



## HCFC for ship servicing and export to ships as of 2010

### Frequently asked questions

Rev 02 - 13 November 2009

**Important note:**

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## **1. INTRODUCTION**

As of 1 January 2010, the import of HCFC under the customs procedure "release for free circulation" will no longer be possible. Furthermore, the placing on the market of HCFC for export will be restricted.

These two conditions may result in specific issues for the ship servicing sector. This document is intended to answer the most frequently asked questions in this regard.

## **2. DEFINITIONS**

### **2.1. Servicing**

For the purpose of this document "servicing" means the use of HCFC (e.g. for maintenance, refilling) by a technician on board a ship where the technician is employed by the company supplying the HCFC and is not part of the crew of the ship.

## **2.2. Export for ship servicing**

For the purpose of this document "export for ship servicing" (or, in short, "export") means the supply of HCFC to a non EC flagged ship by an EC based undertaking while no use (e.g. maintenance, refilling) is taking place on board of the ship by an employee of the delivering undertaking.

## **2.3. EC flagged ship**

An EC flagged ship is a ship that is flagged to a Member State of the European Community or to a territory of an EC Member State and where the territory is part of the Community customs territory (e.g. Canary Islands).

Ships flagged to a territory of an EC Member State where the territory is not part of the Community customs territory (e.g. Bermuda, Faroe Islands) are not considered an EC flagged ship.

A list of territories of EC Member States and their relation to the customs territory is available at: [http://ec.europa.eu/environment/ozone/pdf/territory\\_summary.pdf](http://ec.europa.eu/environment/ozone/pdf/territory_summary.pdf)

## **3. GENERAL ISSUES**

### **3.1. Can I service/supply an EC flagged ship?**

For the servicing and supply of EC flagged ships the same rules apply as for any other land based EC undertaking. Only non-virgin HCFC may be used. Import or export licenses are not required.

If servicing takes place in a non EC port, no import license is required because servicing is considered as consumption by the country in which the port is located. However, only non-virgin HCFC may be used.

If HCFC was supplied (without servicing) to an EC flagged ship in a non EC port this would constitute an export from the country in which the port is located and an import into the EC. Since imports of HCFC are prohibited under Regulation (EC) No 1005/2009 the supply of HCFC to an EC flagged ship in a non EC port is prohibited.

### **3.2. Can I service a non EC flagged ship in an EC port?**

Servicing of non-EC flagged ships remains possible. The same rules apply as for servicing any fixed installation within the EC. Such servicing can only be done with non-virgin HCFC.

If the servicing involves the recovery of an ODS refrigerant that is taken off board, an import license for destruction will be required.

### **3.3. Can I export to a non EC flagged ship in an EC port?**

Yes, the same rules apply as for any other export of HCFC.

### **3.4. Do I need a license for each ship?**

Yes, for exporting to non-EC-flagged ships you will need an export license for each delivery.

### **3.5. How long does it take to get a license?**

Export licenses are usually issued within 5 working days; on average it takes 1-3 working days.

Import licenses are usually issued within 5 working days; on average it takes 2-4 working days. Since import licenses are sent by regular mail, additional time should be allowed for the mailing. If the import license should not be available in time small quantities of non-virgin HCFC could, for example, be kept under customs storage for a short time if necessary.

Exceptions to the above timeframe apply in case of service interruptions that are announced on the message board of the ODS-database and in cases where the iPIC procedure applies. For further details please see the ODS licensing manual.

### **3.6. Do I need to keep my stocks for ship servicing in a customs warehouse**

In general, this would not be required. However, this depends on the customs procedure you selected for the import/export. If you selected, for example, "customs warehousing", then the storage in a customs warehouse would be obligatory.

## **4. QUESTIONS RELATED TO THE IMPORT/EXPORT DECLARATION FOR 2010**

In case you intend to import from or export to non-EC-ships, you will need to submit a corresponding declaration for 2010. Otherwise you will not be able to get a license.

### **4.1. I don't know the flag country of the ships that we will service. How can I complete the declaration?**

The situation is the same as in the past:

For the import declaration, it is not necessary to specify the source country in the declaration. The source country will only be required once you complete the import license application.

For the export declaration, you should include the most likely flag countries based on your past business experience. In the unexpected case that an additional country needs to be covered it will be possible to amend the export declaration during 2010 to a certain extent. For exports to ships for servicing by the ship crew a special use description exists which is called "HCFC for servicing non EU flagged ships and aircraft in EU"

## **5. QUESTIONS RELATED TO PLACING ON THE MARKET**

### **5.1. Can I get my supply from an EC based company?**

Reclaimed HCFC for ship servicing can be obtained from any supplier in the EC. Containers with reclaimed HCFC will be labelled accordingly; you should not use HCFC from containers that are not labelled as reclaimed HCFC.

Virgin HCFC for export can only be obtained directly from a producer of HCFC. As of 2010 only a producer of HCFC can place virgin HCFC on the market and only for direct sale to a registered re-packager for subsequent export by this re-packager. Any other distributor will not

longer be allowed to place virgin HCFC on the market for ship servicing or export, even if it is obtained from pre-2010 stocks. Also placing on the market by the re-packager (e.g. sales to another company for export) will not be allowed.

**5.2. Can I use my pre-2010 stocks to service, or export to, a ship?**

In general, yes, but the restrictions explained in the questions in section 3 apply.

**6. QUESTIONS RELATED TO IMPORT**

**6.1. I want to buy virgin HCFC from China and use it for servicing of/export to non-EC-flagged ships. Is that possible?**

The re-export of virgin HCFC is possible. However, it is subject to a number of conditions.

The HCFC would need to be imported under a suitable customs procedure (e.g. customs warehousing, re-export). It cannot be imported under the "release for free circulation" procedure, which is the standard procedure. The restrictions that apply to the corresponding customs procedure need to be respected.

In most cases, an import and export license will be required.

You cannot use such material to service or supply EC-flagged ships (see question 3.1).

You cannot use such material to service non EC flagged ships in an EC port (see question 3.2)

**7. ANY FURTHER QUESTION?**

For any remaining questions, the Competent Authority in the Member State concerned or the European Commission should be contacted:

A list of contact points for each Member State is available on our website:

[http://ec.europa.eu/environment/ozone/contact\\_us.htm](http://ec.europa.eu/environment/ozone/contact_us.htm).

European Commission  
DG Environment Unit C4  
Industrial emissions and protection of the ozone layer  
Avenue de Beaulieu 5  
B - 1049 Brussels  
Belgium  
Fax: +32 2 2920692  
E-mail: [env-ods@ec.europa.eu](mailto:env-ods@ec.europa.eu)