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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, except that notifications for exports of 5 milligrams or less of saxitoxin (for medical or diagnostic purposes only) must be submitted to BIS at least 3 calendar days prior to the date of export (see 15 CFR 712.6(a)). 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).

SUPPLEMENT NO. 1 TO PART 745 - 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 methylphosphonate756-79-6
- 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-ol1619-34-7
- (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-Dimethylaminoethanol108-01-0
 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-ol464-07-3

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) Methyl diethanolamine	105-59-9
(17) Triethanolamine	102-71-6

**SUPPLEMENT NO. 2 TO PART 745 - 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 June 1, 2016

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

State Parties to the Chemical Weapons Convention

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

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

*** For CWC purposes only, the Netherlands (Kingdom of) includes: Aruba, Curaçao, and Sint Maarten (the Dutch two-fifths of the island of Saint Martin).

**SUPPLEMENT NO 3 TO PART 745 - 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.