

## SECTION 5: SCHEDULE 3 INFORMATION AND FORMS

### Introduction

Part 714 of the Chemical Weapons Convention Regulations (CWCR) sets forth the declaration and report requirements that apply to the production, export, and import of Schedule 3 chemicals. Submitters should refer to Part 714 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 3 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 714 of the CWCR, the CWCR prevail.

This section also contains a “Guide to Submission of Schedule 3 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 a Schedule 3 chemical in excess of 30 metric tons in the previous calendar year

*Combined Annual Declarations and Reports* are an optional reporting type for plant sites with a requirement to submit both an **Annual Declaration on Past Activities** for production of a Schedule 3 chemical by one or more plants on the plant site in excess of 30 metric tons and an **Annual Report on Exports and Imports** for exports and/or imports of the same or different Schedule 3 chemical in excess of 30 metric tons. This reporting type is for the convenience of the submitter; however, a separate declaration or report may also be submitted.

*Annual Reports on Exports and Imports* are required from plant sites, trading companies and other persons subject to the CWCR that exported and/or imported a Schedule 3 chemical in excess of 30 metric tons in the previous calendar year.

*Annual Declarations on Anticipated Activities* are required from plant sites that anticipate one or more plants will produce a Schedule 3 chemical in the next calendar year in excess of 30 metric tons.

*Declarations on Additionally Planned Activities* are required from plant sites that anticipate additional production of a Schedule 3 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 714.3 of the CWCR for the specific activities that trigger this declaration requirement.)

*Amendments* 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 and report requirements for the production, export and import of Schedule 3 chemicals.

<b>Summary of Schedule 3 Quantity Thresholds</b>	<b>Quantity</b>
Quantity threshold for declaring or reporting production, exports or imports	> 30 metric tons

### Quantity threshold for declaring production of a Schedule 3 chemical or reporting exports and imports of a Schedule 3 chemical

A production declaration is required if at least one plant on a plant site produces above 30 metric tons of a Schedule 3 chemical. An export or import report is required if a plant site or trading company or any other person subject to the CWCR exports or imports more than 30 metric tons of a Schedule 3 chemical.

### Quantity threshold for reporting exports to or imports from an individual foreign destination

Once an export or import report is required, specific information on exports to or imports from a particular foreign destination is required. Report the specific quantity exported to or imported from a particular destination and round to the nearest 0.1 metric tons. (Use Supplement No. 3 to identify the Destination Code.)

### Summary of Concentration thresholds

The following summarizes the concentration thresholds for counting a Schedule 3 chemical in a mixture (for declaration and report purposes) and for determining whether an export license and/or End-Use Certificate are required for the export from the United States of a mixture containing a Schedule 3 chemical.

<b>Summary of Schedule 3 Concentration Thresholds</b>	<b>Concentration</b>
Concentration threshold for a Schedule 3 chemical in a mixture to be “counted” for declaration or report purposes	> 80%
Concentration threshold for a Schedule 3 chemical in a mixture that may trigger an export license requirement and/or End-Use Certificate requirement	> 30%

Line 1 of the Concentration Threshold Summary : Concentration threshold for a Schedule 3 chemical in a mixture that has to be “counted” for declaration or report purposes

For a mixture that contains a Schedule 3 chemical, only count the Schedule 3 chemical if the concentration of the Schedule 3 chemical in the mixture is 80% or more. You would determine whether the concentration of the Schedule 3 chemical was 80% or more by calculating the percentage **by weight and by volume** and using the lesser percentage. If the concentration is 80% or more, “count” only the weight of the Schedule 3 chemical in the mixture, not the total weight of the mixture.

Guidance for adding production, export or import quantities of a Schedule 3 chemical to determine declaration or report requirements

You will need to add all the quantities of a Schedule 3 chemical that plants at your plant site have produced, including the weight of that Schedule 3 chemical in mixture concentrations of 80% or greater, to determine whether production of the Schedule 3 chemical at any one or more plants on your plant site exceeds the 30 metric ton threshold. If any one plant on your plant site does exceed the 30 metric ton production threshold, you have a declaration requirement. In a similar fashion, you will need to add all the exports from (or imports to) your trading company or plant site of a Schedule 3 chemical to determine whether total exports (or imports) exceed the 30 metric ton threshold. If total exports from (or imports to) your facility exceed the 30 metric ton threshold, you have an export (or import) report requirement. 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.

Line 2 of the Concentration Threshold Summary: Concentration threshold for a Schedule 3 chemical in a mixture that may trigger an export license requirement and/or End-Use Certificate requirement

- (1) Export license requirements for Schedule 3 chemicals subject to the Export Administration Regulations (EAR). Nearly all Schedule 3 chemicals are subject to the export control jurisdiction of the Department of Commerce. Depending on the destination, the export of a Schedule 3 chemical may require an export license from Commerce’s Bureau of Industry and Security. However, in most instances, a mixture containing a concentration of 30% or less of a Schedule 3 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, even mixtures containing a 30% or less concentration of a Schedule 3 chemical would require specific authorization from BIS or from another federal agency. (See 15 CFR parts 742, 744 and 746 and 31 CFR Chap. V.)
- (2) End-Use Certificate requirement for all exports of Schedule 3 chemicals to non-States Parties (15 CFR part 745). In addition to any required export license, the exporter of any Schedule 3 chemical must obtain an End-Use Certificate prior to exporting such a chemical to a non-State Party. The End-Use Certificate must be issued by the government of the non-State Party. This End-Use Certificate requirement does not apply, however, to the export of a mixture that contains a 30% or less concentration, by weight, of a Schedule 3 chemical. This 30% de minimis allowance applies to a mixture containing any Schedule 3 chemical, irrespective of the export licensing requirements that may apply.

## GUIDE TO SUBMISSION OF SCHEDULE 3 FORMS

Declaration or Report Type	Schedule 3 Forms						Due Dates
	Cert.	3-1	3-2	3-3	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 <sup>1</sup>	✓	✓	✓	✓	①	②	See Part 714 of the CWCR for specific due dates

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

### Listing of Schedule 3 Forms

#### Certification Form

Form 3-1	Schedule 3 Plant Site or Trading Company Identification
Form 3-2	Declaration on Schedule 3 Plant
Form 3-3	Declaration or Report on Schedule 3 Chemical
Form A	Attachments for Schedule 3 Plant Site or Trading Company (attach as appropriate)
Form B	Optional Comments

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