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DIRECTORATE-GENERAL
CLIMATE ACTION
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CLIMA.C.2 - Transport and Ozone

Licensing manual for ozone depleting substances (ODS)

PART I

GENERAL INFORMATION

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Important note:

The information given in this document is of a general nature and for information purposes only and should not be understood as legally binding or as legal guidance. It is not necessarily comprehensive, complete or up to date. It may be subject to change without notice, in particular following revisions of the Montreal Protocol or other relevant legal acts. The user is responsible for ensuring compliance with existing legislation. The European Commission accepts no responsibility or liability whatsoever with regard to the information contained in this document.

LICENSING MANUAL OVERVIEW

Part[1]	Addressed to	Topic
I	All users	General information
II	European Commission	System manager
III	European Commission	Desk officer
IV	European Commission	Head of Unit
V	European Commission	System administrator
VI	Undertakings	Importers
VII	Undertakings	Exporters
VIII	Undertakings	Producers and undertakings holding production quotas
IX	Undertakings	ODS users (Others)
X	Undertakings	ODS users (Laboratories/Suppliers)
XI	Member States	Competent authorities
XII	Member States	Customs
XIII	European Commission	Data extraction

[1] Not all parts of the licensing manual are publicly available.

CONTENTS – PART I

ABBREVIATIONS

BCM	Bromochloromethane
BDN	Basic domestic needs
CFC	Chlorofluorocarbons
CN	Combined Nomenclature
CTC	Carbon tetrachloride/Tetrachloromethane
CU	Critical uses
EHS	Export licence for halons for critical uses
EIP	Export licence for re-exports
EPD	Export licence for products and equipment
EPS	Export licence per shipment (general export licence)
ESU	Essential use
EU	European Union
HAL	Halon
HBFC	Hydrobromofluorocarbons
HCFC	Hydrochlorofluorocarbons
iPIC	Informal prior informed consent
IPR	Inward processing relief
LIC	General import licence
LIP	Import licence for re-export
LPD	Import licence for products and equipment
LPR	Import licence to replace production
MB	Methyl bromide
MDI	Metered dose inhalers
NOU	National Ozone Unit
ODS	Ozone depleting substance (in this document only substances listed in Annex I to the Regulation)
QPS	Quarantine and pre-shipment
TCA	1,1,1-Trichloroethane
UNEP	United Nations Environment Programme

1. GENERAL INFORMATION

This document provides general information about the licensing system for ozone depleting substances established under Regulation (EC) No 1005/2009 (the Regulation). Information specific to a particular type of user can be found in the relevant parts of this manual.

1.1. The importance of a healthy ozone layer

The ozone layer in the upper atmosphere protects humans and other organisms from the solar UV radiation. In the 1970s scientists discovered that certain man-made chemicals deplete the ozone layer leading to an increased level of UV radiation.

An overexposure to UV radiation leads to a number of serious health risks for humans. It does not only cause sunburns but causes furthermore greater incidences of skin cancer and eye cataracts. Children and light skinned people are particularly vulnerable. There are also serious impacts for biodiversity. For example, increased UV radiation reduces the levels of plankton in the oceans and subsequently diminishes fish stocks. It can also have adverse effects on plant growth, thus reducing agricultural productivity. A direct negative economic impact is the reduced lifespan of certain materials like plastics.

Moreover, most man-made ozone depleting substances (ODS) are also very potent greenhouse cases. Some of them are up to 14 000 times stronger than CO_2. Eliminating those substances thus also contributes to the prevention of climate change. The phase out of ozone depleting substances has so far delayed the impact of climate change by 8-12 years.

Therefore, it is important to minimise the use of ODS as much as possible to protect the ozone layer, the climate and our health.

1.2. The legal situation

The Regulation prohibits production, import, export, placing on the market and use of the ozone depleting substances listed in Annex I to the Regulation. In this manual, these are referred to as ozone depleting substances or 'ODS'[2]. Substances listed in Annex II to the Regulation are not governed by the measures described in this manual. Unless otherwise indicated the term ODS also covers products and equipment containing or relying on ODS.

There are certain exemptions to the prohibitions. Most of them are subject to licensing, authorisation or registration. They include:

- Import of ODS and of products and equipment containing or relying on ODS;
- Export of ODS and of products and equipment containing or relying on ODS;
- Production of ODS for essential laboratory and analytical uses;
- Placing on the market of HCFC for re-packaging;
- Use of ODS for essential laboratory and analytical uses.

[2] An annotated non-exhaustive list of ODS is available from the CIRCA online forum on licensing and reporting.

All licences have to be requested and are issued electronically by the online ODS licensing system known as the 'ODS database' which is operated by the European Commission. This set of manuals describes the procedures related to the ODS database.

1.3. Substances, products and equipment concerned

The substances concerned are listed in Annex I to the Regulation[2]. They are split into nine groups, as shown in the table below.

Group	Abbreviation	Description
Groups I and II	CFC	Chlorofluorocarbons
Group III	HAL	Halons (1211, 1301 and 2402)
Group IV	CTC	Carbon tetrachloride
Group V	TCA	1,1,1-Trichloroethane
Group VI	MB	Methyl bromide
Group VII	HBFC	Hydrobromofluorocarbons
Group VIII	HCFC	Hydrochlorofluorocarbons
Group IX	BCM	Bromochloromethane (Halon 1011)

All isomers and all forms of the above-mentioned substances are governed by the Regulation, including, for example, radioactively marked substances.

Any mixture, product or equipment that contains these substances or that relies on them in order to function is also covered by the Regulation.

Substances that are listed in Annex II to the Regulation (new substances) are not subject to licensing.

1.3.1. Distinction between substance, mixture, product and equipment

For storage and transportation purposes a substance is usually put in a container. For certain goods it might be difficult to distinguish whether they are to be considered as a substance in a container or as a manufactured product. The table below provides some examples.

Term	Examples of uses
Substance	HCFC-22 in a pressurised gas cylinder which is not designed only for a specific use (e.g. a standard gas bottle is not designed for a specific use) CTC in a glass bottle for laboratory uses
Mixture	R-501 (blend of HCFC-22 and CFC-12) in a refillable transport container
Product	Aerosol can Fire extinguisher Halon 1211 in a pressurised gas cylinder specifically designed to be used in lavatory fire protection systems on board aircraft A polyurethane pre-polymer A foam containing or manufactured with an ODS

Term	Examples of uses
Equipment	Refrigerator Air conditioner Heat pump Aircraft

2. TRADE IN AND USE OF ODS

Once ODS have been lawfully placed on the European market, no further licensing is required for trade in and use of the substances (except for essential laboratory and analytical uses as outlined in Part X of the manual). However, the use bans imposed in the Regulation must be observed. More stringent conditions may apply in some Member States of the European Union for placing on the market and use. ODS may be used only for the use for which they were put on the market. Any diversion or consumption of ODS other than for the designated use is illegal and could result in prosecution. Since 2010 every container of ODS must be labelled with the designated use.

2.1. Transboundary trade in ODS under the Montreal Protocol

Trade in ODS is permitted only with countries that have signed the relevant amendments to the Montreal Protocol. The relevant amendment depends on the substance to be imported or exported:

- Group I (CFC) and Group III (halons):
  The Montreal Protocol itself;
- Group II (other CFC), Group IV (CTC) and Group V (TCA):
  The London Amendment;
- Group VI (methyl bromide) and Group VII (HBFC):
  The Copenhagen Amendment;
- Group VIII (HCFC) and Group IX (BCM):
  The Beijing Amendment.

In addition, import and export of HCFC from and to any country operating under Article 5 of the Montreal Protocol is permitted until 31 December 2012 even if they have not signed the Beijing Amendment[3].

The trade grid tables in the Annex to this document show which substances can be traded with which countries, depending on the country status.

A list showing which country operates under which article of the Montreal Protocol is available online in the ODS database in the section ‘Country status’. The same list also provides information about the latest amendment signed by each country. For further details see the chapter ‘Country status’ below.

[3] In accordance with Decision XX/9 of the Parties to the Montreal Protocol.

The Regulation also limits import and export of ODS to certain uses (see below).

Furthermore, some territories of certain countries are excluded from ratification of the Montreal Protocol (including some territories of Member States of the European Union)[4]. Trade with these territories may be limited or prohibited.

2.2. Basic principles for trade in ODS under EU law

All imports and exports that are exempted from the general prohibition are subject to licensing. An individual licence is required for each shipment (see chapter 3 for details).

2.2.1. Trade within the European Union

For the purposes of the Regulation, trade within the customs territory of the European Union[5] is not considered as import or export. Hence, the rules on import and export described in this manual do not apply to intra-EU trade.

2.2.2. Transit, temporary storage, customs warehousing and free-zone procedure

Certain exceptions from the licensing obligation for imports and re-exports apply under the following customs procedures[6]:

- Transit;
- Temporary storage;
- Customs warehousing;
- Free-zone procedure.

Imports and re-exports under these customs procedures are not subject to licensing, provided they remain in the EU customs territory no longer than 45 days and are not subsequently presented for release for free circulation in the European Union, destroyed or processed.

Important:

! Such imports and exports are nevertheless subject to the reporting obligations under the Regulation; and

! The import prohibitions under the Regulation also apply to imports under these customs procedures.

[4] A list of territories of EU Member States and the related conditions is available from the CIRCA online forum.

[5] Except trade with Monaco and certain territories of EU Member States. See list of territories for details.

[6] See Regulation (EC) No 450/2008 laying down the Community Customs Code.

If goods imported under one of these customs procedures stay in the EU customs territory more than 45 days, a licence is required. Furthermore, it is recommendable:

- if the duration of the stay in the customs territory is unclear at the time of import, to follow the licensing procedure in any case;

- if the goods were initially scheduled to leave the customs territory within 45 days but eventually stay longer, to start the licensing procedure early enough to ensure that you hold a valid licence as of day 45. Otherwise there is a risk that the goods might be considered as illegally imported.

2.2.3. Imports

Import of goods consisting of, containing or relying on ODS is prohibited. The table below summarises the exemptions from this prohibition.

Group	Import of substance	Import of products and equipment containing or relying on ODS
Groups I to IX in Annex I to Regulation (EC) No 1005/2009	• For essential laboratory and analytical uses[7] • For feedstock uses • For process agent uses • For reclamation • For destruction • Methyl bromide for emergency uses • Methyl bromide for QPS for re-export (until 31 December 2014) • HCFC for re-export (until 31 December 2019) • Recovered, recycled or reclaimed halons (Group III substances) for critical uses	• For essential laboratory and analytical uses[7] • For destruction • For critical uses of halons (Group III substances) • For exempted uses (HCFC only)

2.2.4. Exports

Export of goods consisting of, containing or relying on ODS is prohibited. The table below summarises the exemptions from this prohibition.

Group	Export of substance	Export of products and equipment containing or relying on ODS
Groups I to IX in Annex I to Regulation (EC) No 1005/2009	• For essential laboratory and analytical uses[7] • For feedstock uses • For process agent uses • Recovered, recycled or reclaimed halons (Group III substances) for critical uses • Re-export of methyl bromide for	• For essential laboratory and analytical uses[7] • For critical uses of halons (Group III substances) • For exempted uses (HCFC only) • Metered dose inhalers (MDI) manufactured with CFC

[7] See Commission Regulation No 291/2011 on essential uses of controlled substances.

Group	Export of substance	Export of products and equipment containing or relying on ODS
	QPS (until 31 December 2014) • Re-export of HCFC (until 31 December 2019) • Virgin or reclaimed HCFC for any use except destruction	

Important:

! Export of most kinds of products and equipment (e.g. domestic or commercial refrigeration equipment or air conditioners) is prohibited, regardless whether they are waste or not. Where the export of products and equipment is permitted they are always subject to licensing (e.g. products and equipment containing or relying on non-virgin halons for critical uses).

! Export of ODS for destruction is prohibited.

3. IMPORT AND EXPORT LICENSING

All imports or exports of ODS are subject to a licensing procedure. The procedure starts in the year before the proposed import or export with submission of the corresponding declaration. It ends in the year following the import or export with submission of the corresponding reports.

This chapter provides a general overview of the procedure. The individual steps are described in more detail in the relevant parts of this manual.

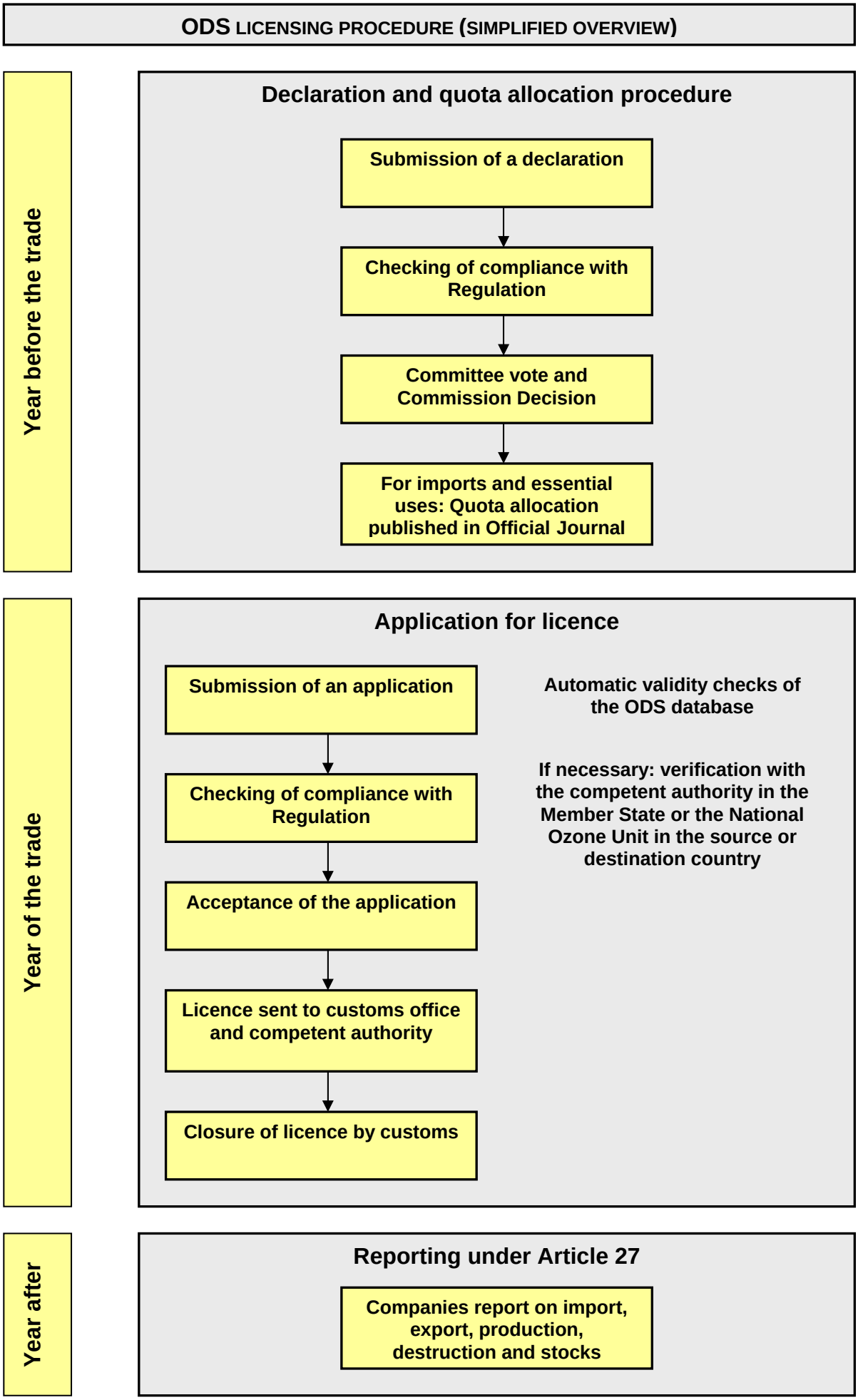
3.1. Year before import or export

3.1.1. Declaration

Each year the Commission publishes a notice to importers and exporters in the Official Journal of the European Union, usually sometime in early spring. The notice requests the undertakings concerned to submit their declarations in the ODS database by a set deadline. Their declarations must reflect the total quantities of each substance that the undertaking intends to import, export and/or use for essential uses throughout the following calendar year.

Important:

! Submission of a declaration does not give authorisation to proceed with import or export.


ODS LICENSING PROCEDURE (SIMPLIFIED OVERVIEW)
Year before the trade
Declaration and quota allocation procedure
Submission of a declaration
Checking of compliance with Regulation
Committee vote and Commission Decision
For imports and essential uses: Quota allocation published in Official Journal
Year of the trade
Application for licence
Submission of an application
Checking of compliance with Regulation
Acceptance of the application
Licence sent to customs office and competent authority
Closure of licence by customs
Automatic validity checks of the ODS database
If necessary: verification with the competent authority in the Member State or the National Ozone Unit in the source or destination country
Year after
Reporting under Article 27
Companies report on import, export, production, destruction and stocks

3.1.2. Quota

Based on the declarations and on the rules in the Regulation, ODS quotas are allocated where required. This applies to imports of substances to be released for free circulation. The quota sets the quantities of ODS that can be imported or placed on the market by each undertaking in the following calendar year. The decisions containing the agreed quotas are published annually in the Official Journal of the European Union. The quotas are also available in the ODS database for the undertaking and the competent authority in the Member State concerned.

3.2. Year of import or export

3.2.1. General licensing issues

Important:

! All licences are issued electronically. Printouts of licences never have any kind of legal force, even if they were made available by the Commission. This is mainly because the status of the licence sometimes changes after it is printed, but also for security reasons.

By issuing the licence the Commission certifies that the trade complies with the requirements of Regulation (EC) No 1005/2009 concerning imports and exports. Note that additional requirements exist that are not verified during the licensing procedure such as labelling or packaging requirements.

Once a licence application has been accepted by the Commission, its status in the ODS database changes from 'requested' (REQ) to 'accepted' (ACC). At this stage the applicant and the competent authority in the Member State concerned are informed by e-mail that the application has been accepted. Customs authorities have no access to applications or licences which have the status 'requested' or 'accepted'. Following the acceptance step, the Commission will make the licence available to the customs authorities. In the ODS database the status of the licence changes to 'sent' (SNT). The customs offices concerned will be informed by e-mail. An individual licence is required for each shipment. However, one shipment can comprise numerous containers, provided they are shipped together. Containers shipped on different dates will usually require individual licences. As a rule of thumb, one licence is required per Single Administrative Document.

For customs clearance, the licence number must be indicated in field 44 of the Single Administrative Document in line with the provisions implementing the Customs Code.

3.2.2. Import licence

There are four types of import licences, as described in the table below.

Import licence type	ODS/uses covered
'General import licence (LIC)'	Imports of substances or mixtures for any use except for cases where one of the other licence types described below is applicable. This licence is not used for products or equipment containing or relying on controlled substances. A general import licence can be used only for permanent import procedures such as release for free circulation or end use.
'Import licence for re-export (LIP)'	Imports of substances or mixtures under a re-export customs procedure such as inward processing, customs warehousing or temporary admission. This licence is not used for products or equipment containing or relying on controlled substances.
'Import licence for products (LPD)'	Imports of products and equipment containing or relying on controlled substances under any customs procedure. This licence is not used for pure substances or mixtures.
'Import licence to replace production (LPR)'	Imports of substances to replace production for essential uses. This licence is used by producers holding a production authorisation for controlled substances who decide to import the substances from one of their plants outside the EU instead of producing them in the EU. Nowadays this type of licence is very rarely used.

A detailed description of each type of import licence is given in Part VI of this manual.

All the licences look similar, apart from the heading (see picture I/1). For customs purposes, there is no difference between these licences, apart from the case of import for re-export. The main reason for drawing these distinctions is for proper management of the related import quotas.

Any registered customs office is able to verify the validity of any import licence online. The customs office of import designated in the licence can also process the import licence online (see Part XII of this manual for details).

The table below explains briefly the content of each field of a licence. Note that not all fields may be displayed in the following example for a licence since not all fields are relevant for all types of licenses. Furthermore some fields may not be visible to all user types. More details are available in Part VI of the licensing manual.

Import license for ozone depleting substances (ODS) under Article 19 of Regulation (EC) No 1005/2009

ODS general license (LIC)

1. GENERAL INFORMATION

Number:	IMP TST 2011 FDST 1 001
Application status:	Sent
Importer:	**0 TEST ORG** (BELGIUM)
EORI number:	BE0123TST23
Source country:	CHINA (excluding Hong Kong and Macao)
Exporter in source country:	Chinese Exporters Inc, Traders road 105, 88000 Ozo-city, Province of Ozone
Customs of entry:	BE Antwerpen Douanekantoor (BELGIUM)
Customs of importation:	BE Gent DAE (BELGIUM)
Customs procedure:	Release for free circulation
Commercial description:	Chlorofluoromethane-11
Estimated date of importation:	01/10/2011
License validity period:	24/09/2011 - 22/10/2011

2. IDENTIFICATION OF GOOD

	ODS Substances			**Metric-kgs**	**ODP-kgs**
Substances:	CFC 11	100.00	%	(100.000)	(100.000)
	Other Substances				
CN code:	2903 41 00 - Trichlorofluoromethane (CFC-11)				
Designated use:	Any substance for feedstock use				
Nature of the ODS:	virgin				
Certificate provided:	Not applicable				
CAS-number of ODS:	75-69-4				
Total GROSS mass:	101.000 GROSS-kgs				
Total NET mass:	100.000 NETTO-kgs				
	One Hundred KILOGRAMS (NETTO)				
Total ODP mass:	100.000 ODP-kgs				
	One Hundred KILOGRAMS (ODP)				

3. OTHER INFORMATION

iPIC status:	confirmed by NOU
Authorisation number:	
Destruction facility:	Not applicable
Storage facility:	BE - None
Comments from Commission:	
Visa list:	1. Visa Desk (Done by dlk on 19-08-11 19:11) Accepted 3. Visa HoU (Done by bas on 19-08-11 19:12) Accepted
Tracking info:	*Modified by CDP Alexandros KIRIAZIS (EU) On 19-08-11, 19:20:12*
Check code :	934139

4. CUSTOMS CLEARANCE

Comments from customs:	
Clearance date:	dd/mm/yyyy) (default is Today)
Remainder: (valid only when closing)	0 NETTO-kgs (do not use any comma)
	Zero KILOGRAMS (NETTO)

Picture I/1: Import licence (example)

Field	Description
1. 'General information'	
'Number'	Number of the import licence
'Application date'	Date when the application was submitted to the Commission
'Application status'	Current status of the application (e.g. accepted or rejected)
'Importer'	Name of the undertaking applying for the import licence
'EORI number'	Identification number of the applicant under the Customs Code[8]
'Exporter in source country'	Name of the exporting undertaking in the source country
'Source country'	Name of the source country
'Customs of entry'	Customs office of entry (as defined under the Customs Code) selected by the applicant
'Customs of import'	Customs office of import (as defined under the Customs Code) selected by the applicant
'CN code/text'	Code and description of the commodity, as defined by the Combined Nomenclature
'Commercial description'	Name of the product, as indicated on the packaging
'Date of importation'	Estimated date when the import will take place
'Licence validity period'	Time window for which the licence is valid
2. 'Identification of goods'	
'Substances'	Name of the chemical(s) to be imported. In the case of mixtures, also the percentage of the substances in the mixture and the mass per substance in the mixture
'Designated use'	The use for which the substance is imported
'Nature of the ODS'	Indicate whether the substance is virgin or not
'Certificate provided'	Indicate whether a certificate has been provided to the Commission to prove the nature of the substance
'CAS number of ODS'	Code number of the ODS in the Chemicals Abstract System
'Total GROSS mass'	Total gross weight. For substances, the total weight, including transport containment. For products and equipment, total weight
'Total NET mass'	Total net weight of the substance or mixture to be imported expressed in metric kilograms. For products and equipment the net weight of the ODS contained
'Total ODP mass'	Total net weight of the substance or mixture to be imported expressed in ODP kilograms (ODP = ozone depletion potential)
'Number of units'	For imports of countable products, the number of individual items
'Net mass per unit'	Total net mass divided by the number of units
3. 'Other information'	
'iPIC status'	Status of the licence with regard to the iPIC procedure
'Authorisation number'	In cases where there was a preceding authorisation, the related number
'Destruction facility'	Name and address of the destruction facility (relevant for imports only)

[8] The EORI (Economic Operators Registration and Identification) number is a unique number that is used to identify undertakings under the Customs Code.

Field	Description
'Storage facility'	In case of halons for critical uses, the name and address of the authorised storage facility (relevant for exports only). This field is visible in export licences for halons (EHS) only
'Comments from importer'	Optional comments added by the applicant
'Comments from Commission'	Optional comments added by the European Commission about this particular licence
'Visa list'	Electronic signatures of the accepting bodies
'Tracking info'	Information concerning the application process flow
4. 'Customs clearance'	
'Comments from customs'	Optional comments added by the customs office about this particular licence
'Clearance date'	Date when the goods are cleared by customs
'Remainder'	Portion of the total NET mass that has **not** been imported
'Check code'	Internal verification code

3.2.3. Export licence

There are five types of export licences, depending on the substance and use. The various types are explained in more detail in Part VII of this manual. All the licences look similar, apart from the heading and some individual fields that appear only in certain types.

Undertakings may apply for as many export licences for a specific substance, destination country and use combination as they wish until the total amount declared for this combination is exhausted.

The content of an export licence resembles the information contained in an import licence (see above for details).

Export licence type	ODS/uses covered
Export licence per shipment (EPS)	Exports (except re-exports) of: • Any substance for feedstock uses • Any substance for process agent use • HCFC for refrigeration • HCFC for servicing non-EU flagged ships and aircraft in EU • HCFC for foam blowing • HCFC for solvent use • HCFC for fire-fighting
Export licence for products (EPD)	Exports of any product or equipment containing or relying on ODS (including halons)
Export licence for halons (EHS)	Exports (except re-exports) of halons not included in a product or equipment
Export licence for essential uses (ESU)	Exports (except re-exports) of any substance or mixture for essential laboratory and analytical uses
Export licence for re-export	Any re-export of substances or mixtures previously imported

Export licence type	ODS/uses covered
(EIP)	under a re-export customs procedure (subject to a corresponding import licence)

3.2.4. Licence validity

Import and export licences have a maximum validity of 28 days (7 days before and 21 days after the estimated date of import or export). In cases where this validity period exceeds the licensing year (before 1 January and after 31 December), the validity period is cut accordingly. The validity of the licence is also cut when the date of issue is less than seven days before the estimated date of import or export or if the licence is issued after that date.

3.2.5. Transfer of licences

Import and export licences may be used only by the legal entity to which they were issued. They may not be used by any other legal entity, including other companies in the same group or subsidiaries.

3.2.6. Certificates

Article 18(5) of Regulation (EC) No 1005/2009 empowers the Commission to request additional certificates for certain imports and exports, namely:

- A certificate confirming the nature or composition of the substance;
- A copy of the import/export licence in the destination/source country.

Certificates can be submitted by e-mail (PDF or TIF format). If no certificate is received within three workings days after the submission of relevant licence applications the application will be rejected.

The certificate must be provided in one of the official languages of the European Union. If the original language of the certificate is not one of the official languages, an officially approved translation must be attached.

Certificates confirming the nature or composition of the substance are usually required for the import or export of non-virgin ODS[9]. Such certificates must indicate:

- General information about the source of the unprocessed ODS (including the country of origin and the original use of the substances);
- The name and full address of the facility where the ODS was recovered, recycled or reclaimed;
- The type of processing the ODS went through (recovery, recycling or reclamation), including a brief description of the process;
- The batch number of the non-virgin substance indicating the total volume of the batch;
- The quality specifications of the non-virgin ODS (e.g. a batch-specific certificate of analysis indicating the quality requirements and the actual values for the non-virgin

[9] Certificates are not usually required for import or export of products or equipment containing or relying on non-virgin halons for critical uses.

substance). The certificate should indicate if the specifications match an internationally agreed standard and, if so, which one.

3.2.7. The iPIC procedure

The informal prior informed consent (iPIC) procedure was established under the Montreal Protocol to prevent illegal trade in ODS and to facilitate enforcement of the Montreal Protocol. Countries participating in the iPIC network agree voluntarily to exchange information before issuing import or export licences. The countries participating are indicated in the ODS database in the section 'Country status'.

In the iPIC procedure, the eligibility of the trade in the source or destination country and the compliance of the country with the quantitative limits applicable under the Montreal Protocol are verified by the National Ozone Unit (NOU) responsible. In this way, the iPIC procedure adds an additional security level to the business safety of the applicant.

Applicants can also prove the eligibility of the trade by providing the corresponding import licence from the destination country or the export licence from the source country when submitting their application. This is not mandatory but can speed up the authorisation procedure. Such licences will be considered by the Commission only if they were issued in one of the official languages of the European Union or a certified translation is provided.

If the corresponding licence is not available and the requested export is subject to the iPIC procedure, the Commission will verify whether the importer in the destination country or the exporter in the source country, the product and the use are eligible. If necessary, the Commission will send an e-mail to the NOU in the source or destination country asking for prior consent. The applicant undertaking will receive a copy of that e-mail to keep it informed about the additional delay. A copy of the same e-mail will also be sent to the UNEP office organising the iPIC network in the region concerned. If there is no response after ten working days, the licence will be issued in any case. During this period there is no need for the applicant to take any action.

3.3. Year following import or export

3.3.1. Reporting

Under the Regulation, every undertaking importing, exporting, using or producing ODS is under an obligation to report specific information. This reporting obligation does not apply to products and equipment containing or relying on ODS. However, the reporting obligation does also apply to substances listed in Annex II to the Regulation (new substances).

The reports have to be submitted every year, by 31 March of the year following the trade. The related forms and further information about reporting are available from the CIRCA online forum.

4. 'ODS DATABASE'

All applications for licences and authorisations related to ODS have to be made in the online licensing system or 'ODS database' at: http://ec.europa.eu/clima/policies/ozone/ods_en.htm.

Picture I/2: ODS database log-in page

The ODS database is split into two sections:

- The ‘Main ODS database’; and
- The ‘Laboratory ODS database’.

ODS database section	User profiles concerned
• Main ODS database	• Producers • Importers • Exporters • Transit traders • Customs offices • Competent authorities of Member States • Process agent users • Feedstock users • Repackagers • Destruction facilities • Halon storage facilities
• Laboratory ODS database	• Distributors of ODS for laboratory uses trading within the European Union • Laboratory end-users

A description of the laboratory ODS database can be found in Part X of this manual. Only the Main-ODS-database is described below.

Important:

! The ODS database uses commas as thousands separators and points as decimal separators. In order to avoid any confusion, it is advisable to enter figures without any commas or points. Any amounts should be expressed in metric kilograms.

4.1. Registration

A registration form for the Main-ODS-database is available in various languages from the CIRCA online forum. Do not use this form for registration in the Laboratory-ODS-database.

The registration form must be completed and sent to the address indicated in the form. It is mandatory to fill in all the fields. To be valid, the form must be stamped and signed by an authorised person with powers of attorney to represent the undertaking in legal affairs. Further guidance on completing the registration form is available on the second page of the registration form itself.

The registration procedure should usually be completed within five to ten working days after arrival of the registration form. After registration, the applicant will receive a user name by e-mail. A copy of the same e-mail will be sent to the competent authority of the Member State in which the applicant undertaking is located to inform it of the registration.

4.2. Password

4.2.1. Obtaining the password

For security reasons, the password is not sent together with the user name. It can be obtained by using the 'forgot password' option of the Main-ODS-database at: http://ec.europa.eu/environment/ods/login/lost_password.cfm. Enter the e-mail address used for the registration by clicking 'Submit'. The password will then be sent to that e-mail address, provided it resembles an entry in the database.

Users are strongly recommended to change their password immediately for security reasons (see the chapter 'Edit my info'). The e-mail with the user name will not be sent through secure channels and, furthermore, may be addressed to several recipients.

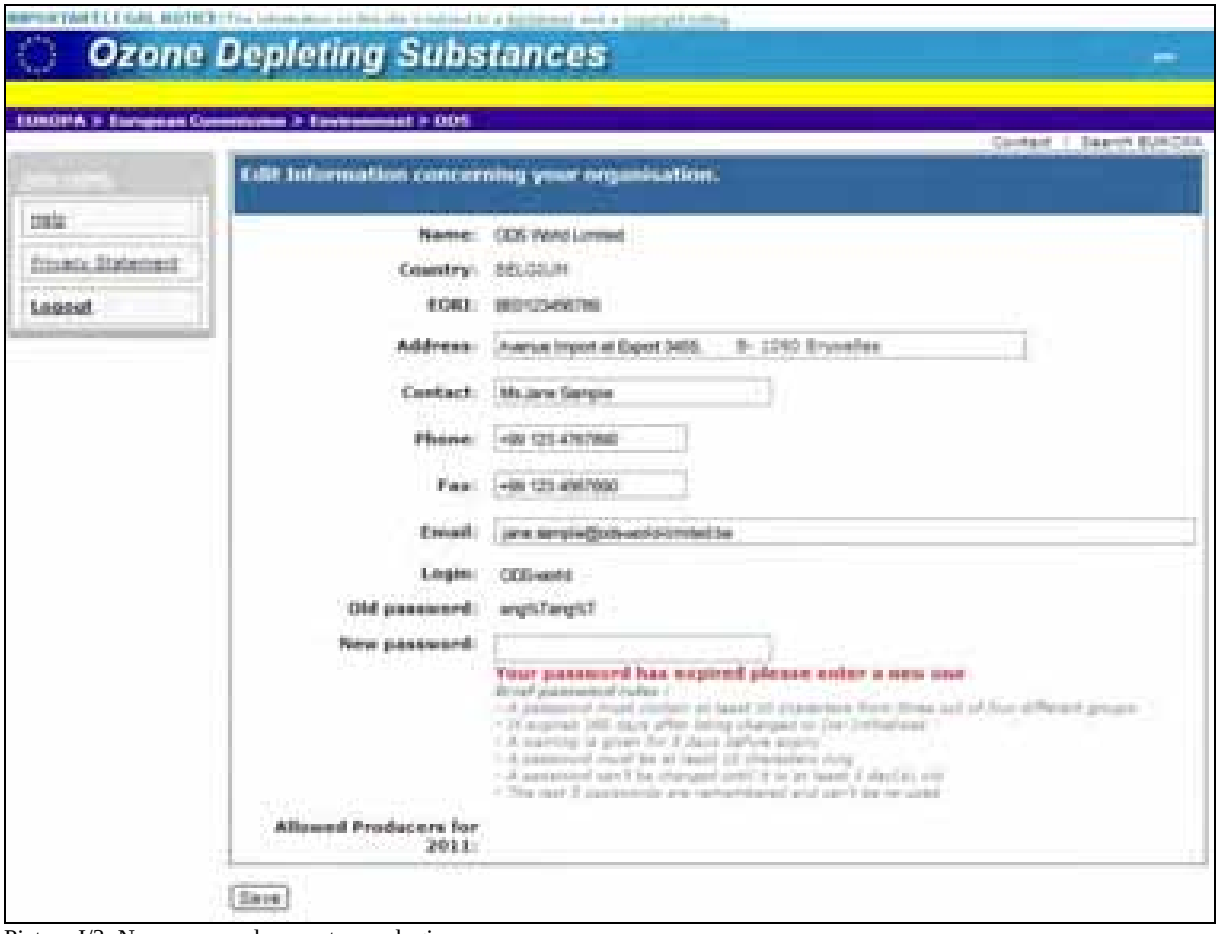
4.2.2. Rules for the password

The following rules apply to passwords:

- A password must contain at least 10 characters from three out of four different groups:
  - (1) Upper case: A to Z;
  - (2) Lower case: a to z;
  - (3) Numeric: 0 to 9;
  - (4) Special characters: !"#$%&'()*+,-./:;<=>?@[\]^_`{|}~
- The password cannot be identical to the user name.
- You cannot use a password that has been used before.
- A password cannot be changed again until it is at least one day old.

4.2.3. Expired passwords

Passwords will expire automatically 180 days after being changed or (re-)initialised. Upon log-in a warning is given five days before the password expires. If you attempt to log in more than five days later you will be requested to enter a new password. At this occasion you should also review whether your contact data is still up to date.



Picture I/3: New password request upon login

4.3. Privacy statement

The privacy statement[10] for the ODS database can be found by clicking on 'Privacy statement' in the ODS database and is available from the CIRCA online forum.

4.4. Basic functions

This chapter explains only the basic functions of the Main ODS database. Functions that are specific to individual types of user are explained in the relevant parts of this manual.

[10] In accordance with Regulation (EC) No 45/2001 on data protection.

4.4.1. Log-in

The Main ODS database can be accessed via the log-in page at: http://ec.europa.eu/clima/policies/ozone/ods_en.htm.

In order to log in, both the user name and the password are required. After logging in, you will be directed to the 'My home' page.

4.4.2. ODS home

Clicking on 'ODS home' will take you back to the log-in page and will terminate the ODS database session.

4.4.3. 'My home'/ODS message board

The 'My home' page looks different for different types of user. Hence, the functions are explained in the relevant parts of this manual.

At the top of this page important messages will be displayed on the ODS message board.

Picture I/4: 'My home' page for an undertaking profile

4.4.4. 'Quota/Declaration'

The 'Quota' button will be available for only the types of user concerned. This section provides access to the quota allocated for the year in question.

Likewise, the 'Declaration' button will be available for only certain types of user. This section provides access to the corresponding declarations.

Further information is available in the relevant parts of this manual.

4.4.5. 'MS administrations'

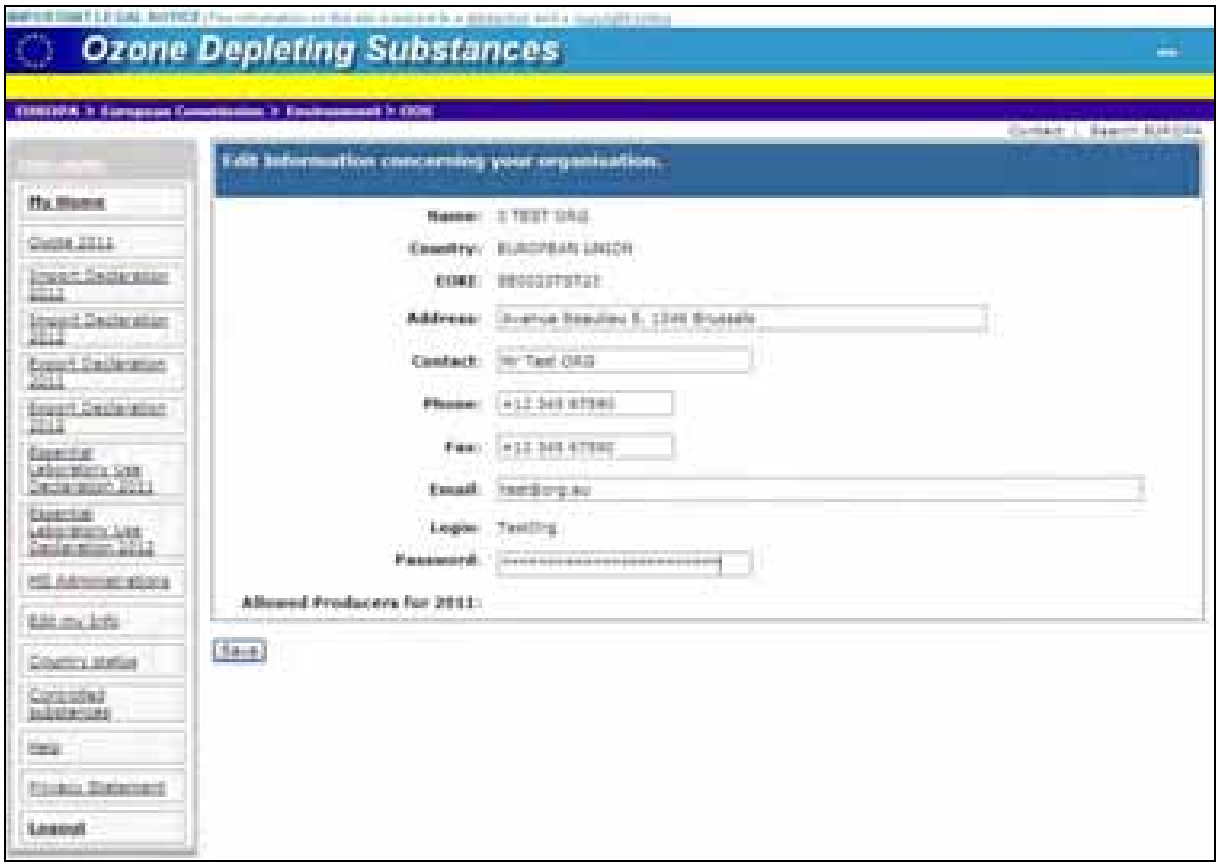
The option 'MS administrations' provides the contact information on the competent authorities in all Member States that are responsible for managing licences.

Once the button has been clicked, the ODS database will list the competent authorities of all 27 Member States sorted alphabetically by Member States.

Click on the link to obtain the full name and address of the contact person for the authority selected.

4.4.6. 'Edit my info'

This section allows you to update your profile, for example to change your contact data or password.



Picture I/5: 'Edit my info' page

Important:

- ! It is crucial to keep this information always up to date, in particular your e-mail address, since all communications will be sent to this account. Make sure that the relevant persons always have access to the designated mailbox and that it is checked frequently, e.g. even when the main contact person is on leave.

There is a limited possibility to have automated e-mail notifications from the ODS database sent to more than one e-mail address. All you have to do is separate them with a semicolon (;) followed by a space. It is important that this is introduced exactly as indicated (semicolon followed by a space). Otherwise it will not work.

Example: *name1@undertaking.xy; name2@undertaking.xy*

However, this option is limited by the maximum field length of 150 characters. Its availability therefore depends on the length of the e-mail addresses. If multiple e-mail addresses are included in this field, the 'forgotten password' function will no longer work.

Important:

- ! Users cannot change the name of their undertaking or the EORI number. If these change, a formal verification procedure is necessary to make sure that quota rights and licences can be transferred to the new legal entity.

In this case, the Commission must be informed by letter on business paper. The letter must explain the background to the name change and, if necessary, should indicate the details for any new contact person. Changes in the VAT or the EORI number should also be indicated. Like the registration form, the letter must be signed by an authorised person, such as a general manager or somebody else with powers of attorney to represent the undertaking. The letter can be sent by e-mail or fax in advance to speed up processing, but a paper original must follow.

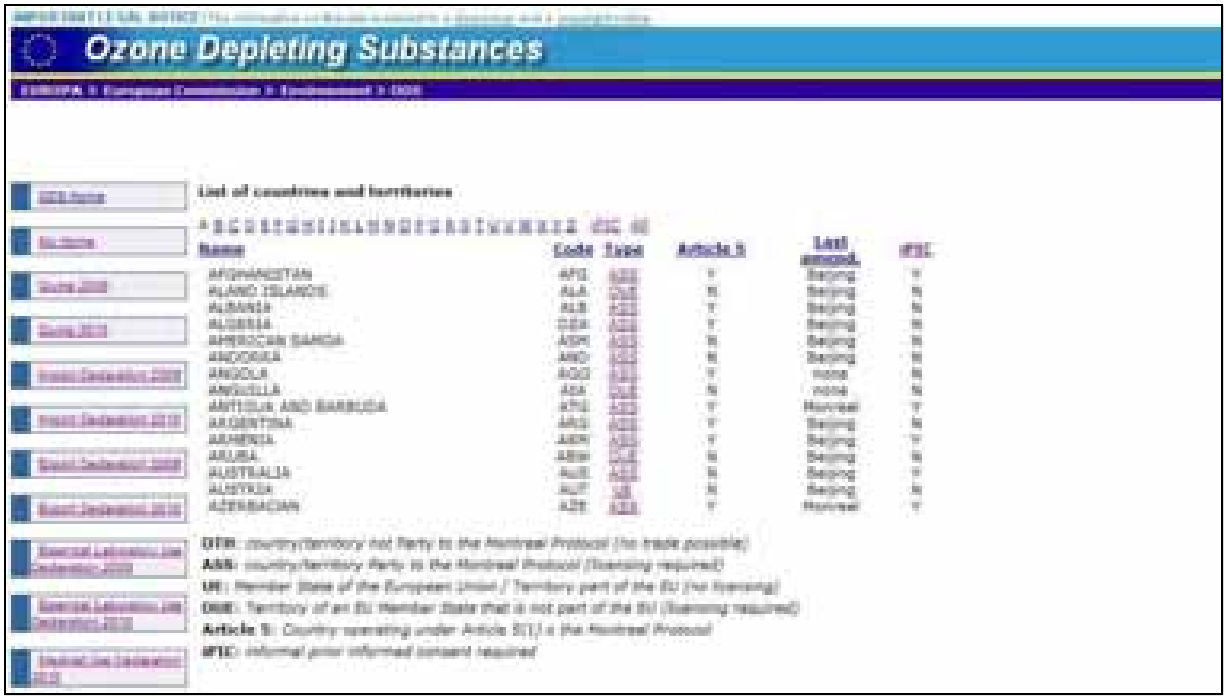
Important:

- ! Requests that could potentially affect the business security of an undertaking (e.g. for cancellation of licences) will be processed by the Commission only if they come from the contact person indicated in the user profile.

To add further authorised contact persons, enter their names in the 'contact' field.

4.4.7. 'Country status'

This function displays a list of all countries and territories and their up-to-date status under the Montreal Protocol and the Regulation. This information is required to evaluate whether trade in ODS with a particular country or territory is permitted (see also trade grids in the Annex).



Picture I/6: 'Country status' page in an undertaking profile

The countries and territories can be displayed as follows:

- list of countries and territories starting with a particular letter;
- list of all iPIC countries;
- full list of all countries and territories.

The list selected can be sorted by:

- Name;
- Country/Territory code;
- Country/Territory type (see below);
- Whether or not the country is an Article 5 country;
- The latest amendment to the Montreal Protocol ratified;
- Whether or not the country is an iPIC country.

Country or territory types are indicated as follows:

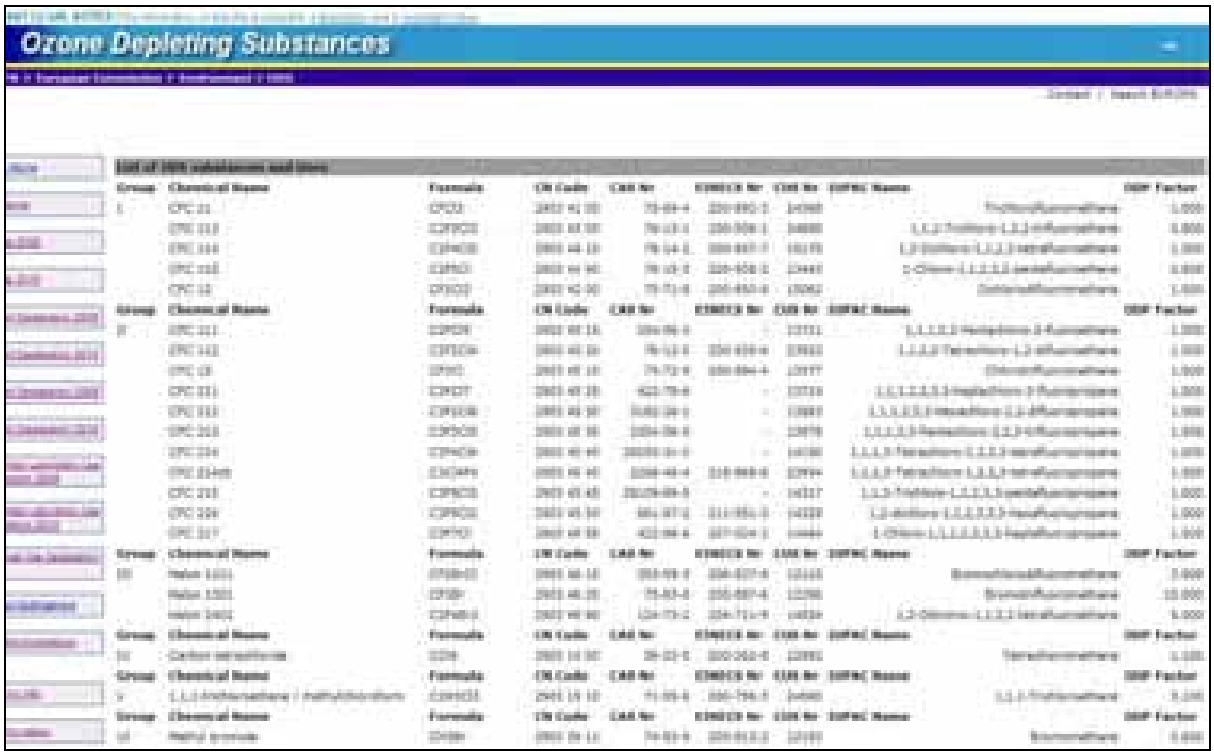
Type	Explanation	Consequence
'UE (Union Européenne)'	Member State of the European Union (including territories that are part of the EU) and Party to the Montreal Protocol	Trade permitted No licensing required
'ASS (Accession)'	Country/Territory outside the European Union but Party to the Montreal Protocol	Trade permitted (subject to the latest amendment signed and whether the country is an Article 5 country or not) Licensing required

Type	Explanation	Consequence
'OUE (outside EU)'	Territories of EU Member States that are not part of the European Union but are Party to the Montreal Protocol	Trade permitted (subject to the latest amendment signed) Licensing required
'IUE (inside EU)'	Territories of EU Member States that are part of the European Union and Party to the Montreal Protocol but where special conditions apply	Trade limited or prohibited (subject to the latest amendment signed) No licensing required
'OTH (other)'	Countries and territories that are not Party to the Montreal Protocol	No trade possible

If you need a full list of countries and territories of a certain type, select 'All' first and then click on the type in question.

4.4.8. 'Controlled substances'

This function provides an overview of the main controlled substances and their identification parameters. This is not a full list of controlled substances, since all isomers of the substances listed are also controlled.



Picture I/7: 'Controlled substances' page in an undertaking profile

The following information is available:

- Chemical trade name;
- Chemical formula;
- CN code;
- CAS number;
- EINECS number;

- CUS number;
- IUPAC name;
- ODP factor.

4.4.9. 'Help'

Clicking on 'Help' will lead you to the CIRCA online forum.

4.4.10. 'Log-out'

Click on 'Log-out' to terminate the ODS database session.

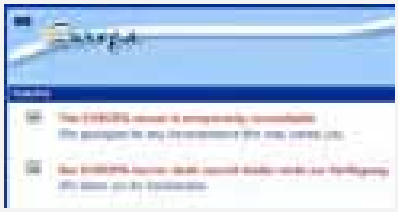
4.5. Status of application

Each application has a particular status, depending on the stage of processing. The various statuses are also colour-coded.

Colour code	Status	Explanation
BLUE Applications in preparation	'Editing'	Application entered in the ODS database but not yet sent to the Commission.
ORANGE/RED Applications submitted to the Commission	'Forwarded'	Application forwarded by the Commission to another authority or undertaking for endorsement.
	'Requested'	Application submitted to the Commission and being processed.
GREEN Valid licences and authorisations	'Accepted'	Application accepted by the Commission (for import/export) or competent authority (for production). Export can proceed. Applications for import and export will then be sent (see below). Production applications still need to be endorsed.
	'Endorsed'	Production application endorsed by the Commission. Production can start.
	'Sent'	Application accepted by the Commission and licence made available to the customs office and the competent authority in the Member State.
GREY/BLACK Licences and authorisations that are not or no longer valid.	'Aborted'	Application cancelled by the applicant.
	'Annulled'	Application cancelled by the customs authority.
	'Cancelled'	Application cancelled by the Commission.
	'Closed'	Application closed by the customs authority after import or export completed.
	'Expired'	The validity period of the licence ended.
	'Rejected'	Application rejected by the Commission.

4.6. Error messages

The table below explains some of the error messages that might appear.

Message	Reason	Solution
Warning: The use you selected has not been declared for all substances you intend to import!	The combination of substance and use is not included in the import declaration.	Amend the import declaration if possible.
Country/Substance/Use combination invalid	The combination of destination country, substance and use is not included in the export declaration.	Amend the export declaration.
Warning: Your quota for the substance combined with this use is exceeded!	The quantity requested exceeds the quota allocated.	Reduce the quantity to keep within the quota limit.
		For imports that are not subject to a quota, amend the import declaration.
		If the message appears even though a sufficient quota is available, contact the Commission to have the quota activated.
ODS Europa Website Error Page! An error occurred when you requested this page. The ODS site Webmasters (env-ods@ec.europa.eu) have been notified of the error. They will work to correct the problem and apologise. Click here to continue.	There can be several reasons and solutions for this error message. The most frequent are explained below. If the problem persists for more than 24 hours, inform the European Commission.	
	The information entered in one of the free-text fields is too long (e.g. in the comments field, the commercial description field or the exporter in source country field).	Log in again and shorten the information.
	The return from the server was corrupted due to a temporary problem on the server.	Usually in these cases the request was nevertheless processed properly. Log in again.
Any message appearing in a pop-up window.	A mandatory field has not been completed or the content of the field does not match the parameters allowed.	Follow the instructions in the pop-up window.
The EUROPA server is temporarily unavailable 	The central server hosting the ODS-database is currently not available. Usually this is only a very short term problem.	Go back to the previous page and try again. If the problem persists for more than 24 hours, inform the European Commission.
Network Error (tcp_error) A communication error occurred: The Web Server may be down, too busy, or experiencing other problems preventing it from responding to requests. You may wish to try again at a later time.	Network errors indicate a problem with your access to your local network or to the internet.	Go back to the previous page and try again. If the problem persists contact your own IT department. (The European Commission cannot help you with this kind of errors.)

Message	Reason	Solution
For assistance, contact your network support team.		

4.7. Deletion of an account

If an undertaking is no longer engaged in ODS business that requires an account in the ODS database, the account can be disabled. In that case the Commission should be informed, preferably by e-mail.

When an account is disabled it will no longer be accessible for the undertaking and all personal data will be deleted in accordance with the privacy statement. However, all non-personal data are retained. The Commission and the competent authorities in the Member States will still have access to all applications made. Once an undertaking has submitted any kind of application in the ODS database, the account can no longer be deleted completely because of the documentation needs.

5. OTHER ISSUES

5.1. Production

Production of ODS is restricted. For further details, see Part VIII of this manual.

5.2. Associated costs and fees

The service provided by the Commission for licensing ODS, as described in this manual, is free of charge.

5.3. Contact information

If you have any further questions, consult our CIRCA online forum on ODS licensing and reporting at: http://circa.europa.eu/Public/irc/env/review_2037/library.

A list of contact points in the competent authorities in the Member States is available from the CIRCA online forum.

If you still cannot find the answer to your question, do not hesitate to contact the European Commission by e-mail at: clima-ods@ec.europa.eu. Additional contact information is available from the CIRCA online forum.

5.4. Record of changes to the document

Version	Changes
2	Editorial changes and update of the table in chapter 8.2.
3	Addition of chapter 6.4. Editorial changes and update of chapters 2.1 (Reference to Decision XX/9), 2.2.3 (table), 2.2.5 (general update), 8.1 (CN code for HCFC-141b corrected) and 8.2 (table).
4	Complete overhaul of the document to adapt it to the transition from Regulation (EC) No 2037/2000 to Regulation (EC) No 1005/2009.
5	In chapters 3.4 and 3.5 licence descriptions replaced by tables. Chapter 3.6 on licence validity, chapter 3.8 on certificates and chapter 5.3 on fees included. In several chapters changes made to reflect the end of paper-based import licensing. Some editorial changes. Revision to reflect the re-organisation of the Commission (move from DG Environment to DG Climate Action).
6 (8/2011)	General overhaul following the changes introduced by Service Release 2.4 of the ODS database. Information added/changed, in particular in chapters 2.2.2 (45-day rule), 3.2.5 (certificates), 4.4.6 (edit my info) and 5.3 (contact information). Chapter 3 restructured to reflect the licensing process better.

6. ANNEXES

6.1. Trade grid for Article 5 countries

The table set out below shows which substances can be traded with Article 5 countries depending on the ratification status of the country[11].

	Trade permitted with Article 5 countries? Y = Yes/N = No								
	Groups								
	I CFC	**II CFC**	**III HAL**	**IV CTC**	**V TCA**	**VI MB**	**VII HBFC**	**VIII HCFC**	**IX BCM**
(-) No amendment signed	Y	N	Y	N	N	N	N	Y	N
(L) London amendment	Y	Y	Y	Y	Y	N	N	Y	N
(C) Copenhagen amendment	Y	Y	Y	Y	Y	Y	Y	Y	N
(M) Montreal amendment	Y	Y	Y	Y	Y	Y	Y	Y	N
(B) Beijing amendment	Y	Y	Y	Y	Y	Y	Y	Y	Y

6.2. Trade grid for Article 2 countries

The table set out below shows which substances can be traded with Article 2 countries depending on the ratification status of the country.

	Trade permitted with non-Article 5 countries? Y = Yes/N = No								
	Groups								
	I CFC	**II CFC**	**III HAL**	**IV CTC**	**V TCA**	**VI MB**	**VII HBFC**	**VIII HCFC**	**IX BCM**
(-) No amendment signed	Y	N	Y	N	N	N	N	N	N
(L) London amendment	Y	Y	Y	Y	Y	N	N	N	N
(C) Copenhagen amendment	Y	Y	Y	Y	Y	Y	Y	N	N
(M) Montreal amendment	Y	Y	Y	Y	Y	Y	Y	N	N
(B) Beijing amendment	Y	Y	Y	Y	Y	Y	Y	Y	Y

[11] The ratification status of a country and whether or not it is an Article 5 country is available from the ODS database in the section 'Country status'.