§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 BXA 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 BXA prior to or after submission of a license application to BXA 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 BXA.

(2) Send the notification by fax to (703) 235-1481 or to the following address:
For mail and courier deliveries:

Information Technology Team  
Department of Commerce  
Bureau of Export Administration  
1555 Wilson Boulevard  
Suite 710  
Arlington, VA 22209  
Attn: “Advance Notification of Schedule 1 Chemical Export”

(3) Upon receipt of the notification, BXA 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 BXA.

(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 by fax to (703) 235-1481 or to the following address:

For mail and courier deliveries:

Information Technology Team  
Department of Commerce  
Bureau of Export Administration  
1555 Wilson Boulevard  
Suite 710  
Arlington, VA 22209  
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 to the Department of Commerce by fax at (703) 235-1481 or to the following address no later than 7 days after the date of export:

For mail and courier deliveries:

Information Technology Team
Department of Commerce
Bureau of Export Administration
1555 Wilson Boulevard
Suite 710
Arlington, VA 22209

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

Schedule 1

A. Toxic chemicals:

C.A.S. Registry Number

(1) O-Alkyl (≤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 (≤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 ≤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:

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<tr>
<td>HN1: Bis(2-chloroethyl)ethylamine</td>
<td>538-07-8</td>
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<td>HN2: Bis(2-chloroethyl)methyamine</td>
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<td>HN3: Tris(2-chloroethyl)amine</td>
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(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:


(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) Methyl-diethanolamine ................................................ 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 August 1, 2001

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* For CWC purposes only, China includes Hong Kong
Israel
Chemical, Environment Technology Administration
Ministry of Industry & Trade
30 Agron Street
Jerusalem 94190, Israel

Contact: Josef Dancona
Deputy Director
Telephone: 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.