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**PART 745—CHEMICAL WEAPONS
CONVENTION REQUIREMENTS**

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AUTHORITY: 50 U.S.C. 1701 *et seq.*; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; Notice of November 9, 2011, 76 FR 70319 (November 10, 2011).

SOURCE: 64 FR 27143, May 18, 1999, unless otherwise noted.

§ 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

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Pennsylvania Avenue, NW., 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, NW., Wash-

ington, DC 20230. Attn: "Annual Report of Schedule 1 Chemical Export".

[64 FR 27143, May 18, 1999, as amended at 64 FR 28909, May 28, 1999; 65 FR 12923, Mar. 10, 2000; 73 FR 38910, July 8, 2008]

§ 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,

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Room 4515, 14th Street and Pennsylvania Avenue, NW., 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).

[64 FR 27143, May 18, 1999, as amended at 64 FR 49381, Sept. 13, 1999; 66 FR 49525, Sept. 28, 2001; 73 FR 38910, July 8, 2008]

SUPPLEMENT NO. 1 TO PART 745—
SCHEDULES OF CHEMICALS

	C.A.S. Registry No.
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 Mustard gas: Bis(2-chloroethyl)sulfide	2625-76-5
Bis(2-chloroethylthio)methane	505-60-2
Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane	63869-13-6
1,3-Bis(2-chloroethylthio)-n-propane	3563-36-8
1,4-Bis(2-chloroethylthio)-n-butane	63905-10-2
1,5-Bis(2-chloroethylthio)-n-pentane	142868-93-7
Bis(2-chloroethylthiomethyl)ether O-Mustard: Bis(2-chloroethylthioethyl)ether	142868-94-8 63918-90-1 63918-89-8

	C.A.S. Registry No.
(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 and corresponding alkylated or protonated salts	78-53-5
(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 Dimethyl methylphosphonate	676-97-1 756-79-6
Exemption: Fonofos: O-Ethyl S-phenyl ethylphosphonothiolothionate	944-22-9

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	C.A.S. Registry No.
(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 and corresponding protonated salts	108-01-0
N,N-Diethylaminoethanol and corresponding protonated salts	100-37-8
(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

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 MAY 21, 2009

Afghanistan	Bahamas
Albania	Bahrain
Algeria	Bangladesh
Andorra	Barbados
Antigua and Barbuda	Belarus
Argentina	Belize
Armenia	Belgium
Australia	Benin
Austria	Bhutan
Azerbaijan	Bolivia

Bosnia-Herzegovina	Japan
Botswana	Jordan
Brazil	Kazakhstan
Brunei Darussalam	Kiribati
Bulgaria	Kenya
Burkina Faso	Korea (Republic of)
Burundi	Kuwait
Cambodia	Kyrgyzstan
Cameroon	Laos (P.D.R.)
Canada	Latvia
Cape Verde	Lebanon
Central African Republic	Lesotho
Chad	Liberia
Chile	Libya
China*	Liechtenstein
Colombia	Lithuania
Comoros	Luxembourg
Congo (Democratic Republic of the)	Macedonia
Congo (Republic of the)	Madagascar
Cook Islands	Malawi
Costa Rica	Malaysia
Cote d'Ivoire (Ivory Coast)	Maldives
Croatia	Mali
Cuba	Malta
Cyprus	Marshall Islands
Czech Republic	Mauritius
Denmark	Mauritania
Djibouti	Mexico
Dominica	Micronesia
Dominican Republic	Moldova (Republic of)
Ecuador	Monaco
El Salvador	Mongolia
Equatorial Guinea	Montenegro
Eritrea	Morocco
Estonia	Mozambique
Ethiopia	Namibia
Fiji	Nauru
Finland	Nepal
France	Netherlands
Gabon	(Kingdom of the)
Gambia	* * *
Georgia	New Zealand
Germany	Nicaragua
Ghana	Niger
Greece	Nigeria
Grenada	Niue
Guatemala	Norway
Guinea	Oman
Guinea-Bissau	Pakistan
Guyana	Palau
Haiti	Panama
Holy See	Papua New Guinea
Honduras	Paraguay
Hungary	Peru
Iceland	Philippines
India	Poland
Indonesia	Portugal
Iran	Qatar
Iraq	Romania
Ireland	Russian Federation
Italy	Rwanda
Jamaica	Saint Kitts and Nevis
	Saint Lucia
	Saint Vincent and the Grenadines

Samoa	Thailand
San Marino	The United Arab Emirates
Sao Tome and Principe	Timor-Leste
Saudi Arabia	Togo
Senegal	Tonga
Serbia	Trinidad and Tobago
Seychelles	Tunisia
Sierra Leone	Turkey
Singapore	Turkmenistan
Slovak Republic	Tuvalu
Slovenia	Uganda
Solomon Islands	Ukraine
South Africa	United Kingdom
Spain	United States
Sri Lanka	Uruguay
Sudan	Uzbekistan
Suriname	Vanuatu
Swaziland	Venezuela
Sweden	Vietnam
Switzerland	Yemen
Tajikistan	Zambia
Tanzania	Zimbabwe

[64 FR 27143, May 18, 1999, as amended at 64 FR 49381, Sept. 13, 1999; 66 FR 49525, Sept. 28, 2001; 67 FR 37983, May 31, 2002; 68 FR 34529, June 10, 2003; 69 FR 12790, Mar. 18, 2004; 69 FR 77894, Dec. 29, 2004; 70 FR 45280, Aug. 5, 2005; 71 FR 33619, June 12, 2006; 71 FR 67788, Nov. 24, 2006; 72 FR 12729, Mar. 19, 2007; 72 FR 52002, Sept. 12, 2007; 73 FR 38910, July 8, 2008; 74 FR 31852, July 6, 2009; 76 FR 54931, Sept. 6, 2011]

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, 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

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

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

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.

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

[64 FR 27143, May 18, 1999, as amended at 64 FR 43982, Sept. 13, 1999]

PART 746—EMBARGOES AND OTHER SPECIAL CONTROLS

Sec.

746.1 Introduction.

746.2 Cuba.

746.3 Iraq.

746.4 North Korea.

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746.7 Iran.

746.8 Rwanda.

746.9 Syria.

SUPPLEMENT NO. 1 TO PART 746—EXAMPLES OF LUXURY GOODS

SUPPLEMENT NOS. 2-3 TO PART 746 [RESERVED]

AUTHORITY: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 287c; Sec 1503, Pub. L 108-11, 117 Stat. 559; 22 U.S.C. 6004; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 614; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 13222, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003-23 of May 7, 2003, 68 FR 26459, May 16, 2003; Presidential Determination 2007-7 of December 7, 2006, 72 FR 1899 (January 16, 2007); Notice of August 12, 2011, 76 FR 50661 (August 16, 2011).

SOURCE: 61 FR 12806, Mar. 25, 1996, unless otherwise noted.

§ 746.1 Introduction.

In this part, references to the EAR are references to 15 CFR chapter VII, subchapter C. This part implements broad based controls for items and activities subject to the EAR imposed to implement U.S. government policies. Two categories of controls are included in this part.

(a) *Comprehensive controls.* This part contains or refers to all the BIS licensing requirements, licensing policies, and License Exceptions for countries subject to general embargoes or comprehensive sanctions, currently Cuba, Iran, and Syria. This part is the focal point for all the EAR requirements for transactions involving these countries.

(1) *Cuba.* All the items on the Commerce Control List (CCL) require a license to Cuba. In addition, most other items subject to the EAR, but not included on the CCL, designated by the