

SECTION 4: SCHEDULE 2 INFORMATION AND FORMS

Introduction

Part 713 of the Chemical Weapons Convention Regulations (CWCR) sets forth the declaration and report requirements that apply to the production, processing, consumption, export, and import of Schedule 2 chemicals. Submitters should refer to Part 713 of the CWCR to determine their declaration and report requirements. For the convenience of submitters, this section of the Handbook summarizes these declaration and report requirements and includes a table indicating the quantities of Schedule 2 chemicals that trigger a declaration or report. If there are discrepancies between the information in this section and the declaration and report requirements set forth in Part 713 of the CWCR, the CWCR prevail.

This section also contains a “Guide to Submission of Schedule 2 Forms” that identifies the specific forms which must be included in each declaration or report package, the necessary declaration and report forms, as well as specific instructions for completing the forms.

Declaration and Report Requirements

Annual Declarations on Past Activities are required from plant sites with one or more plants that produced, processed or consumed a Schedule 2 chemical in excess of applicable threshold quantities in any one of the three previous calendar years. Note that for Annual Declarations on Past Activities, plant sites must review data from the three previous calendar years to determine if any plant on the plant site produced, processed or consumed a Schedule 2 chemical in excess of the applicable threshold in any one of those three years; however, the plant site must only declare data on plants for the reporting year in question. For example, for the Annual Declaration on Past Activities for 2004, you must review data from calendar years 2002, 2003, 2004 for the plants on your plant site, but only declare data for declared plants on the plant site for calendar year 2004 activities. (See the Note to Section 713.2(a)(1)(i) of the CWCR for instructions on how to determine if you have a declaration requirement.)

Note that in addition to production, processing and consumption data, plant sites must also declare other related information such as production capacity and domestic transfers of each declared chemical. Finally, plant sites must declare data on exports and imports of A declared Schedule 2 chemical in excess of applicable threshold quantities (i.e., data from all plants on the plant site, not just data from declared plants).

Annual Reports on Exports and Imports are required from plant sites, trading companies or other persons that are subject to the CWCR that exported and/or imported a Schedule 2 chemical in excess of applicable threshold quantities (beginning with calendar year 1997). Note that plant sites subject to Annual Declaration on Past Activities requirements because of production, processing or consumption of a Schedule 2 chemical above the applicable threshold quantity may also have a reporting requirement for a different chemical that they did not produce, process or consume above the applicable threshold quantity, but that they exported or imported above the applicable threshold quantity.

Combined Annual Declarations and Reports are an optional reporting type for plant sites that are required to submit both an **Annual Declaration on Past Activities** for a Schedule 2 chemical that it

produced, processed, consumed, exported and/or imported in excess of the applicable threshold quantity and **an Annual Report on Exports and Imports** for exports and/or imports of a different Schedule 2 chemical in excess of the applicable threshold quantity. This reporting type is for the convenience of the submitter; however, a separate declaration or report may also be submitted.

Annual Declarations on Anticipated Activities are required from plant sites that anticipate one or more plants will produce, process or consume a Schedule 2 chemical in the next calendar year in excess of applicable threshold quantities. Note that in addition to anticipated production, processing and consumption data, plant sites must also declare production capacity, domestic transfers and exports of each declared chemical.

Declarations on Additionally Planned Activities are required from plant sites that anticipate additional production, processing or consumption of a Schedule 2 chemical after they have submitted their Annual Declaration on Anticipated Activities. This declaration is due to BIS at least 15 days before the additionally planned activity begins. (See Section 713.4 of the CWCR for the specific activities that trigger this declaration requirement.)

Amendments to Declarations or Reports are required for corrections to previously submitted declarations and reports.

Summary of Quantity Thresholds

The following summarizes the quantity thresholds for determining declaration requirements for the production, processing, consumption, export and import of Schedule 2 chemicals and rounding rules for reporting specific quantities.

Summary of Schedule 2 Quantity Thresholds

Schedule 2 Chemical	Quantity Threshold for Declaration or Report on Production, Processing, Consumption, Exports or Imports	Rounding Rules for Qualities Declared on Declaration or Report
2A(3)	> 1 Kg	Nearest hundredth of a kilogram (10 grams)
2A(1) and (2)	> 100 Kg	Nearest 1 kilogram
2B	> 1 metric ton	Nearest 10 kilograms

Quantity threshold for declaring production, processing, consumption, export and import for a “Declared” Plant Site

A declaration is triggered if at least one plant on a plant site produced, processed or consumed a Schedule 2 chemical above the applicable threshold quantity. A declared plant site must also declare exports or imports as part of its declaration if the total exports from or imports to the entire plant site (not just to or from the declared plants on the plant site) exceeded the applicable threshold quantity. Note that a plant site declared for the production, processing or consumption of one Schedule 2 chemical may also have a reporting requirement for exports or imports of another Schedule 2 chemical that it did not produce, process or consume above the applicable threshold quantity.

Quantity threshold for reporting exports and imports for “declared or undeclared” plant sites, trading companies and other persons

An export or import report is triggered if a plant site (declared or undeclared) or trading company or any other person subject to the CWCR exported or imported more than the applicable threshold quantity of a Schedule 2 chemical.

Quantity threshold for reporting exports to or imports from individual foreign destinations

Once an export or import declaration or report is required, report the specific quantity exported to or imported from a particular destination using the rounding rules in the above table. Report all quantities exported to or imported from a particular destination regardless of the quantity involved.

Summary of Concentration Thresholds

The following summarizes the concentration thresholds for counting the weight of a Schedule 2 chemical in a mixture (for declaration and report purposes), and determining whether the export to or import from a non-State Party of a mixture containing a Schedule 2 chemical is permitted.

Summary of Schedule 2 Concentration Thresholds

Schedule 2 Chemical	Concentration Threshold for a Schedule 2 Chemical in a Mixture to be “Counted” for Declaration or Report Purposes	Concentration Threshold for a Schedule 2 Chemical in a Mixture That May Trigger an Export or Import Restriction
2A(3)	>30%	>1%
2A(1) and (2)	>30%	>1%
2B	>30%	>10%

Concentration threshold for a Schedule 2 chemical in a mixture to be counted for declaration or report purposes

For a mixture that contains a Schedule 2 chemical, only count the Schedule 2 chemical if the concentration of the Schedule 2 chemical in the mixture is 30% or more. You would determine whether the concentration of the Schedule 2 chemical was 30% or more by calculating the percentage by weight and by volume and using the lesser percentage. If the concentration is 30% or more, “count” only the weight of the Schedule 2 chemical in the mixture, not the total weight of the mixture.

Guidance for adding quantities of Schedule 2 chemical for declaration or report purposes

Add all the quantities of Schedule 2 chemical from each plant at your plant site that produced, processed or consumed, including the Schedule 2 chemical in mixture concentrations of 30% or greater, to determine whether production, processing or consumption of the Schedule 2 chemical at any one or more plants on your plant site exceeds the applicable threshold. Plant sites, trading companies and other persons subject to the CWCRC would proceed in similar fashion to count exports and imports to determine declaration or report requirements (in the case of declared Schedule 2 plant sites) or report requirements (in the case of all other persons subject to the CWCRC). Note that exports from and imports to plant sites are determined for the plant site as a whole, including all units at the plant site.

Concentration threshold for a Schedule 2 chemical contained in a mixture that may trigger import restrictions

No person subject to the CWCRC may import a Schedule 2 chemical from a non-State Party. This import ban applies to a mixture that contains a Schedule 2 chemical at a concentration above 10% by weight.

Concentration threshold for a Schedule 2 chemical in a mixture that may trigger an export license requirement or other export restriction

- (1) Export license requirements for Schedule 2 chemicals subject to the Export Administration Regulations (EAR). Most Schedule 2 chemicals are subject to the export control jurisdiction of the Department of Commerce. Depending on the destination, the export of a Schedule 2 chemical may require an export license from Commerce’s Bureau of Industry and Security (BIS). However, in most instances, a mixture containing a concentration of 10% or less of a Schedule 2 chemical, by weight, would not trigger a license application requirement under the Export Administration Regulations. In other instances, such as in the case of proposed exports from the United States to embargoed destinations or entities, even mixtures containing 10% or less concentration of a Schedule 2 chemical would require specific authorization from BIS (e.g., Cuba) or from another federal agency (e.g., the Department of the Treasury is responsible for licensing exports to destinations such as Iran and Iraq). (See 15 CFR parts 742, 744 and 746 and 31 CFR Chap. V.)
- (2) Export license requirements for Schedule 2 chemicals subject to the International Traffic in Arms Regulations (ITAR)(22 CFR parts 120-130). The 10% de minimis exception does not apply to Schedule 2 chemicals subject to the jurisdiction of the State Department. You should consult with the State Department to determine license application requirements and licensing policy for exports of Schedule 2 chemicals controlled under the ITAR (i.e., Amiton and BZ).

GUIDE TO SUBMISSION OF SCHEDULE 2 FORMS

Declaration or Report Type	Schedule 2 Forms									Due Dates
	Cert.	2-1	2-2	2-3	2-3A	2-3B	2-3C	A	B	
Annual Declaration on Past Activities	✓	✓	✓	✓	✓	✓		①	②	February 28
Annual Report on Exports and Imports	✓	✓				✓		①	②	February 28
Combined Annual Declaration and Report	✓	✓	✓	✓	✓	✓		①	②	February 28
Annual Declaration on Anticipated Activities	✓	✓	✓	✓	✓		✓	①	②	September 3 of each year prior to the calendar year in which anticipated activities will take place
Declaration on Additionally Planned Activities	✓	✓	✓	✓	✓		✓	①	②	15 calendar days before the additionally planned activities begin
Amendment ¹	✓	✓						①	②	See Part 713 of the CWCR for specific due dates

✓ - Form Required ① - Attach, as appropriate ② - Optional

Listing of Schedule 2 Forms

Certification Form

- Form 2-1 Schedule 2 Plant Site or Trading Company Identification
- Form 2-2 Declaration on Schedule 2 Plant
- Form 2-3 Declaration on Schedule 2 Chemical
- Form 2-3A Declaration on Schedule 2 Chemical Sold or Transferred from the Plant Site in the United States
- Form 2-3B Exports and Imports of Schedule 2 Chemical
- Form 2-3C Declaration on Anticipated or Additionally Planned Activities of Schedule 2 Chemical
- Form A Attachments for Schedule 2 Plant Site or Trading Company (attach as appropriate)
- Form B Optional Comments

1. Submit all forms contained in the original declaration or report, and any new forms to complete the amendment.