the amount exceeding the applicable declaration threshold to an amount exceeding the applicable inspection threshold (see §716.1(b)(3) of the CWCR); or

(iv) You plan to increase the aggregate production of a Schedule 3 chemical at a declared plant site to an amount above the upper limit of the range previously declared under §714.1(a)(1)(ii) of the CWCR.

(2) If you must submit a declaration on additionally planned activities because you plan to engage in any of the activities listed in paragraphs (a)(1)(i) through (iv) of this section, you also should declare any changes to the anticipated purposes of production or product group codes. You do not have to submit a declaration on additionally planned activities if you are only changing your purposes of production or product group codes.

(b) Declaration forms to be used. If you are required to declare additionally planned activities pursuant to paragraph (a) of this section, you must complete the Certification Form and Forms 3–1, 3–2, and 3–3 as appropriate. Such forms are due to BIS at least 15 days in advance of the beginning of the additional or new activity.

§714.4 Amended declaration or report.

In order for BIS to maintain accurate information on previously submitted plant site declarations, including information necessary to facilitate inspection notifications and activities or to communicate declaration or reporting requirements, amended declarations or reports will be required under the following circumstances described in this section. This section applies only to annual declarations on past activities and annual reports on exports and imports submitted for the previous calendar year or annual declarations on anticipated activities covering the current calendar year, unless specified otherwise in a final inspection report.

(a) Changes to information that directly affects a declared plant site's Annual Declaration of Past Activities (ADPA) or Combined Annual Declaration or Report which was previously submitted to BIS. You must submit an amended declaration or report to BIS within 15 days of determining that there has been a change in any of the following information that you have previously declared or reported:

1. Types of Schedule 3 chemicals produced (e.g., production of additional Schedule 3 chemicals);
2. Production range (e.g., from 30 to 200 metric tons to above 200 to 1000 metric tons) of Schedule 3 chemicals;
3. Purpose of Schedule 3 chemical production (e.g., additional end-uses);
4. Addition of new plant(s) for production of Schedule 3 chemicals.

(b) Changes to export or import information submitted in Annual Reports on Exports and Imports from undeclared plant sites, trading companies and U.S. persons. You must submit an amended report or amended combined declaration and report to BIS within 15 days of any change in the following export or import information:

1. Types of Schedule 3 chemicals exported or imported (additional Schedule 3 chemicals);
2. Quantities of Schedule 3 chemicals exported or imported;
3. Destination(s) of Schedule 3 chemicals exported; and
4. Source(s) of Schedule 3 chemicals imported.

(c) Changes to company and plant site information submitted in the ADPA, the Annual Declaration of Anticipated Activities, and the Annual Report on Exports and Imports—(1) Internal company changes. You must submit an amended declaration or report to BIS within 30 days of any change in the following information:

1. Name of declaration/report point of contact (D–POC), including telephone number, facsimile number, and e-mail address;
2. Name(s) of inspection point(s) of contact (I–POC), including telephone number and facsimile number, and e-mail address(es);
3. Company name (see 714.4(c)(2) for other company changes);
4. Company mailing address;
5. Plant site name;
6. Plant site owner, including telephone number and facsimile number;
7. Plant site operator, including telephone number and facsimile number;
8. Plant name:
(xi) Plant owner, including telephone number and facsimile number; and
(x) Plant operator, including telephone number and facsimile number.

(2) Change in ownership of company, plant site, or plant. If you sold or pur-
chased a declared company, plant site or plant, you must submit an amended
declaration or report to BIS, either before the effective date of the change or
within 30 days after the effective date of the change. The amended declara-
tion or report must include the fol-

(i) Information that must be sub-
mitted to BIS by a company selling a
declared plant site:
(A) Name of seller (i.e., name of the
company selling a declared plant site); (B) Name of declared plant site and
U.S. Code Number for that plant site;
(C) Name of purchaser (i.e., name of
company purchasing a declared plant
site) and identity of the new owner and
contact person for the purchaser, if
known;
(D) Date of ownership transfer;
(E) Additional (e.g., unique) details
on the sale of the plant site relevant to
ownership or operational control over
any portion of the declared plant site
(e.g., whether the entire plant site or
only a portion of the declared plant
site has been sold to a new owner); and
(F) Details regarding whether the
new owner will submit the declaration
or report for the entire calendar year
during which the ownership change oc-
curred, or whether the previous owner
and the new owner will submit sepa-
rate declarations or reports for the pe-
riods of the calendar year during which
each owned the plant site or trading
company.
(1) If the new owner is responsible for
submitting the declaration or report
for the entire current year, it must
have in its possession the records for
the period of the year during which the
previous owner owned the plant site or
trading company.
(2) If the previous owner and new
owner will submit separate declara-
tions or reports for the periods of the
calendar year during which each owned
the plant site or trading company, and,
at the time of transfer of ownership,
the previous owner’s activities are not
above the declaration or reporting
thresholds set forth in §714.1(a)(1) and
§714.2(a)(1) of the CWCR, respectively,
the previous owner and the new owner
must still submit declarations to BIS
with the below threshold quantities in-
dicated.
(3) If the part-year declarations sub-
mitted by the previous owner and the
new owner are not, when combined,
above the declaration threshold set
forth in §714.1(a)(1) of the CWCR, BIS
will return the declarations without
action as set forth in §714.5 of the
CWCR.
(4) If part-year reports are not, when
combined, above the reporting thresh-
old set forth in §714.2(a)(1) of the
CWCR, BIS will return the reports
without action as set forth in §714.5 of
the CWCR.
(ii) Information that must be sub-
mitted to BIS by the company pur-
chasing a declared plant site:
(A) Name of purchaser (i.e., name of
individual or company purchasing a de-
declared plant site);
(B) Mailing address of purchaser;
(C) Name of declaration point of con-
tact (D–POC) for the purchaser, includ-
ing telephone number, facsimile num-
ber, and e-mail address;
(D) Name(s) of inspection point(s) of
contact (I–POC) for the purchaser, in-
cluding telephone number, facsimile
number, and e-mail address(es);
(E) Name of the declared plant site
and U.S. Code Number for that plant
site;
(F) Location of the declared plant
site;
(G) Operator of the declared plant
site, including telephone number, and
facsimile number;
(H) Name of plant where Schedule 3
production exceeds the declaration
threshold;
(I) Owner of plant where Schedule 3
production exceeds the declaration
threshold;
(J) Operator of plant where Schedule
3 production exceeds the declaration
threshold; and
(K) Details on the next declaration or
report submission on whether the new
owner will submit the declaration or
report for the entire calendar year dur-
ning which the ownership change oc-
curred, or whether the previous owner
and new owner will submit separate
declarations or reports for the periods of the calendar year during which each owned the plant site or trading company.

NOTE 1 TO §714.4(c): You must submit an amendment to your most recently submitted declaration or report for declaring changes to internal company information (e.g., company name change) or changes in ownership of a facility or trading company that have occurred since the submission of this declaration or report. BIS will process the amendment to ensure current information is on file regarding the facility or trading company (e.g., for inspection notifications and correspondence) and will also forward the amended declaration to the OPCW to ensure that they also have current information on file regarding your facility or trading company.

NOTE 2 TO §714.4(c): You may notify BIS of change in ownership via a letter to the address given in §711.6 of the CWCR. If you are submitting an amended declaration or report, use Form B to address details regarding the sale of the declared plant site or trading company.

NOTE 3 TO §714.4(c): For ownership changes, the declared plant site or trading company will maintain its original U.S. Code Number, unless the plant site or trading company is sold to multiple owners, at which time BIS will assign new U.S. Code Numbers.

(d) Inspection-related amendments. If, following the completion of an inspection (see parts 716 and 717 of the CWCR), you are required to submit an amended declaration based on the final inspection report, BIS will notify you in writing of the information to be amended pursuant to §§716.10 and 717.5(b) of the CWCR. Amended declarations must be submitted to BIS no later than 45 days following your receipt of BIS’s post-inspection letter.

(e) Non-substantive changes. If, subsequent to the submission of your declaration or report to BIS, you discover one or more non-substantive typographical errors in your declaration or report, you are not required to submit an amended declaration or report to BIS. Instead, you may correct these errors in a subsequent declaration or report.

(f) Documentation required for amended declarations or reports. If you are required to submit an amended declaration or report to BIS pursuant to paragraph (a), (b), (c), or (d) of this section, you must submit either:

(1) A letter containing all of the corrected information required, in accordance with the provisions of this section, to amend your declaration or report; or
(2) Both of the following:
   (i) A new Certification Form; and
   (ii) The specific forms required for the declaration or report type being amended (e.g., annual declaration on past activities) containing the corrected information required, in accordance with the requirements of this section, to amend your declaration or report.

§714.5 Declarations and reports returned without action by BIS.

If you submit a declaration or report and BIS determines that the information contained therein is not required by the CWCR, BIS will return the original declaration or report to you, without action, accompanied by a letter explaining BIS’s decision. In order to protect your confidential business information, BIS will not maintain a copy of any declaration or report that is returned without action. However, BIS will maintain a copy of the RWA letter.

§714.6 Deadlines for submission of Schedule 3 declarations, reports, and amendments.

Declarations, reports, and amendments required under this part must be postmarked by the appropriate date identified in Supplement No. 2 to this part 714 of the CWCR. Required declarations, reports, and amendments include:

(a) Annual declaration on past activities (production of Schedule 3 chemicals during the previous calendar year);
(b) Annual report on exports and imports of Schedule 3 chemicals from plant sites, trading companies, and other persons subject to the CWCR (during the previous calendar year);
(c) Combined declaration and report (production of Schedule 3 chemicals, as well as exports or imports of the same or different Schedule 3 chemicals, by a declared plant site during the previous calendar year);
(d) Annual declaration on anticipated activities (anticipated production of