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Title 15 – Commerce and Foreign Trade

Subtitle B – Regulations Relating to Commerce and Foreign Trade

Chapter VII – Bureau of Industry and Security, Department of Commerce

Subchapter C – Export Administration Regulations

Part 745 Chemical Weapons Convention Requirements

§ 745.1 Advance notification and annual report of all exports of Schedule 1 chemicals to other States Parties.

§ 745.2 End-Use Certificate reporting requirements under the Chemical Weapons Convention.

Supplement No. 1 to Part 745

Schedules of Chemicals

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

Supplement No. 3 to Part 745

Foreign Authorized Agencies Responsible for Issuing End-Use Certificates Pursuant to § 745.2

PART 745—CHEMICAL WEAPONS CONVENTION REQUIREMENTS

Authority: 50 U.S.C. 1701 et seq.; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950); 22 U.S.C. 6701 et seq.; E.O. 13128, 64 FR 36703, 3 CFR 1999 Comp., p. 199; 50 U.S.C. 4801-4852; Notice of November 12, 2019, 84 FR 61817 (November 13, 2019).

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, 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, 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., Washington, 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; 83 FR 13855, Apr. 2, 2018]

§ 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, 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

| | CAS registry No. |
|--|---------------------|
| Schedule 1 | |
| A. Toxic Chemicals: | |
| 1. Family: O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)- phosphonofluoridates | |
| Not limited to the following examples: | |
| <i>Sarin</i> : O-Isopropyl methylphosphonofluoridate | 107-44-8 |
| <i>Soman</i> : O-Pinacolyl methylphosphonofluoridate | 96-64-0 |
| 2. Family: O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidocyanidates | |
| Not limited to the following example: | |
| <i>Tabun</i> : O-Ethyl N,N-dimethyl phosphoramidocyanidate | 77-81-6 |
| 3. Family: 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 | |
| Not limited to the following example: | |
| VX: O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate | 50782-69-9 |
| 4. Sulfur mustards: | |
| 2-Chloroethylchloromethylsulfide | 2625-76-5 |

| | CAS registry No. |
|--|---------------------|
| <i>Mustard gas</i> : Bis(2-chloroethyl)sulfide | 505-60-2 |
| Bis(2-chloroethylthio)methane | 63869-13-6 |
| <i>Sesquimustard</i> : 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 |
| <i>O-Mustard</i> : Bis(2-chloroethylthioethyl)ether | 63918-89-8 |
| 5. <i>Lewisites</i> : | |
| <i>Lewisite 1</i> : 2-Chlorovinyl dichloroarsine | 541-25-3 |
| <i>Lewisite 2</i> : Bis(2-chlorovinyl)chloroarsine | 40334-69-8 |
| <i>Lewisite 3</i> : Tris(2-chlorovinyl)arsine | 40334-70-1 |
| 6. <i>Nitrogen mustards</i> : | |
| <i>HN1</i> : Bis(2-chloroethyl)ethylamine | 538-07-8 |
| <i>HN2</i> : Bis(2-chloroethyl)methylamine | 51-75-2 |
| <i>HN3</i> : Tris(2-chloroethyl)amine | 555-77-1 |
| 7. Saxitoxin | 35523-89-8 |
| 8. Ricin | 9009-86-3 |
| 13. <i>Family</i> : P-alkyl (H or $\leq C_{10}$, incl. cycloalkyl) N-(1-(dialkyl($\leq C_{10}$, incl. cycloalkyl)amino))alkylidene(H or $\leq C_{10}$, incl. cycloalkyl) phosphonamidic fluorides and corresponding alkylated or protonated salts | |
| Not limited to the following examples: | |
| N-(1-(di-n-decylamino)-n-decylidene)-P-decylphosphonamidic fluoride | 2387495-99-8 |
| Methyl-(1-(diethylamino)ethylidene)phosphonamidofluoridate | 2387496-12-8 |
| 14. <i>Family</i> : O-alkyl (H or $\leq C_{10}$, incl. cycloalkyl) N-(1-(dialkyl($\leq C_{10}$, incl. cycloalkyl)amino))alkylidene(H or $\leq C_{10}$, incl. cycloalkyl) phosphoramidofluoridates and corresponding alkylated or protonated salts | |
| Not limited to the following examples: | |
| O-n-Decyl N-(1-(di-n-decylamino)-n decylidene)phosphoramidofluoridate | 2387496-00-4 |
| Methyl (1-(diethylamino)ethylidene)phosphoramidofluoridate | 2387496-04-8 |
| Ethyl (1-(diethylamino)ethylidene)phosphoramidofluoridate | 2387496-06-0 |
| 15. Methyl-(bis(diethylamino)methylene)phosphonamidofluoridate | 2387496-14-0 |
| 16. Carbamates (quaternaries and bisquaternaries of dimethylcarbamoyloxy pyridines) | |
| 16.1. <i>Family</i> : Quaternaries of dimethylcarbamoyloxy pyridines: 1-[N,N-dialkyl($\leq C_{10}$)-N-(n-(hydroxyl, cyano, acetoxy)alkyl($\leq C_{10}$)) ammonio]-n-[N-(3-dimethylcarbamoyloxy- α -picolinyl)-N,N-dialkyl($\leq C_{10}$) ammonio]decane dibromide (n=1-8) | |
| Not limited to the following example: | |
| 1-[N,N-dimethyl-N-(2-hydroxy)ethylammonio]-10-[N-(3-dimethylcarbamoyloxy- α -picolinyl)-N,N-dimethylammonio]decane dibromide | 77104-62-2 |
| 16.2. <i>Family</i> : Bisquaternaries of dimethylcarbamoyloxy pyridines: 1,n-Bis[N-(3-dimethylcarbamoyloxy- α -picolyl)-N,N-dialkyl($\leq C_{10}$) ammonio]-alkane-(2,(n-1)-dione) | |

| | CAS registry No. |
|---|---------------------|
| dibromide (n=2-12) | |
| Not limited to the following example: | |
| 1,10-Bis[N-(3-dimethylcarbamoy- α -picolyl)-N-ethyl-N-methylammonio]decane-2,9-dione dibromide | 77104-00-8 |
| B. Precursors: | |
| 9. <i>Family</i> : Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides | |
| Not limited to the following example: | |
| <i>DF</i> : Methylphosphonyldifluoride | 676-99-3 |
| 10. <i>Family</i> : 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 | |
| Not limited to the following example: | |
| <i>QL</i> : O-Ethyl O-2-diisopropylaminoethyl methylphosphonite | 57856-11-8 |
| 11. <i>Chlorosarin</i> : O-Isopropyl methylphosphonochloridate | 1445-76-7 |
| 12. <i>Chlorosoman</i> : O-Pinacolyl methylphosphonochloridate | 7040-57-5 |
| Schedule 2 | |
| A. Toxic Chemicals: | |
| 1. <i>Amiton</i> : 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. <i>BZ</i> : 3-Quinuclidinyl benzilate | 6581-06-2 |
| B. Precursors: | |
| 4. <i>Family</i> : 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, | |
| Not limited to the following examples: | |
| Methylphosphonyl dichloride | 676-97-1 |
| Dimethyl methylphosphonate | 756-79-6 |
| <i>Exemption</i> : Fonofos: O-Ethyl S-phenyl ethylphosphonothiolothionate | 944-22-9 |
| 5. <i>Family</i> : N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides | |
| 6. <i>Family</i> : 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. <i>Family</i> : N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts | |
| 11. <i>Family</i> : N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts | |
| <i>Exemptions</i> : N,N-Dimethylaminoethanol and corresponding protonated salts | 108-01-0 |
| N,N-Diethylaminoethanol and corresponding protonated salts | 100-37-8 |
| 12. <i>Family</i> : N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding | |

| | CAS registry No. |
|--|---------------------|
| protonated salts | |
| 13. Thiodiglycol: Bis(2-hydroxyethyl)sulfide | 111-48-8 |
| 14. <i>Pinacolyl alcohol</i> : 3,3-Dimethylbutane-2-ol | 464-07-3 |
| Schedule 3 | |
| A. Toxic Chemicals: | |
| 1. <i>Phosgene</i> : Carbonyl dichloride | 75-44-5 |
| 2. Cyanogen chloride | 506-77-4 |
| 3. Hydrogen cyanide | 74-90-8 |
| 4. <i>Chloropicrin</i> : 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 |

Note to Supplement 1: The numerical sequence of the “Schedule 1” Toxic Chemicals and Precursors is not consecutive so as to align with the December 23, 2019, consolidated textual changes to “Schedule 1” of the Annex on Chemicals to the Chemical Weapons Convention (CWC), which reflect the decisions adopted by the CWC Conference of the States Parties in November 2019.

[86 FR 942, Jan. 7, 2021]

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

Albania

Algeria

Andorra

Angola

Antigua and Barbuda

Argentina

Armenia

Australia

Austria

Azerbaijan

Bahamas

Bahrain

Bangladesh

Barbados

Belarus

Belgium

Belize

Benin

Bhutan

Bolivia

Bosnia-Herzegovina

Botswana

Brazil

Brunei Darussalam

Bulgaria

Burkina Faso

Burma

Burundi

Cambodia

Cameroon

Canada

Cape Verde

Central African Republic

Chad

Chile

China *

Colombia

Comoros

Congo (Democratic Republic of the)

Congo (Republic of the)

Cook Islands

Costa Rica

Cote d'Ivoire (Ivory Coast)

Croatia

Cuba

Cyprus

Czech Republic

Denmark

Djibouti

Dominica

Dominican Republic

Ecuador

El Salvador

Equatorial Guinea

Eritrea

Estonia

Ethiopia

Fiji

Finland

France

Gabon

Gambia

Georgia

Germany

Ghana

Greece

Grenada

Guatemala

Guinea

Guinea-Bissau

Guyana

Haiti

Holy See

Honduras

Hungary

Iceland

India

Indonesia

Iran

Iraq

Ireland

Italy

Jamaica

Japan

Jordan

Kazakhstan

Kenya

Kiribati

Korea (Republic of)

Kuwait

Kyrgyzstan

Laos (P.D.R.)

Latvia

Lebanon

Lesotho

Liberia

Libya

Liechtenstein

Lithuania

Luxembourg

Macedonia

Madagascar

Malawi

Malaysia

Maldives

Mali

Malta

Marshall Islands

Mauritius

Mauritania

Mexico

Micronesia

Moldova (Republic of)

Monaco

Mongolia

Montenegro

Morocco

Mozambique

Namibia

Nauru

Nepal

Netherlands (Kingdom of the) ***

New Zealand

Nicaragua

Niger

Nigeria

Niue

Norway

Oman

Pakistan

Palau

Panama

Papua New Guinea

Paraguay

Peru

Philippines

Poland

Portugal

Qatar

Romania

Russian Federation

Rwanda

Saint Kitts and Nevis

Saint Lucia

Saint Vincent and the Grenadines

Samoa

San Marino

Sao Tome and Principe

Saudi Arabia

Senegal

Serbia

Seychelles

Sierra Leone

Singapore

Slovak Republic

Slovenia

Solomon Islands

Somalia

South Africa

Spain

Sri Lanka

Sudan

Suriname

Swaziland

Sweden

Switzerland

Syria

Tajikistan

Tanzania

Thailand

Timor-Leste

Togo

Tonga

Trinidad and Tobago

Tunisia

Turkey

Turkmenistan

Tuvalu

Uganda

Ukraine

United Arab Emirates

United Kingdom

United States

Uruguay

Uzbekistan

Vanuatu

Venezuela

Vietnam

Yemen

Zambia

Zimbabwe

* For CWC purposes only, China includes Macau.

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

[85 FR 83791, Dec. 23, 2020]

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

Taiwan^[1]

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

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

[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.