



Changes in ODS licensing as of the 2010 licensing year

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1. INTRODUCTION

As of 1 January 2010 a new Regulation¹ will become applicable for the licensing of import, export and use of ozone depleting substances (ODS). This document describes the practical implications of the new Regulation for the ODS-licensing system, rather than the new legal situation.

It should be noted that this is a living document that will be regularly amended. The reader should therefore always ensure that the latest version is used, which is available for download at: <http://ec.europa.eu/environment/ozone/ods.htm>.

Due to technical limitations of the current software, some of the changes cannot be fully integrated in the ODS-database by 1 January 2010. Hence during a transitional period some interim procedures will be necessary to comply with the new requirements. The Commission has started a project for re-programming and modernising the software. However, the new software will not be available by that date.

Unless otherwise mentioned, the terms "ozone depleting substance" and "ODS" refer only to the controlled substances listed in Annex I of the Regulation. The new substances listed in Annex II are not subject to licensing.

2. BACKGROUND

On 1 January 2010 several legal changes will become applicable. Those will have an impact on the licensing system for ODS.

2.1. Recast of Regulation (EC) No 2037/2000

The Regulation (EC) No 2037/2000 on substances that deplete the ozone layer is the legal basis for the licensing system. This regulation has been recast and its successor (hereinafter: the Regulation) becomes applicable as of 1 January 2010.

The final version of the Regulation can be downloaded from our website: <http://ec.europa.eu/environment/ozone/review.htm>.

2.2. Phase out regimes under Regulation (EC) No 2037/2000

Some exemptions granted under Regulation (EC) No 2037/2000 will end as of 1 January 2010, for example the possibility to produce foams blown with hydrochlorofluorocarbons (HCFC) for export.

2.3. Phase out regimes under the Montreal Protocol

As of 2010, several phase-out regimes will enter into force under the Montreal Protocol. This concerns in particular the ending of production and consumption of chlorofluorocarbons (CFC) and carbon tetrachloride (CTC) in Article-5 countries. Current exports of those substances for basic domestic needs (BDN), will therefore end.

¹ "New Regulation" refers to the recasted Regulation (EC) No 2037/2000. The number of the succeeding regulation is not yet known.

3. ROADMAP

For technical and organisational reasons the necessary adaptations in the ODS-database are being implemented in several steps:

- **May 2009** Service release 2.1
Adaptations required for the declaration period
- **End October / Early November 2009** Service release 2.2
Adaptations in the Laboratory-ODS-database, and new user types
- **December 2009** Service release 2.3
New licensing regime
- **1st quarter 2010** Service release 2.4
Other refinements

4. GENERAL CHANGES

4.1. Licensing of products

The import of products and equipment containing or relying on ODS will, in general, be prohibited, with exceptions for:

- products and equipment containing or relying on ODS for destruction
- products and equipment containing or relying on ODS for essential laboratory and analytical uses;
- products and equipment containing or relying on halons to satisfy critical uses
- products and equipment containing or relying on HCFC for which the placing on the market has been authorised in accordance with Article 11(5)

The import and export of products and equipment containing or relying on ODS will become subject to licensing. The licensing procedure will in general follow the same procedures as the licensing for substances. However, there will be no quota allocation.

4.2. New substances

New ODS (substances listed in Annex II of the Regulation) have been included in the Regulation. However, no licensing will be required for those.

For substances in Part A of Annex II of the Regulation (i.e. dibromodifluoromethane (halon-1202)) the production, import, placing on the market, use and export will be prohibited with some exceptions, such as for feedstock and laboratory and analytical uses. They will also be subject to reporting.

Substances in Part B of Annex II of the Regulation (i.e. 1-bromopropane (n-propyl bromide), bromoethane (ethyl bromide), trifluoroiodomethane (trifluoromethyl iodide) and chloromethane (methyl chloride)) will become subject to reporting.

4.3. Definition of import and export

The definitions of import and export have been slightly changed to align them better with the corresponding provisions in the modernised customs code (Regulation (EC) No 450/2008). While under Regulation (EC) No 2037/2000 the entry and exit to/from the Community was

relevant, under the Regulation the entry and exit to/from the *customs territory* of the Community will be considered as import or export.

In practical terms this will only have an impact on trade with some territories of certain Member States that are part of the customs territory of the Community but not part of the Community itself or vice versa. An overview of the territories and the related licensing requirements is available at <http://ec.europa.eu/environment/ozone/ods.htm>.

It should be noted that although Monaco is part of the customs territory of the Community, trade with Monaco will nevertheless be considered as an import or export for the purpose of the Regulation.

4.4. Licensing per shipment

The Regulation establishes new requirements for the information to be provided in an application for a license. This includes, among other things, the requirement to state the expected date of import/export and to identify the corresponding customs office.

All licenses will become subject to licensing per shipment, as the new requirements cannot be met with the current bulk licenses.

4.5. Paperless licensing

The Commission is looking into options to lift, as soon as possible, the suspension of the paperless import licensing that has been in force since 2004. It is expected that this will expedite the licensing procedure and reduce administrative burden for all stakeholders.

Customs offices already now have the possibility to perform all necessary steps online.

4.6. Validity period / Determination of import/export dates

Under the Regulation it will be necessary to state the expected date of the import or export in the application for a license.

The Commission acknowledges that due to the nature of international trade the precise date may be difficult to determine with certainty. Hence a certain flexibility will be included. Upon acceptance of the application, the system will automatically include a total validity period of 28 days, starting 7 days before the proposed date of import or export and ending 22 days after the proposed date.

5. IMPORTS

Several imports will no longer be possible due to the forthcoming changes under the Regulation. During the declaration period the corresponding use descriptions will nevertheless be listed in the declaration form as for technical reasons they can not be removed before the end of the licensing year 2009.

Uses that will no longer be possible as of 2010 will be indicated with an "x" in front of the use description. **Applicants should not select such uses in their declaration as this may have negative impacts on quota allocations, and thus on requests for licenses in 2010.** Quantities declared for such uses will not be taken into account by the Commission.

5.1. Exempted imports

The following imports will be exempted from the declaration and licensing requirement. They will, however, be subject to reporting requirements.

- Transit through the customs territory of the Community
- Imports under temporary storage, customs warehousing or free trade zone procedure under the condition that they remain in the Community no longer than 45 days and that they are not subsequently presented again under another customs procedure (e.g. release for free circulation, destruction or processing under customs control).
- Imports of new substances in Annex II of the Regulation

Imports under any other customs procedure will always be subject to licensing. If the goods under temporary storage, customs warehousing or free trade zone procedure will be stored for more than 45 days, an import license needs to be requested. This license should be requested well in advance so that the importer holds an issued import license as of day 46 to avoid an illegal import. By default and unless the applicant applies for a different procedure, such imports will fall under the "Imports for re-export" procedure and the corresponding conditions (see below). In all cases an export license will be required for the re-export.

Please note that the 45 days period refers to the total length of time the goods stay physically in the customs territory of the Community and not to the time they remain under a particular customs procedure.

5.2. Imports that will no longer be possible

The following imports will not be permitted as of 1 January 2010:

- CFC for military uses
- CFC for production of metered dose inhalers (MDI)
- Virgin halons for critical uses
- Methyl bromide for critical uses (fumigation)
- Methyl bromide for QPS uses
- Metered dose inhalers containing or relying on ODS
- HCFC for refrigeration
- Products and equipment containing or relying on ODS except those covered by a specific exemption.

Such imports should not be declared in the ODS-database.

5.3. ODS import declaration

Formally, the submission of an ODS import declaration for controlled substances (substances listed in Annex I of the Regulation) will only be required for:

- Laboratory and analytical uses
- Halons for critical uses
- Feedstock uses
- Process agent uses
- Re-export

However, for technical reasons, during the transition period, an import declaration will **always** be necessary before an import license can be requested in the ODS-database. The

Commission **strongly recommends that applicants** submit also the import declarations for all other uses during the regular declaration period (usually June/July of every year) as any later submission will result in significantly longer processing times.

Only duly completed declaration forms that are free of errors received by **31 July 2009** will be considered as valid by the European Commission. Undertakings are encouraged to submit their declarations as soon as possible and sufficiently ahead of the deadline to allow for corrections within the declaration period.

In general, the import declaration form remains unchanged. Changes in the use descriptions are explained in the following chapters.

5.4. Import and production for laboratory or analytical uses in the EC

The placing on the market conditions of ODS for laboratory uses have changed under the Regulation. The quota allocated to importers and producers will be subject to a cap.

The declaration and licensing procedure in general will be the same as the current procedure.

This will also apply to hydrochlorofluorocarbons (HCFC) for laboratory uses which were so far not subject to quantitative limits. Thus this procedure will now apply to all ODS.

Some of the corresponding use descriptions have been slightly amended for simplification purposes and to allow a better identification of uses. It should in particular be noted that the former description "Laboratory supply" (which has always been related to products and equipment) is now called "Products: for laboratory or analytical use".

In case your laboratory or analytical use should not be included in the list you can select "Laboratory use – other use (specified below)" (previously "other use"). In this case, however, it will be necessary that you specify the use in the field "Justify the use".

As mentioned above the placing on the market of ODS for laboratory and analytical uses will become subject to an overall cap of 110 ODS-tonnes. The quota that can be allocated to an importer is based on the average licensed quantities in the years 2007-2009. Since this information will not be available before 2010, a preliminary quota will be allocated to allow the concerned undertakings to apply for licenses. This quota will later be amended according to the final licence data.

5.5. Imports for feedstock uses

There will be no changes in the procedure for importing ODS for feedstock uses.

5.6. Imports for process agent uses

There will be no changes in the procedure for importing ODS for process agent use. However, in order to ensure compliance with the quantitative limits set for process agent uses under of the Regulation, corresponding applications will be scrutinised carefully.

5.7. Imports for destruction

Imports for destruction are no longer subject to quantitative limits and a quota allocation.

When requesting an import license for destruction, the name and address of the destruction facility needs to be provided in the comments field.

5.8. Imports for re-export (including the former IPR)

In alignment with the modernised customs code, the Regulation no longer refers to the inward processing relief (IPR) procedure. It only grants an exemption for the importation and placing on the market for re-packaging and subsequent re-export.

For HCFC such imports will be possible until 31 December 2019. The subsequent re-export must take place no later than 31 December of the year following the import.

For methyl bromide, such imports will be possible until 31 December 2014 under the condition that the use in the destination country will be for QPS. Unlike for HCFC, the re-export must take place at the latest on 31 December of the year of importation.

The declaration and licensing procedure for these imports will in principle not differ from the existing procedure for IPR. A corresponding import and export declaration needs to be submitted. As a use "inward processing relief" should no longer be selected. Instead there will be new use descriptions:

- HCFC for re-export (refrigeration)
- HCFC for re-export (foam)
- HCFC for re-export (solvent)
- HCFC for re-export (fire-fighting)
- Methyl bromide for re-export (QPS)

The applications for imports for re-exports will no longer need to be approved by the competent authority in the corresponding Member State. This will allow faster issuance of such licenses.

5.9. Imports of methyl bromide for emergency uses

The import of methyl bromide for emergency uses would be possible. However, due to the nature of an emergency such imports cannot be planned. Therefore, no annual declaration will be required and such imports should not be included in a regular import declaration. In case of an emergency a special procedure will be applied.

5.10. Imports of non-virgin halons for critical uses

Under the Regulation only the import of recovered, recycled or reclaimed halons for critical uses will be possible. They may only be imported by undertakings that have been authorised by the competent authority for storing halon for critical uses. The Commission will not accept any declaration for such imports from other undertakings unless it includes a confirmation from the competent authority in the Member State that the applicant is considered as an authorised storage facility. Undertakings already known to the Commission as authorised storage facilities (i.e. undertakings that executed exports of halons as authorised storage facilities under Regulation (EC) No 2037/2000) do not need to submit such a confirmation again. In cases of doubts the Commission should be contacted in advance.

For import declarations and import licenses, it will no longer be possible to use the general description "Critical use (of halons)". Under the Regulation the actual critical use needs to be specified as indicated in Annex VI of the Regulation. The corresponding list of uses will be available in the drop-down menu. Although Annex VI is still undergoing revision, the use descriptions in the ODS-database will already reflect the new version.

5.11. Imports of products and equipment

As already explained above, as of 1 January 2010 the import of products and equipment containing or relying on ODS will be subject to an import license. Corresponding use descriptions will be available in the declaration form.

6. EXPORTS

Several exports will no longer be possible due to the forthcoming changes. During the declaration period the corresponding use descriptions will nevertheless be listed in the declaration form as for technical reasons they can not be removed before the end of the licensing year 2009.

Uses that will no longer be possible as of 2010 will be indicated with an "x" in front of the use description. **Applicants should not select such uses for ODS export declarations as this may have negative impacts on requests for licenses in 2010.** Quantities declared for such uses will not be taken into account by the Commission.

6.1. Export authorisation vs. export license

Under the Regulation the term "export authorisation" will no longer be used. Instead the term "export license" has been introduced to align with the terminology used in the import procedure. In substance there is no difference between an "old" export authorisation and a "new" export license.

6.2. Exempted exports

The following exports will be exempted from the declaration and licensing requirement. They will, however, be subject to reporting requirements:

- Transit through the customs territory of the Community,
- Re-exports from temporary storage, customs warehousing or free trade zone procedure under the condition that the goods remained in the Community no longer than 45 days (also see chapter 4.1),
- Export of new substances in Annex II of the Regulation

Exports under any other customs procedure will be subject to licensing.

6.3. Exports that will no longer be possible

The following exports are no longer possible as of 1 January 2010:

- All ODS except HCFC for basic domestic needs,
- CFC for metered dose inhalers,
- Methyl bromide for critical uses,
- All ODS for destruction,
- Products and equipment containing or relying on ODS, except those containing or relying on HCFC, those covered by a specific exemption, or those containing or relying on halons to satisfy critical uses.

Such exports should not be declared.

6.4. ODS export declaration

Although formally not required under the Regulation (except for re-exports) during a transition period, for technical reasons, an export declaration will **always** be necessary before an export license can be requested in the ODS-database. The Commission **strongly recommends that applicants** submit export declarations for all other uses during the regular declaration period (usually June/July of every year) as any later submission will result in significantly longer processing times. However, unlike in the past, it is no longer necessary to submit a signed version of an export declaration.

In general the export declaration form remains unchanged. Changes in the use descriptions are explained in the following chapters. It will no longer be necessary to provide the name of the undertaking where the substance will be used (except for process agent use). Most of the cases where this was necessary before will no longer be relevant.

6.5. Export for laboratory and analytical uses

To distinguish laboratory and analytical uses from other essential uses that exist under the Montreal Protocol the title of the use description in the ODS-database has been changed from "Essential uses" to "Any substance for laboratory or analytical use", now also including HCFC.

6.5.1. Exports for laboratory and analytical uses to Article-5-countries

Currently the export of ODS for laboratory uses to Article-5-countries would fall under the BDN regime. However, for CFC and carbon tetrachloride (CTC) this regime will end 31 December 2009.

Subject to a corresponding decision of the Parties to the Montreal Protocol in their 21st meeting in November 2009, it is possible that laboratory uses of ODS in Article-5-countries will fall under the essential use (ESU) regime in future as it is already the case for non-Article-5-countries. If the Parties decide to do so, exports for laboratory uses of CFC and CTC to Article-5-countries will still be possible, but subject to the conditions of the ESU regime. In case there should not be such a decision, exports for laboratory and analytical uses to Article-5-countries would no longer be possible.

To reflect the possible decision in the declaration and quota allocation procedure it is suggested that undertakings that are interested in exporting ODS for laboratory and analytical uses to Article-5-countries should declare such exports as "Any substance for laboratory or analytical use". The eventual issuance of corresponding export licenses would be subject to the corresponding decision of the Parties. As it will be unclear until that meeting of the parties whether this decision will be taken, there may be delays in issuing the corresponding export authorisations in early 2010.

If these exports will fall under the essential use regime in future the procedure will be the same as for exports to non-Article-5-countries (see below).

For 1,1,1-trichloroethane (TCA) and methyl bromide the BDN regime ends only 31 December 2014. However, since there is no corresponding production in the Community the can undergo the same procedures as the other ODS.

6.5.2. Exports for laboratory and analytical uses to non-Article-5-countries

The procedure for exporting ODS for laboratory uses in non-Article-5-countries will not change in general. However, a stronger link between the application for an export license and the corresponding "essential use certificate" and the related production authorisation will be established.

For this purpose the essential use certificate will be amended as of 2010 to also include the information on the production authorisation number, the quantity produced, the batch number and packaging and quality information.

Hence, it may be necessary in future for the exporter to submit more than one essential use certificate, e.g. when a new batch number is exported. Details will be determined in a later version of this document or in a separate document.

In case of exports of ODS resulting from earlier imports, no essential certificate would be required but the number of the related import license needs to be provided.

Such exports will become subject to licensing per shipment. Except for exports of methyl bromide and HCFC this is already the case now.

6.6. Exports for feedstock uses

The conditions for exports for feedstock uses will not change except for the licensing per shipment as referred to above.

6.7. Exports for process agent use

The conditions for exports for process agent uses will not change except for the licensing per shipment as referred to above

6.8. Exports of non-virgin halon for critical uses

Under Regulation (EC) No 2037/2000 the possibility to export non-virgin halons was limited until 31 December 2009. Under the Regulation this limitation will be lifted and exports of non virgin halons will remain possible beyond that date.

The corresponding critical use descriptions have been changed to reflect Annex VI of the Regulation. There will be no changes in the procedure for such exports except that such applications no longer need to be approved by the competent authority in the corresponding Member State. This should expedite the approval process.

6.9. Exports of HCFC

As of 1 January 2010 only the export of virgin or reclaimed HCFC will be allowed (i.e. the export of recovered and recycled HCFC will be prohibited). There will be no use related restrictions except that they may not be exported for destruction.

The former general use description "HCFC for other uses" will no longer be available. It will be replaced by several more specific descriptions:

- HCFC for refrigeration
- HCFC for foam blowing
- HCFC for solvent use
- HCFC for fire-fighting

- HCFC for servicing non-EU ships/aircraft in EU

The latter one is a special use description that should only be used by undertakings servicing ships or aircraft that are not operating under the flag or registration of an EU Member State but where the servicing takes place in the customs territory of the Community (e.g. refilling refrigeration equipment on a ship flagged to Panama in the port of Rotterdam). A special document with frequently asked questions concerning this business is available from the Commission upon request.

For uses of HCFC other than those listed above, the generic uses for all substances should be indicated e.g. "Any substance for feedstock use" or "Any substance for laboratory use".

The Commission may request a certificate proving the nature of the substance. In the case of exports of reclaimed HCFC the name of the reclamation facility should be provided in the comments field.

In cases of re-exports it will be necessary to indicate the number of the related import license in the application form.

6.10. Re-exports of methyl bromide for QPS

The export of methyl bromide will be banned as of 1 January 2010 except for feedstock and laboratory and analytical uses. Furthermore, until 31 December 2014 the re-export of methyl bromide that has been previously imported for re-export (see above) will be possible, but only for QPS uses. However, the re-export must take place before 31 December of the year the methyl bromide was imported. It will be necessary to indicate the number of the related import license in the application form.

6.11. Exports of products and equipment

The export of any product or equipment containing or relying on ODS will become subject to licensing. Under Regulation (EC) No 2037/2000 licensing was only required for products and equipment containing halon.

However, the export of most products and equipments containing or relying on ODS will be banned to a large extent. Only the four groups of products and equipment indicated below can be exported. Corresponding use descriptions will be available.

6.11.1. Metered dose inhalers

Metered dose inhalers that were manufactured with CFC for which the use of the CFC was authorised under Regulation (EC) No 2037/2000 can be exported. In the application form reference needs to be made to the corresponding CFC production authorisation or import licence.

6.11.2. Products and equipment containing or relying on halons

The export of products and equipment *containing* halons for critical uses was already subject to licensing under Regulation (EC) No 2037/2000. This requirement will be extended to products and equipment for critical uses *relying* on halons.

There will no changes in the procedure for such exports except that such applications no longer need to be approved by the competent authority in the corresponding Member State. This should expedite the approval process.

6.11.3. Product and equipment containing HCFC

Subject to a corresponding exemption, products and equipment containing or relying on HCFC can be exported. Such exports are subject to very specific conditions and would require a prior notification to the importing country.

6.11.4. Products and equipment for laboratory and analytical uses

Products and equipment containing or relying on ODS for laboratory and analytical uses can be exported.

7. IMPORT AND EXPORT LICENSING

While the declaration forms largely remain unchanged, the application forms for import and export licenses will change significantly following the additional requirements in the new Regulation.

7.1. Licence layout

The layout of the licenses will change. Amongst other reasons the aim is to harmonise all license types for simplification and to enhance the user friendliness for all stakeholders. A first outline of the new design is available in the Annex to this document. The individual license types will only differ by their heading which will provide a direct reference to the regulation.

It should be noted that some of the fields in the draft provided in the Annex will only be implemented with service release 2.4 of the database (expected for first quarter 2010).

7.2. New license types

While some license types become obsolete as of 2010 (e.g. export authorisations for BDN), new license types will be introduced:

- Import and export licenses for re-export (for simplicity these will continue to use the current architecture of the licenses for IPR during a transition period)
- Import and export licenses for products and equipment

For the transition period, exports of products and equipment containing halons will continue to be licensed under the same license type as halons in bulk.

7.3. Processing of licenses

The general processing of the new license types will be the same as for the existing ones. Member State visa will no longer be required for import licenses for IPR and export licenses of halons.

All licenses will become licenses per shipment. The previous license type "EAN" (Generic export authorisation) will be replaced by the license type "EPS" (Export license per shipment). All uses that were previously subject to an EAN will become subject to an EPS.

Export for laboratory and analytical uses to Article 5 Parties that were subject to an EBD (export authorisation for BDN) will become subject to an ESU (export authorisation for essential uses) as it was already the case for such exports to non Article 5 Parties (see further explanations above).

7.4. Export of mixtures

As with import licenses, it will become possible to request single export licenses for mixtures containing one or more ODS. However, for technical reasons this feature will only be implemented with service release 2.4 of the database (expected for first quarter 2010). Until then, applicants are reminded that an individual license is required for each ODS contained in a mixture and that only the portion of ODS contained in the mixture should be provided as net quantity.

7.5. New fields

A number of new fields will be introduced. Not all of them will be explained here as some are self-explanatory and direct requirements from the new Regulation. Some fields will only be mandatory for certain cases, e.g. for the import/export of products.

7.5.1. EORI number

The EORI (Economic Operators Registration and Identification) number is a unique number that is used to identify undertakings under the customs code. It consists of the code for the Member State (two letters, ISO alpha 2, e.g.: PL, DE, FR) followed by a 15 digit alphanumerical code.

The field has been introduced mainly to support the work of customs authorities but also to enhance the security of the ODS-database. For companies that do not fall under the customs code requirement for an EORI number the VAT number can be introduced instead (in many Member States this will be identical anyway). More information of the EORI number is available from TAXUD at:

http://ec.europa.eu/taxation_customs/resources/documents/customs/security_amendment/EORI_guidelines_en.pdf

7.5.2. Customs

The Regulation requires that the place of the import and export is stated in the application, as well as the customs office where the goods will be declared. This has been implemented by requesting the

- a) Customs office of entry/exit, and
- b) Customs office of import/export

This matches the terminology used in the customs code. The customs office of entry is the first port (harbour, airport or road station) a shipment reaches in the customs territory, regardless of whether the goods are unloaded or not. Under the customs code this is the customs office where the entry/exit summary declaration needs to be lodged and that is responsible for the related risk assessment and any related investigations. For exports the customs office of exit is the last port the shipment reaches before leaving the customs territory.

The customs office of import/export is that where the import/export declaration ('single administrative document') will be lodged. Usually this is the customs office in the region

where the importer/exporter is located. Under the customs code this is the customs office that is amongst others responsible for the application of tariffs and revenues.

Both customs offices need to be provided when a declaration is lodged, hence the information should be available to the applicant when requesting a license. The customs code includes procedures in case a customs office of entry/exit changes at the last minute. Hence this would not trigger changes in the ODS license.

In future, once a license is issued, the notification e-mail will be sent to both customs offices.

7.5.3. Customs procedure

The corresponding customs procedure (e.g. "release for free circulation" or "re-export") needs to be indicated in this field. A drop down menu with the possible customs procedures will be available.

In case of re-exports this refers to the customs procedure the goods have been submitted to prior to re-export.

7.5.4. CN code / text

For technical reasons the field CN code / text will only be amended with service release 2.4 of the database. In the meantime the current system will continue to operate in which the CN code is allocated based on the substance selected. Therefore, in the case of mixtures and products it will not show the proper CN code.

Since no simple solution was found to allow an automatic allocation with reasonable effort, automatic allocation was postponed to the new ODS-database.

Once service release 2.4 is put into production the user will need to enter the CN code manually using a drop down menu that will show all possible CN codes. The field will then display not only the code number but also the description of the commodity as indicated in the customs code.

7.5.5. Commercial description

The field "commercial description" already existed in some import licenses and the export authorisation for halons and will be introduced in all other import and export license types, as required by the Regulation. In this field the applicant shall provide:

- For substances: the name of the substance as indicated on the label / customs declaration
- For products and equipment: a short description

This is to allow customs to easily identify and better correlate the license to a customs declaration or a particular commodity.

7.5.6. Date of import / export and license validity period

In future the ODS-database will calculate the validity of a license based on the expected date of import/export provided by the applicant (as required by the Regulation).

As explained above in the chapter on the general changes the total validity of a licence in future will be 28 days. It will range from 7 days before the given date and 21 days after the given date.

7.5.7. Nature of the substance

The application for a license will need to state whether the substance contained is virgin, recovered, recycled or reclaimed. There will be a corresponding field with a drop down menu. The Commission may request a certificate to proof the nature of the substance.

7.5.8. CAS number of the ODS

As in international trade and customs declarations, goods are often identified by their CAS number. This will also show on the licenses in future. It will be inserted automatically based on the substance selected by the applicant. For mixtures containing more than one ODS, this field will show the term "Mixture".

7.5.9. iPIC status

A new field "iPIC status" will be introduced to document the status of each application with regard to the iPIC procedure. This will be completed by the Commission and will, for example, read "no iPIC country", "listed importer/exporter" or "rejected by NOU".

The field will only be introduced with service release 2.4 of the database (expected for first quarter 2010).

7.5.10. Authorisation number

Some exports and imports are based on a preceding authorisation e.g. exports for laboratory uses are based on an earlier authorisation for production, and export licenses for re-export are based on an earlier import license. This is already requested in the current forms where applicable.

Furthermore some imports and exports are subject to a preceding Commission Decision (e.g. exports of products containing HCFC). In these cases reference needs to be made to the corresponding Commission Decision.

7.5.11. Destruction facility

In the case of imports for destruction, the name and address of the destruction facility needs to be provided. A field with a drop down menu listing eligible facilities will be made available.

8. CHANGES FOR LABORATORY END-USERS OF ODS AND EC INTERNAL DISTRIBUTERS OF ODS FOR LABORATORY AND ANALYTICAL USES

Overall the Laboratory-ODS-database will be significantly overhauled.

The changes will only affect laboratories that register after the service release 2.2 was put into production. It will not be required for laboratories that already have an ID-Number to update their profile. However, this may be requested at a later stage.

8.1. Navigation pane

To improve the usability of the Laboratory-ODS-database, a navigation pane will be available, such as the one in the Main-ODS-database. This will comprise the following buttons:

- ODS-Home (link to the ODS page on EUROPA and logs out from the database)
- Privacy statement (link to the privacy statement for the ODS-database)
- Help (link to relevant supporting documents such as manuals)
- Logout

8.2. General company information

A new field "department" will be introduced because often, in the past, the name of the department was used instead of the company name. This made it difficult to identify the corresponding company.

It will become necessary to introduce the e-mail address and the password twice for verification. Typographical errors in the e-mail address have been a common mistake that prevented the proper sending of ID numbers. The system will also check whether the structure of the e-mail string corresponds to a typical e-mail address.

8.3. Laboratory declaration

Article 10(4) of the Regulation requires a laboratory to indicate in their request for an ID number the substances, the purpose, the estimated annual consumption and the suppliers of those substances.

This will be solved by implementing a "laboratory declaration". This will function similar to an export declaration in the Main-ODS-database. Following fields will need to be filled:

- **Substance** (this will be a drop down menu with a list of substances)
- **Kind of use** (this will be a drop down menu listing the general use categories similar to those now defined for the essential laboratory use declarations)
- **Use description** (this will be a free text field where the user can describe the actual use, e.g. Determination of CTC by gas chromatography according to method ISO 12345)
- **Estimated annual demand** (this will be a drop down menu showing ranges e.g. <0,1 kg, 1-10 kg, >500 kg)
- **Supplier** (this will be a free text field)

For a transitional period, declarations can no longer be changed once they were submitted. If updates are necessary the Commission needs to be contacted. This is because, for simplicity, the existing export declaration structure was retained. This will be done more user friendly in the new ODS-database.

9. OTHER CHANGES AND NEW FEATURES

9.1. New user types

New user types will be created in the ODS-database. These will cover companies that will become subject to reporting or registration under the Regulation. They will be registered in the ODS-database solely for address and mailing management. This concerns:

- Feedstock users
- Process agent users
- Destruction facilities
- Halon storage facilities

- Users of new ODS
- Repackagers of ODS
- Transit traders of ODS

The privacy statement of the ODS-database and the Data Protection Notification will be updated accordingly.

9.2. Declaration form availability

For some types of declarations (those that do not require a quota allocation) the declaration period will no longer be limited. The declaration forms will become accessible all year round for direct changes by the applicant. This is a temporary solution resulting from the current technical architecture of the system. In the new ODS-database the declaration issue will be addressed differently.

9.3. Country list

A table of countries will become available in which all users can see an up-to-date list of countries and territories and their related attributes, e.g. whether they are an Article-5-country, whether the iPIC procedure applies.

9.4. Substance list

A table of substances will become available in which all users can see the substances covered and related data e.g. the chemical name, CN code, ODP, CAS number.

10. ANNEXES

10.1. Annex 1: Contact information

In case of any further question please do not hesitate to contact us:

European Commission
DG Environment
Unit C4 Industrial Emissions and Ozone Layer Protection
1049 Brussels
Belgium
E-mail: env-ods@ec.europa.eu
Fax: +32 2 29-20692
Phone: +32 2 29-92025

A list of contact points in the Member States is available on our website:
http://ec.europa.eu/environment/ozone/ods_documents/ms_contact_point.pdf

10.2. Annex 2: Abbreviations

BDN	Basic domestic needs
CFC	Chlorofluorocarbon(s)
CTC	Carbon tetrachloride (Tetrachloromethane)
EC	European Community
HCFC	Hydrochlorofluorocarbon(s)
IPR	Inward processing relief
ODS	Ozone depleting substance(s)
QPS	Quarantine and pre-shipment
TCA	1,1,1-Trichloroethane

10.3. Annex 3: Outline for import licenses

Import license for Ozone Depleting Substances (ODS) under Article 18 of Regulation (EC) No xxxx/2009	
1. General information	
License number	
Application date	
Application status	
Importer	
EORI number	
Exporter	Full name and address of the exporter in the source country

Source country	
Customs of entry	If you don't find the relevant customs office in this list, contact the Commission before submitting
Customs of import	
Customs procedure	
CN code / text	
Commercial description	Product name as indicated on container
Date of importation	
License validity period	Will be calculated automatically
2. Identification of goods	
Substance	If a mixture is to be imported, add substances and percentages until 100% is reached.
	ODS substances
	Non-ODS substance
Designated use	
Nature of the ODS	
Certificate provided	Will be filled by the Commission
CAS-Number of ODS	
Total GROSS mass	
Total NET mass	
Total ODP mass	Will be calculated automatically
Number of units	Only relevant for import of products
NET mass of ODS per unit	Will be calculated automatically
3. Other information	
IPIC status	
Authorisation number	In case of imports of products containing/relying on HCFC the number of the related Commission Decision.
Destruction facility	Full name and address if the import if the designated use is destruction:
Storage facility	In case of imports of halons the authorised storage facility:
Comments from importer	
Comments from Commission	
Visa list	

Tracking info	
4. Customs clearance	
Comments from customs	
Clearance date	
Remainder	
A print of this license has no validity. Only the online version is valid. More information at: http://ec.europa.eu/environment/ozone/ods.htm	

10.4. Annex 4: Outline for export licenses

Export license for Ozone Depleting Substances (ODS) under Article 18 of Regulation (EC) No xxxx/2009	
1. General information	
License number	
Application date	
Application status	
Exporter	
EORI number	
Importer	Full name and address of the importer in the destination country
Destination country	
Customs of exit	If you don't find the relevant customs office in this list, contact the Commission before submitting
Customs of export	
Customs procedure	
CN code / text	
Commercial description	Product name as indicated on container
Date of exportation	
License validity period	Will be calculated automatically
2. Identification of good	
Substance	If a mixture is to be imported, add substances and percentages until 100% is reached.
	ODS substances

	Non-ODS substance
Designated use	
Nature of the ODS	
Certificate provided	Will be filled by the Commission
CAS-Number of ODS	
Total GROSS mass	
Total NET mass	
Total ODP mass	Will be calculated automatically
Number of units	Only relevant for import of products
NET mass of ODS per unit	Will be calculated automatically
3. Other information	
IPIC status	
Authorisation number	<p>In case of re-exports the number of the import license:</p> <p>In case of exports for laboratory uses the number of the production authorisation:</p> <p>In case of exports of products the number of the related Commission Decision:</p>
Storage facility	In case of exports of halons the authorised storage facility:
Comments from exporter	
Comments from Commission	
Visa list	
Tracking info	
4. Customs clearance	
Comments from customs	
Clearance date	
Remainder	
<p>A print of this license has no validity. Only the online version is valid. More information at: http://ec.europa.eu/environment/ozone/ods.htm </p>	