

[63 FR 64325, Nov. 19, 1998, as amended at 63 FR 65552, Nov. 27, 1998; 64 FR 14606, Mar. 26, 1999; 64 FR 28910, May 28, 1999; 65 FR 14446, Mar. 17, 2000; 65 FR 45843, July 26, 2000; 65 FR 60856, Oct. 13, 2000; 66 FR 24265, May 14, 2001; 66 FR 50091, Oct. 1, 2001; 66 FR 65836, Dec. 21, 2001]

PART 745—CHEMICAL WEAPONS CONVENTION REQUIREMENTS

Sec.

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SUPPLEMENT NO. 3 TO PART 745—FOREIGN GOVERNMENT AGENCIES RESPONSIBLE FOR ISSUING END-USE CERTIFICATES PURSUANT TO §745.2

AUTHORITY: 50 U.S.C. 1701 *et seq.*; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; Notice of November 9, 2000, 65 FR 68063, 3 CFR, 2000 Comp. p. 408.

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 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 Adminis-

tration, 1555 Wilson Boulevard, Suite 710, Arlington, VA 22209. 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]

§ 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).

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

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
3563-36-8	

	C.A.S. Registry No.
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 O-Mustard: Bis(2-chloroethylthioethyl)ether	63918-90-1
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 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 ethylphosphonothiothionate	944-22-9

	C.A.S. Registry No.	
(5) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides		Bolivia
(6) Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates		Bosnia-Herzegovina
(7) Arsenic trichloride	7784-34-1	Botswana
(8) 2,2-Diphenyl-2-hydroxyacetic acid	76-93-7	Brazil
(9) Quinuclidine-3-ol	1619-34-7	Brunei Darussalam
(10) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts		Bulgaria
(11) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts		Burkina Faso
Exemptions: N,N-Dimethylaminoethanol and corresponding protonated salts	108-01-0	Burundi
N,N-Diethylaminoethanol and corresponding protonated salts	100-37-8	Cameroon
(12) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts		Canada
(13) Thiodiglycol: Bis(2-hydroxyethyl)sulfide	111-48-8	Chile
(14) Pinacolyl alcohol: 3,3-Dimethylbutane-2-ol	464-07-3	China*
Schedule 3		
A. Toxic chemicals:		
(1) Phosgene: Carbonyl dichloride	75-44-5	Colombia
(2) Cyanogen chloride	506-77-4	Cook Islands
(3) Hydrogen cyanide	74-90-8	Costa Rica
(4) Chloropicrin: Trichloronitromethane	76-06-2	Cote d'Ivoire (Ivory Coast)
B. Precursors:		
(5) Phosphorus oxychloride	10025-87-3	Croatia
(6) Phosphorus trichloride	7719-12-2	Cuba
(7) Phosphorus pentachloride	10026-13-8	Cyprus
(8) Trimethyl phosphite	121-45-9	Czech Republic
(9) Triethyl phosphite	122-52-1	Denmark
(10) Dimethyl phosphite	868-85-9	Dominica
(11) Diethyl phosphite	762-04-9	Ecuador
(12) Sulfur monochloride	10025-67-9	El Salvador
(13) Sulfur dichloride	10545-99-0	Equatorial Guinea
(14) Thionyl chloride	7719-09-7	Eritrea
(15) Ethyldiethanolamine	139-87-7	Estonia
(16) Methyl-diethanolamine	105-59-9	Ethiopia
(17) Triethanolamine	102-71-6	Fiji

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 AUGUST 1, 2001

Albania
 Algeria
 Argentina
 Armenia
 Australia
 Austria
 Azerbaijan
 Bahrain
 Bangladesh
 Belarus
 Belgium
 Benin

Bolivia
 Bosnia-Herzegovina
 Botswana
 Brazil
 Brunei Darussalam
 Bulgaria
 Burkina Faso
 Burundi
 Cameroon
 Canada
 Chile
 China*
 Colombia
 Cook Islands
 Costa Rica
 Cote d'Ivoire (Ivory Coast)
 Croatia
 Cuba
 Cyprus
 Czech Republic
 Denmark
 Dominica
 Ecuador
 El Salvador
 Equatorial Guinea
 Eritrea
 Estonia
 Ethiopia
 Fiji
 Finland
 France
 Gabon
 Gambia
 Georgia
 Germany
 Ghana
 Greece
 Guinea
 Guyana
 Holy See
 Hungary
 Iceland
 India
 Indonesia
 Iran
 Ireland
 Italy
 Jamaica
 Japan
 Jordan
 Kazakhstan
 Kiribati
 Kenya
 Korea (Republic of)
 Kuwait
 Laos (P.D.R.)
 Latvia
 Lesotho
 Liechtenstein
 Lithuania
 Luxembourg
 Macedonia
 Malawi

*For CWC purposes only, China includes Hong Kong.

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Malaysia
Maldives
Mali
Malta
Mauritius
Mauritania
Mexico
Micronesia
Moldova (Republic of)
Monaco
Mongolia
Morocco
Mozambique
Namibia
Nepal
Netherlands
New Zealand
Nicaragua
Niger
Nigeria
Norway
Oman
Pakistan
Panama
Papua New Guinea
Paraguay
Peru
Philippines
Poland
Portugal
Qatar
Romania
Russian Federation
Saint Lucia
San Marino
Saudi Arabia
Senegal
Seychelles
Singapore
Slovak Republic
Slovenia
South Africa
Spain
Sri Lanka
Sudan
Suriname
Swaziland
Sweden
Switzerland
Tajikistan
Tanzania
The United Arab Emirates
Togo
Trinidad and Tobago
Tunisia
Turkey
Turkmenistan
United Kingdom
Ukraine
United States
Uruguay
Uzbekistan
Venezuela
Vietnam
Yemen
Yugoslavia (Federal Republic of)
Zambia

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Zimbabwe
[64 FR 27143, May 18, 1999, as amended at 64 FR 49381, Sept. 13, 1999; 66 FR 49525, Sept. 28, 2001]

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

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

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746.3 Iraq.
746.4 Libya.
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SUPPLEMENT NO. 1 TO PART 746—SPECIAL SANCTIONS ON ANGOLA ADMINISTERED BY THE OFFICE OF FOREIGN ASSETS CONTROL

SUPPLEMENT NO. 2 TO PART 746—UNITED NATIONS ARMS EMBARGOES ADMINISTERED BY THE DEPARTMENT OF STATE: LIBERIA, SOMALIA, AND COUNTRIES OF THE FORMER YUGOSLAVIA (BOSNIA-HERZEGOVINA, CROATIA, FORMER YUGOSLAV REPUBLIC OF MACEDONIA, SERBIA AND MONTENEGRO, SLOVENIA)

SUPPLEMENT NO. 3 TO PART 746 [RESERVED]

¹Two 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.