

**PART 745**

**CHEMICAL WEAPONS CONVENTION REQUIREMENTS**

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## §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).

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**SCHEDULES OF CHEMICALS**


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**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



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

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List of States Parties as of May 21, 2009

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

**Chemical Weapons Convention Requirements**

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Tanzania	Tuvalu	Vietnam
Thailand	Uganda	Yemen
Timor Leste (East Timor)	Ukraine	Zambia
Togo	United Arab Emirates	Zimbabwe
Tonga	United Kingdom	
Trinidad and Tobago	United States	
Tunisia	Uruguay	
Turkey	Uzbekistan	
Turkmenistan	Vanuatu	
	Venezuela	

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

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

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

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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

Taiwan<sup>1</sup>        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

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<sup>1</sup> 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.