

## §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).

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**SCHEDULES OF CHEMICALS**


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**Schedule 1**

## A. Toxic chemicals:

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

- (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
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(8) Ricin .....	9009-86-3
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## B. Precursors:

## (9) Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides

e.g. DF: Methylphosphonyldifluoride .....	676-99-3
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(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
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(11) Chlorosarin: O-Isopropyl methylphosphonochloridate .....	1445-76-7
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(12) Chlorosoman: O-Pinacolyl methylphosphonochloridate .....	7040-57-5
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**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
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(3) BZ: 3-Quinuclidinyl benzilate .....	6581-06-2
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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 August 1, 2001

Albania	Eritrea	Malawi	Senegal
Algeria	Estonia	Malaysia	Seychelles
Argentina	Ethiopia	Maldives	Singapore
Armenia	Fiji	Mali	Slovak Republic
Australia	Finland	Malta	Slovenia
Austria	France	Mauritius	South Africa
Azerbaijan	Gabon	Mauritania	Spain
Bahrain	Gambia	Mexico	Sri Lanka
Bangladesh	Georgia	Micronesia	Sudan
Belarus	Germany	Moldova (Republic of)	Suriname
Belgium	Ghana	Monaco	Swaziland
Benin	Greece	Mongolia	Sweden
Bolivia	Guinea	Morocco	Switzerland
Bosnia-Herzegovina	Guyana	Mozambique	Tajikistan
Botswana	Holy See	Namibia	Tanzania
Brazil	Hungary	Nepal	Togo
Brunei Darussalam	Iceland	Netherlands	Trinidad and Tobago
Bulgaria	India	New Zealand	Tunisia
Burkina Faso	Indonesia	Nicaragua	Turkey
Burundi	Iran	Niger	Turkmenistan
Cameroon	Ireland	Nigeria	United Arab Emirates
Canada	Italy	Norway	United Kingdom
Chile	Jamaica	Oman	Ukraine
China*	Japan	Pakistan	United States
Colombia	Jordan	Panama	Uruguay
Cook Islands	Kazakhstan	Papua New Guinea	Uzbekistan
Costa Rica	Kenya	Paraguay	Venezuela
Cote d'Ivoire (Ivory Coast)	Kiribati	Peru	Vietnam
Croatia	Korea (Republic of)	Philippines	Yemen
Cuba	Kuwait	Poland	Yugoslavia (Federal Republic of)
Cyprus	Laos (P.D.R.)	Portugal	Zambia
Czech Republic	Latvia	Qatar	Zimbabwe
Denmark	Lesotho	Romania	
Dominica	Liechtenstein	Russian Federation	
Ecuador	Lithuania	Saint Lucia	* For CWC purposes
El Salvador	Luxembourg	San Marino	only, China includes
Equatorial Guinea	Macedonia	Saudi Arabia	Hong Kong



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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  
Telephone: 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.