OF CHEMICALS	SUPPLEMENT NO. 1
	STATES PARTIES TO THE CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCKPILING, AND USE OF CHEMICAL WEAPONS AND ON THEIR DESTRUCTION	SUPPLEMENT NO. 2
	FOREIGN AUTHORIZED AGENCIES RESPONSIBLE FOR ISSUING END-USE CERTIFICATES PURSUANT TO §745.2	SUPPLEMENT NO. 3

§745.1**ADVANCE NOTIFICATION AND
ANNUAL REPORT OF ALL EXPORTS OF
SCHEDULE 1 CHEMICALS TO OTHER
STATES PARTIES**

Pursuant to the Convention, the United States is required to notify the Organization for the Prohibition of Chemical Weapons (OPCW) not less than 30 days in advance of every export of a Schedule 1 chemical, in any quantity, to another State Party. In addition, the United States is required to provide a report of all exports of Schedule 1 chemicals to other States Parties during each calendar year. If you plan to export any quantity of a Schedule 1 chemical controlled under the EAR and licensed by the Department of Commerce or controlled under the International Traffic in Arms Regulations (ITAR) and licensed by the Department of State, you are required under this section to notify the Department of Commerce in advance of this export. You are also required to provide an annual report of exports that actually occurred during the previous calendar year. The United States will transmit the advance notifications and an aggregate annual report to the OPCW of exports of Schedule 1 chemicals from the United States. Note that the notification and annual report requirements of this section do not relieve the exporter of any requirement to obtain a license from the Department of Commerce for the export of Schedule 1 chemicals subject to the EAR or from the Department of State for the export of Schedule 1 chemicals subject to the ITAR.

(a) Advance notification of exports

You must notify BIS at least 45 calendar days prior to exporting any quantity of a Schedule 1 chemical listed in Supplement No. 1 to this part to another State Party. This is in addition to the requirement to obtain an export license under the EAR for chemicals controlled by ECCN 1C350 or 1C351 for any reason for control, or from the

Department of State for Schedule 1 chemicals controlled under the ITAR. Note that such notifications may be sent to BIS prior to or after submission of a license application to BIS for Schedule 1 chemicals controlled subject to the EAR and under ECCNs 1C350 or 1C351 or to the Department of State for Schedule 1 chemicals controlled on the ITAR. Such notices must be submitted separately from license applications.

(1) Such notification should be on company letterhead or must clearly identify the reporting entity by name of company, complete address, name of contact person and telephone and fax numbers, along with the following information:

- (i) Common Chemical Name;
- (ii) Structural formula of the chemical;
- (iii) Chemical Abstract Service (CAS) Registry Number;
- (iv) Quantity involved in grams;
- (v) Planned date of export;
- (vi) Purpose (end-use) of export;
- (vii) Name of recipient;
- (viii) Complete street address of recipient;
- (ix) Export license or control number, if known; and
- (x) Company identification number, once assigned by BIS.

•**(2)** Send the notification either by fax to (202) 482-1731 or by mail or courier delivery to the following address:

Information Technology Team
Treaty Compliance Division
Bureau of Industry and Security

U.S. Department of Commerce
Room 4515
14th Street and Pennsylvania Avenue, N.W.
Washington, DC 20230.

Attn: “Advance Notification of Schedule 1
Chemical Export”.

(3) Upon receipt of the notification, BIS will inform the exporter of the earliest date the shipment may occur under the notification procedure. To export the Schedule 1 chemical, the exporter must have applied for and been granted a license (see §§742.2 and 742.18 of the EAR, or the ITAR at 22 CFR Part 121).

(b) Annual report of exports

(1) You must report all exports of any quantity of a Schedule 1 chemical to another State Party during the previous calendar year, starting with exports taking place during calendar year 1997. Reports for exports during calendar years 1997 and 1998 are due to the Department of Commerce August 16, 1999. Thereafter, annual reports of exports are due on February 13 of the following calendar year. The report should be on company letterhead or must clearly identify the reporting entity by name of company, complete address, name of contact person and telephone and fax numbers along with the following information for *each* export:

- (i) Common Chemical Name;
- (ii) Structural formula of the chemical;
- (iii) CAS Registry Number;
- (iv) Quantity involved in grams;
- (v) Date of export;
- (vi) Export license number;
- (vii) Purpose (end-use) of export;

(viii) Name of recipient;

(ix) Complete address of recipient, including street address, city and country; and

(x) Company identification number, once assigned by BIS.

(2) The report must be signed by a responsible party, certifying that the information provided in the annual report is, to the best of his/her knowledge and belief, true and complete.

•(3) Send the report either by fax to (202) 482-1731 or by mail or courier delivery to the following address:

Information Technology Team
Treaty Compliance Division
Bureau of Industry and Security
U.S. Department of Commerce
Room 4515
14th Street and Pennsylvania Avenue, N.W.
Washington, DC 20230.

Attn: “Annual Report of Schedule 1 Chemical
Export”.

§745.2

**END-USE CERTIFICATE REPORTING
REQUIREMENTS UNDER THE
CHEMICAL WEAPONS CONVENTION**

NOTE: The End-Use Certificate requirement of this section does not relieve the exporter of any requirement to obtain a license from the Department of Commerce for the export of Schedule 3 chemicals subject to the Export Administration Regulations or from the Department of State for the export of Schedule 3 chemicals subject to the International Traffic in Arms Regulations.

(a)(1) No U.S. person, as defined in §744.6(c) of

the EAR, may export from the United States any Schedule 3 chemical identified in Supplement No. 1 to this part to countries not party to the Chemical Weapons Convention (destinations *not* listed in Supplement No. 2 to this part) unless the U.S. person obtains from the consignee an End-Use Certificate issued by the government of the importing destination. This Certificate must be issued by the foreign government's agency responsible for foreign affairs or any other agency or department designated by the importing government for this purpose. Supplement No. 3 to this part includes foreign authorized agencies responsible for issuing End-Use Certificates pursuant to this section. Additional foreign authorized agencies responsible for issuing End-Use Certificates will be included in Supplement No. 3 to this part when known. End-Use Certificates may be issued to cover aggregate quantities against which multiple shipments may be made to a single consignee. An End-Use Certificate covering multiple shipments may be used until the aggregate quantity is shipped. End-Use Certificates must be submitted separately from license applications.

●(2) Submit a copy of the End-Use Certificate, no later than 7 days after the date of export, either by fax to (202) 482-1731 or by mail or courier

delivery to the following address:

Information Technology Team
Treaty Compliance Division
Bureau of Industry and Security
U.S. Department of Commerce
Room 4515
14th Street and Pennsylvania Avenue, N.W.
Washington, DC 20230.

Attn: "CWC End-Use Certificate Report".

(b) The End-Use Certificate described in paragraph (a) of this section must state the following:

- (1) That the chemicals will be used only for purposes not prohibited under the Chemical Weapons Convention;
- (2) That the chemicals will not be transferred to other end-user(s) or end-use(s);
- (3) The types and quantities of chemicals;
- (4) Their specific end-use(s); and
- (5) The name(s) and complete address(es) of the end-user(s).

SCHEDULES OF CHEMICALS

**C.A.S.
Registry
Number**

Schedule 1

A. Toxic chemicals:

- (1) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl
(Me, Et, n-Pr or i-Pr)-phosphonofluoridates

e.g. Sarin: O-Isopropyl methylphosphonofluoridate 107-44-8
Soman: O-Pinacolyl methylphosphonofluoridate 96-64-0

- (2) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) N,N-dialkyl
(Me, Et, n-Pr or i-Pr) phosphoramidocyanidates

e.g. Tabun: O-Ethyl N,N-dimethyl
phosphoramidocyanidate 77-81-6

- (3) O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) S-2-dialkyl
(Me, Et, n-Pr or i-Pr)-aminoethyl alkyl
(Me, Et, n-Pr or i-Pr) phosphonothiolates and
corresponding alkylated or protonated salts

e.g. VX: O-Ethyl S-2-diisopropylaminoethyl
methyl phosphonothiolate 50782-69-9

- (4) Sulfur mustards:

2-Chloroethylchloromethylsulfide 2625-76-5
Mustard gas: Bis(2-chloroethyl)sulfide 505-60-2
Bis(2-chloroethylthio)methane 63869-13-6
Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane 3563-36-8
1,3-Bis(2-chloroethylthio)-n-propane 63905-10-2
1,4-Bis(2-chloroethylthio)-n-butane 142868-93-7
1,5-Bis(2-chloroethylthio)-n-pentane 142868-94-8
Bis(2-chloroethylthiomethyl)ether 63918-90-1
O-Mustard: Bis(2-chloroethylthioethyl)ether 63918-89-8

- (5) Lewisites:

Lewisite 1: 2-Chlorovinylchloroarsine 541-25-3

Lewisite 2: Bis(2-chlorovinyl) chloroarsine	40334-69-8
Lewisite 3: Tris(2-chlorovinyl)arsine	40334-70-1
(6) Nitrogen mustards:	
HN1: Bis(2-chloroethyl)ethylamine	538-07-8
HN2: Bis(2-chloroethyl) methylamine	51-75-2
HN3: Tris(2-chloroethyl)amine	555-77-1
(7) Saxitoxin	35523-89-8
(8) Ricin	9009-86-3
B. Precursors:	
(9) Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides	
e.g. DF: Methylphosphonyldifluoride	676-99-3
(10) O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) O-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, N-Pr or i-Pr) phosphonites and corresponding alkylated or protonated salts	
e.g. QL: O-Ethyl O-2- diisopropylaminoethyl methylphosphonite	57856-11-8
(11) Chlorosarin: O-Isopropyl methylphosphonochloridate	1445-76-7
(12) Chlorosoman: O-Pinacolyl methylphosphonochloridate	7040-57-5

Schedule 2

A. Toxic chemicals:

(1) Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl] phosphorothiolate	78-53-5
and corresponding alkylated or protonated salts	
(2) PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)- 1-propene	382-21-8
(3) BZ: 3-Quinuclidinyl benzilate	6581-06-2

B. Precursors:

- (4) Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms,
- e.g. Methylphosphonyl dichloride 676-97-1
 Dimethyl methylphosphonate 756-79-6
- Exemption: Fonofos: O-Ethyl S-phenyl ethylphosphono-thiolothionate 944-22-9
- (5) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides
- (6) Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)- phosphoramidates
- (7) Arsenic trichloride 7784-34-1
- (8) 2,2-Diphenyl-2-hydroxyacetic acid 76-93-7
- (9) Quinuclidine-3-ol 1619-34-7
- (10) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts
- (11) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts
- Exemptions: N,N-Dimethylaminoethanol 108-01-0 and corresponding protonated salts
 N,N-Diethylaminoethanol 100-37-8 and corresponding protonated salts
- (12) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts
- (13) Thiodiglycol: Bis(2-hydroxyethyl)sulfide 111-48-8
- (14) Pinacolyl alcohol: 3,3-Dimethylbutane-2-ol 464-07-3

Schedule 3

A. Toxic chemicals:

- (1) Phosgene: Carbonyl dichloride 75-44-5
- (2) Cyanogen chloride 506-77-4
- (3) Hydrogen cyanide 74-90-8
- (4) Chloropicrin: Trichloronitromethane 76-06-2

B. Precursors:

- (5) Phosphorus oxychloride 10025-87-3
- (6) Phosphorus trichloride 7719-12-2
- (7) Phosphorus pentachloride 10026-13-8
- (8) Trimethyl phosphite 121-45-9
- (9) Triethyl phosphite 122-52-1
- (10) Dimethyl phosphite 868-85-9
- (11) Diethyl phosphite 762-04-9
- (12) Sulfur monochloride 10025-67-9
- (13) Sulfur dichloride 10545-99-0
- (14) Thionyl chloride 7719-09-7
- (15) Ethyldiethanolamine 139-87-7
- (16) Methyldiethanolamine 105-59-9
- (17) Triethanolamine 102-71-6

**STATES PARTIES TO THE CONVENTION ON THE PROHIBITION
OF THE DEVELOPMENT, PRODUCTION, STOCKPILING, AND USE OF CHEMICAL
WEAPONS AND ON THEIR DESTRUCTION**

●List of States Parties as of July 1, 2008

Afghanistan	Cyprus	Laos (P.D.R.)	Poland
Albania	Czech Republic	Latvia	Portugal
Algeria	Denmark	Lesotho	Qatar
Andorra	Djibouti	Liberia	Romania
Antigua and Barbuda	Dominica	Libya	Russian Federation
Argentina	Ecuador	Liechtenstein	Rwanda
Armenia	El Salvador	Lithuania	Saint Kitts and Nevis
Australia	Equatorial Guinea	Luxembourg	Saint Lucia
Austria	Eritrea	Macedonia	Saint Vincent and the Grenadines
Azerbaijan	Estonia	Madagascar	Samoa
Bahrain	Ethiopia	Malawi	San Marino
Bangladesh	Fiji	Malaysia	Sao Tome and Principe
Barbados	Finland	Maldives	Saudi Arabia
Belarus	France	Mali	Senegal
Belgium	Gabon	Malta	Serbia
Belize	Gambia	Marshall Islands	Seychelles
Benin	Georgia	Mauritius	Sierra Leone
Bhutan	Germany	Mauritania	Singapore
Bolivia	Ghana	Mexico	Slovak Republic
Bosnia-Herzegovina	Greece	Micronesia	Slovenia
Botswana	Grenada	Moldova (Republic of)	Solomon Islands
Brazil	Guatemala	Monaco	South Africa
Brunei Darussalam	Guinea	Mongolia	Spain
Bulgaria	●Guinea-Bissau	Montenegro	Sri Lanka
Burkina Faso	Guyana	Morocco	Sudan
Burundi	Haiti	Mozambique	Suriname
Cambodia	Holy See	Namibia	Swaziland
Cameroon	Honduras	Nauru	Sweden
Canada	Hungary	Nepal	Switzerland
Cape Verde	Iceland	Netherlands**	Tajikistan
Central African Republic	India	New Zealand	Tanzania
Chad	Indonesia	Nicaragua	Thailand
Chile	Iran	Niger	Timor Leste (East Timor)
China*	Ireland	Nigeria	Togo
Colombia	Italy	Niue	Tonga
Comoros	Jamaica	Norway	Trinidad and Tobago
Congo (Democratic Republic of the)	Japan	Oman	Tunisia
●Congo (Republic of the)	Jordan	Pakistan	Turkey
Cook Islands	Kazakhstan	Palau	Turkmenistan
Costa Rica	Kenya	Panama	Tuvalu
Cote d'Ivoire (Ivory Coast)	Kiribati	Papua New Guinea	Uganda
Croatia	Korea (Republic of)	Paraguay	Ukraine
Cuba	Kuwait	Peru	
	Kyrgyzstan	Philippines	

Chemical Weapons Convention Requirements

Supplement No. 2 to Part 745 - page 2

United Arab Emirates	Vietnam
United Kingdom	Yemen
United States	Zambia
Uruguay	Zimbabwe
Uzbekistan	
Vanuatu	
Venezuela	

* For CWC purposes only, China includes Hong Kong and Macau.

** For CWC purposes only, the Netherlands includes Aruba and the Netherlands Antilles.

**FOREIGN AUTHORIZED AGENCIES RESPONSIBLE FOR ISSUING
END-USE CERTIFICATES PURSUANT TO §745.2**

Israel Chemical, Environment Technology Administration
 Ministry of Industry & Trade
 30 Agron Street
 Jerusalem 94190, Israel

Contact: Josef Dancona
Deputy Director
Tel: 972-2-6220193
Fax: 972-2-6241987

Taiwan¹ Board of Foreign Trade,
 Ministry of Economic Affairs
 1 Hukou St., Taipei
 Tel: 02-2351-0271
 Fax: 02-2351-3603

Export Processing Zone Administration,
Ministry of Economic Affairs
600 Chiachang Rd., Nantze, Kaohsiung
Tel: 07-361-1212
Fax: 07-361-4348

Science-Based Industrial Park Administration
National Science Council
Executive Yuan
2 Hsin-an Rd., Hsinchu
Tel: 03-577-3311
Fax: 03-577-6222

¹ Two of the three offices (Export Processing Zone Administration and the Science-Based Industrial Park Administration) are in special economic zones and are responsible for the activity in their respective zones.