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Licensing manual for ozone depleting substances (ODS)

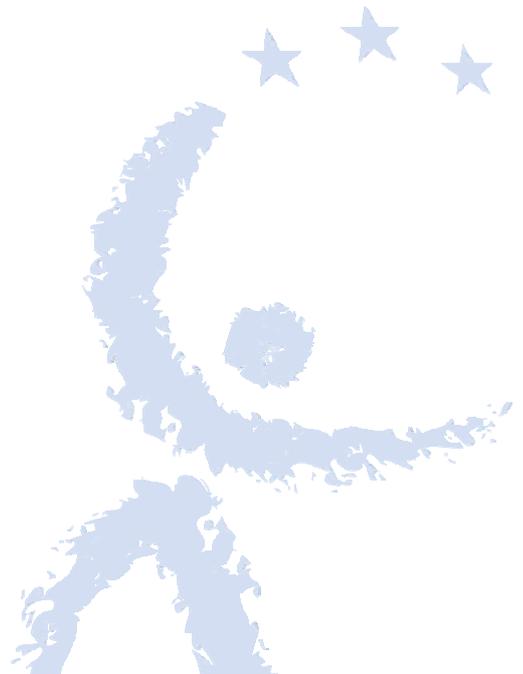
PART VII

EXPORTERS

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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.

1. GENERAL INFORMATION FOR EXPORTERS

1.1. Introduction

This part of the licensing manual provides specific information for exporters about the licensing system for ozone depleting substances established under Regulation (EC) No 1005/2009 ('the Regulation'). For general information about the licensing system, see Part I of this manual.

Under the Regulation, a licence is required for any export from the European Union of substances listed in Annex I to the Regulation (in this manual these are referred to as 'ozone depleting substances' or 'ODS') and of products and equipment containing or relying on ODS. Unless indicated otherwise, in this document the abbreviation ODS also covers substances, mixtures, products and equipment. Substances listed in Annex II to the Regulation are not governed by the measures described in this manual. This document provides information about the conditions and procedures for exporting ODS outside the European Union.

The rules described apply to all exports of ODS. No ODS may be exported without an export licence. This also applies to ODS contained in a mixture and to all types of products and equipment containing ODS (e.g. refrigerators or fire extinguishers containing halons, even when in a fixed installation like ships, and including waste).

1.2. Overview of the general export conditions

Export of ODS and of products and equipment containing or relying on ODS is prohibited. The table below summarises the exemptions to 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	<ul style="list-style-type: none">• For essential laboratory and analytical uses¹• For feedstock uses• For process agent uses• Recovered, recycled or reclaimed halons (Group III substances) for critical uses• Re-export of methyl bromide for QPS (until 31 December 2014)• Re-export of HCFC (until 31 December 2019)• Virgin or reclaimed HCFC for any use except destruction	<ul style="list-style-type: none">• For essential laboratory and analytical uses¹• For critical uses of halons (Group III substances)• For exempted uses (HCFC only)• Metered dose inhalers (MDI) manufactured with CFC

¹ See Commission Regulation No 291/2011 on essential uses of controlled substances.

Export of products and equipment other than those listed in the table (e.g. domestic or commercial refrigeration equipment or air conditioners), whether or not they are waste, is prohibited, as is export of ODS, including products and equipment, for destruction.

1.3. Special cases of HCFC exports

1.3.1. Exports of remaining stocks

Since 1 January 2010, placing on the market and use of virgin HCFC for refrigeration purposes (e.g. for maintenance and servicing of refrigerators, air-conditioners, chillers or heat pumps) is no longer allowed. However, stocks remaining from such uses can still be exported for uses for which export is still allowed.

Returning stocks to suppliers is no longer possible since 1 January 2010, as this would be equivalent to placing them on the market, which would not be allowed, unless the conditions laid down in Article 11(5) are met. However, such stocks can be placed on the market for destruction.

1.3.2. Re-packagers

Article 11(5) allows HCFC to be placed on the market for repackaging and subsequent export under certain conditions. Further information on this exemption can be found in a separate document available from the CIRCA online forum on ODS licensing and reporting.

1.3.3. Exports of HCFC to ships

A separate document concerning the supply and use of HCFC on ships is available from the CIRCA online forum.

1.4. Business safety advice

Illegal trade in ODS is taking place. To avoid inadvertent involvement in such cases because of diverted commodities, exporters are recommended to consider the following points before applying for an export licence:

- Check that your business partner in the destination country holds an appropriate import licence. Import licensing systems are obligatory in all Parties to the Montreal Protocol. However, unlike in the European Union, in some countries this may not include HCFC or non-controlled uses, such as for QPS or feedstock. It could be suspicious if your business partner is unable to present such a licence.
- Under the Montreal Protocol, importation is subject not only to restrictions depending on the substance and use but also to quantitative limits. The exporting undertaking is under no obligation to check this, but all exporters should be aware that if goods are rejected in the destination country for this reason, or even considered as illegal imports, this could have negative effects on your business. Therefore, ask your business partner about the quantitative limits before any export.
- All applications for an export licence must indicate the final destination country. If ODS are shipped to major trade hubs like Singapore, Dubai or other free-trade zones,

the exporting undertaking should be aware that this is unlikely to be the real final destination of the material.

- If you have only a post office (P.O.) box address for your business partner, this should raise concerns. Chemicals like ODS cannot be delivered to a P.O. box address. The Commission will not accept P.O. box addresses in applications for export licences.

An export licence issued by the Commission cannot guarantee that the import is legal in the destination country. It remains the duty of the exporter to verify this.

If an undertaking comes across any suspicious activity, the Commission would be grateful to receive informal notification. The information will be treated as confidential and could help to prevent future cases of illegal trade and thus prevent unnecessary damage to the ozone layer and to your business.

1.5. General overview of the export licensing procedure

The export licensing procedure in the European Union is generally divided into three parts. All exporters must complete all three steps:

Time period	Step
Year before export	Submission of the export declaration following the notice in the Official Journal of the European Union. The declaration period lasts for two months, usually between June and August of every year (may be subject to change).
Year of export	Application for an export licence and performance of the export.
Year after export	Reporting of all exports of ODS under Article 27 of Regulation (EC) No 1005/2009 before 31 March at the latest.

1.6. Declaration versus licence

Note the difference between an export declaration and an export licence. The declaration is a pre-announcement of exports an undertaking intends to perform in the licensing year (the calendar year in which the export will take place). The export declaration covers the total amounts of all exports to be performed during the licensing year.

Important:

- ! Submission of an export declaration does not give authorisation to proceed with export.

The Commission will use the declaration, for example, to pre-check the eligibility of the proposed exports and to facilitate exchanges of information between the Parties to the Montreal Protocol on transboundary movements of ODS. Export declarations will also be verified by the Member States.

The actual export licence needs to be requested in the course of the year concerned. An individual licence will be required for each shipment. As described below, the conditions

for the application depend on the type of export performed. The export licence issued may be valid for only a specified part of the total amount indicated in the export declaration, so the total amount can be split into smaller parts in order to perform several exports during the course of the year. Only after an export licence has been issued will the undertaking have the authorisation to proceed with the export. No export licence can be issued without prior submission of an export declaration.

2. EXPORT DECLARATION

2.1. Export declaration period

To avoid delays, export declarations should be submitted during the declaration period, although this is not formally obligatory.

The declaration period is announced annually in the Official Journal of the European Union, usually sometime in spring. New exporters have to register in the ODS database, as described in Part I of this manual. Furthermore, the European Commission will make every effort to post information about publication of the notice on the message board in the ODS database and to inform exporters that are already registered in the ODS database by e-mail at the start of the declaration period. The information on the message board and the e-mail notification are courtesy services. The European Commission accepts no responsibility or liability whatsoever should the e-mail fail to arrive. It is the duty of every individual undertaking to keep itself informed of the relevant publications in the Official Journal.

Usually, the declaration period lasts for two months between May and September every year, but this may vary. Exporters are encouraged to submit their export declarations during this time. For late submissions, see chapter 2.3.2.

2.2. Description of the export declaration

2.2.1. Export declaration form

As soon as the declaration period starts, a button for the export declarations for the following year will become available for registered exporters in the navigation pane. Click on the button to open the declaration form. Once the declaration has been submitted, the undertaking will only be able to read it.

The online form for export declarations (see picture VII/1) includes the following fields:

- ‘Final country of destination’;
- ‘Substance’;
- ‘Netto quantity’;
- ‘Use of the substance’;
- ‘Name and address of the manufacturer or source undertaking’;
- ‘Name and address of the undertaking where the substance will be used’.

The dataset consisting of all this information is called a ‘declaration line’. Depending on the business plans of the exporter, a declaration can consist of numerous declaration lines. Each declaration line will be indicated by a number on the form.

Export Declaration Form for year 2010 by
 B TEST DRG
 Avenue Beaulieu 3, 1049 Brussels, BELGIUM

List of substances intended to be exported

1. Final Country of destination : ZIMBABWE [Remove]

HCFC 22 - CHClF₂
 CN-code : 2903 49 11
 NETTO quantity : 1,000,000 kg(s)
 ODP quantity : 55,000 kg(s) (= 1,000,000 x 0.055)
 Use : HCFC for refrigeration

2. Final Country of destination : AFGHANISTAN [Remove]

CFC 11 - CCl₃F
 CN-code : 2903 41 00
 NETTO quantity : 1,000,000 kg(s)
 ODP quantity : 1,000,000 kg(s) (= 1,000,000 x 1.000)
 Use : Products: Metered dose inhalers containing CFC

(Re-)submit the declaration to inform Competent Authority of your changes, if any.

Add a substance to the declaration

Final country of destination :

Substance :

NETTO quantity : (kgs)

Use of the substance :

Name and address of manufacturer or source company:

Name and address of the undertaking where the substance will be used (only if use is: process agent):

Picture VII/1: Export declaration form

2.2.2. ‘Final country of destination’

In this field, select one of the countries from the drop-down menu. Countries that are not on this list are not eligible for trade in any ODS. There may also be trade restrictions with countries on the list (see Part I of this manual). Furthermore, some countries may have banned the import of certain ODS.

It is not possible to declare a group of countries together. An individual declaration line is required for each country/use/substance combination.

You must declare the final destination country where the substance will actually be used or where the exporting undertaking loses ownership, even if the material will be transhipped through other countries (e.g. trade hubs or free zones).

When supplying non-EU flagged ships or aircraft in EU ports or airports, the final country of destination is the flag state and the importer is usually the representative of the ship owner or operator in the flag state (not necessarily the undertaking that owns the ship or aircraft).

2.2.3. *'Substance'*

In this field select one of the ODS from the list. In the case of exports of products and equipment, select the substance contained in the product or equipment or on which the product or equipment relies.

In the case of mixtures containing more than one ODS, each ODS must be declared individually. It is not possible to declare mixtures.

2.2.4. *'Net quantity'*

In this field enter the net amount in metric kilograms. This means the total quantity to be imported in the calendar year. To avoid any confusion, numbers should be entered without commas or decimal points. It is not necessary to provide gram values in an export declaration. All values should be rounded up to the next kilogram.

Important:

- ! The ODS database uses commas (,) as thousands separator and full stops (.) as decimal points.

In the case of mixtures, the quantity should refer only to the ODS portion contained in the mixture.

2.2.5. *'Use of the substance'*

Choose the appropriate use from the list. Not all uses can be combined with all countries or all ODS. Furthermore, for technical reasons, some of the uses on the list might, in fact, no longer be allowed or might no longer be allowed in the licensing year concerned. In particular, the following points should be taken into account:

- When declaring a product or equipment, select a use that starts with 'Product Exp: ...'. Otherwise you will not be able to request an export licence for the products later on.
- Uses that start with an 'x' should not be selected since they will no longer be eligible in the licensing year but, for technical reasons, cannot be deleted yet.
- When supplying HCFC to non-EU flagged ships or aircraft that are located in a harbour or airport in the EU at the time of export, select the corresponding use **and not** 'HCFC for refrigeration'.

2.2.6. *'Name and address of manufacturer or source company'*

Enter the name and the address of the manufacturer (producer) or — when not purchased directly from the manufacturer — the source undertaking of the ODS to be exported. Except for cases of re-exports this should usually be an undertaking based in the European Union.

The address must include the name of the manufacturer, street, city and country.

The address is essential in order to identify the legal entity responsible. Attention should be paid to the fact that large undertakings, in particular, may have subsidiaries in various countries.

There is no need to repeat the address in every declaration line. If the full address has been given once, it will be sufficient to state only the name of the manufacturer in the following declaration lines.

If there are several suppliers, there is no need to add a declaration line for each supplier. All suppliers can be entered in the same declaration line.

2.2.7. *'Name and address of the undertaking where the substance will be used'*

This field needs to be completed **only** if the substance is to be used as a process agent.

In all other cases there is no need to complete this field. The undertaking indicated here must be located in the destination country.

There is no need to repeat the complete address in every declaration line. If the full address has been given once, it will be sufficient to state only the name of the undertaking in the following declaration lines.

If there are several customers, there is no need to add a declaration line for each customer. All customers in the same destination country can be entered in the same declaration line.

2.2.8. *Finalising a declaration line*

Once a declaration line has been completed, it can be added to the declaration by clicking on 'Add to the declaration'. After that you can either fill in another declaration line or, if the declaration is complete, submit it to the European Commission by clicking on 'Submit declaration form'.

As long as the declaration has not been submitted to the European Commission, individual declaration lines can be deleted by clicking on the diamond-shaped 'Remove' icon next to each declaration line.

2.3. Submission of the export declaration

2.3.1. Submission during the declaration period

A click on 'Submit the declaration' sends the declaration to the European Commission. As soon as the declaration has been submitted, the user will receive an acknowledgement of receipt by e-mail.

It is no longer necessary to submit a signed copy of a declaration unless the European Commission explicitly asks for one.

In cases where the Commission does request a signed copy, a printer-friendly version can be obtained by clicking on 'Show print version'. If, for any reason, this button does not appear (e.g. because the normal declaration period is over), the print options of the internet browser can be used instead. The signed copy should be sent preferably by e-mail (PDF or TIF file) or fax. It is not necessary to send the declaration by post too.

Once the declaration has been submitted, the text 'The declaration is closed. You cannot modify it anymore.' will appear.

The Commission will automatically be informed by e-mail that the declaration has been submitted. There is no need to send it an individual notification to this effect.

The competent authority of the Member State where the applicant undertaking is located will also automatically be informed that the export declaration has been submitted and will have read access to it.

2.3.2. Late submission of declarations

Exporters are encouraged to submit their declarations during the declaration period to ensure quick processing.

Submissions arriving outside the declaration period will be processed on a best-effort basis which could mean significant delays. At least ten working days should be allowed for processing². To avoid further delays, exporters are kindly requested to refrain from sending reminders before that period has elapsed. Apart from this delay, late submissions follow the same procedure as submissions made during the declaration period.

Once the declaration period for the licensing year has started, declarations can be submitted at any time until the end of the licensing year. However, because of the processing time required, no guarantee can be given that submissions made towards the end of the licensing year will be processed in time.

² In periods of heavy duty or service interruptions announced on the ODS message board, even longer processing times should be expected.

2.4. After submission/Amendments

2.4.1. Verification

After reception, the European Commission will perform a first plausibility check. At this stage no full check is performed for the following reasons:

- By nature, a declaration is an expression of intent. In principle, exporters are entitled to declare anything, for example regardless whether such trade is eligible or not.
- It is not possible for the Commission to evaluate whether a declaration covers the business needs of the exporter.
- By the time the declared exports eventually take place the conditions for trade might have changed.
- A declaration does not contain all the details necessary for evaluation of the legality of the trade proposed.

For all these reasons, the Commission will never confirm or accept an export declaration beyond the acknowledgement of receipt which is sent automatically. Exporters are kindly requested to refrain from requesting this. If an obvious error or problem is detected, exporters will be informed by e-mail.

Undertakings can always check what they submitted to the Commission by clicking on 'Export declaration'. The same information will be visible to the Commission and the competent authority in the Member State concerned.

2.4.2. Amendments

Once submitted, an export declaration can no longer be changed by the exporter. If an amendment becomes necessary, contact the Commission to have the declaration re-opened. The exporter can then make the amendment, as described above, and resubmit the declaration.

Important:

- ! As long as an export declaration is open, it will not be possible to request export licences for that licensing year.

Once the amended export declaration has been submitted, the amendment will be verified by the Commission, as described above. Like late submissions, amendments will also be processed on a best-effort basis. At least ten working days should be allowed for processing³. To avoid further delays, exporters are kindly requested to refrain from sending reminders before that period has elapsed.

³ In periods of heavy duty or service interruptions announced on the ODS message board, even longer processing times should be expected.

After re-submission of the declaration, applications for export licences can be submitted. However, the Commission will not process any requests for export licences from that exporter before the verification is completed. For the reasons explained above, a confirmation will not usually be sent. The only indication that the verification has been completed will be that processing of the related licences will start.

3. QUOTA

Unlike imports, exports are not subject to an annual quota. Hence, no quotas will be allocated or communicated. However, exporters may not export more than indicated in their declaration for a particular substance/use/destination country combination.

4. EXPORT LICENCE

The export licence procedure is fully electronic. No paper documents will be issued. No printout from the ODS database will ever have any kind of legal force. The procedure ends with the issuing of an export licence. During customs declaration, the number of the licence must be indicated in field 44 of the single administrative document. For further details on how to fill in customs documents, contact the customs authorities directly. A document explaining the links between the ODS licence application and the single administrative document is available from the CIRCA online forum.

The customs office indicated in the export licence will be able to verify the validity of the export licence online.

4.1. General information

There are five types of export licences (see table below). Depending on the ODS to be exported and the use, the ODS database will automatically allocate the individual lines of the export declaration to the appropriate type of licence. It is therefore possible for undertakings to apply for various types of export licence. An export licence will be required for each shipment. It is no longer possible to apply for bulk export licences.

Export licence type	ODS/uses covered
'Export licence per shipment (EPS)'	Exports (except re-exports) of: <ul style="list-style-type: none"> • 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

Export licence type	ODS/uses covered
	<ul style="list-style-type: none"> • 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 (EIP)’	Any export for re-export of substances or mixtures (subject to a corresponding import licence)

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

4.2. Export licence types

4.2.1. *Export licence per shipment (EPS)*

The ‘export licence per shipment (EPS)’ replaced the former ‘general export authorisation (EAN)’. An EPS is used for all exports (except re-exports) of substances and mixtures for feedstock and process agent uses and also for exports of HCFC (except for laboratory and analytical uses). It is not used for exports of products and equipment.

This type of licence is used for goods that were produced in the EU or that had previously been placed on the EU market. It is not used for re-exports.

4.2.2. *Export licence for products or equipment containing or relying on ODS (EPD)*

The ‘export licence for products or equipment containing or relying on ODS (EPD)’ also covers products and equipment containing or relying on halons, which were previously exported under an EHS licence.

The EPD licence is used for all kinds of customs procedures.

4.2.3. *Export licence for essential uses (ESU)*

The ‘export licence for essential uses (ESU)’ is to be used for exports of substances or mixtures for essential laboratory and analytical uses, which are currently the only remaining essential uses under the Montreal Protocol that are still allowed in the European Union.

This licence is used for goods that were produced in the EU or that had previously been placed on the EU market. It is not used for re-exports.

For this type of licence, it is necessary to indicate the producer or importer of the actual goods to be exported. If the producer or importer does not appear in the drop-down

menu, contact the Commission to have the producer activated for the account of the exporter. Activation is required annually.

Also indicate the number of the import licence or the production authorisation under which the goods were imported or produced. If the applicant is not also the producer or importer, this number will have to be requested from the producer or importer of the corresponding batch.

The special requirements for essential laboratory and analytical uses described in detail in Part X of the licensing manual must be observed, in particular the quality and packaging requirements.

4.2.4. Export licence for halons for critical uses (EHS)

An ‘export licence for halons for critical uses (EHS)’ is no longer required for exports of products or equipment containing halons (e.g. fire extinguishers), which are now covered by the EPD licence.

This type of licence is used for goods that were produced in the EU or that had previously been placed on the EU market. It is not used for re-exports.

Only recovered, recycled or reclaimed halons may be exported for critical uses. In addition, the halons must have been stored for critical uses in a storage facility authorised or operated by the competent authority. The intended use in the final destination country must comply with the critical uses listed in Annex VI to Regulation (EC) No 1005/2009, as last amended.

A list of authorised storage facilities is available in the drop-down menu in the corresponding field in the application form. If the facility you need is not on the list contact the Commission to obtain further information.

4.2.5. Export licence for re-export (EIP)

An ‘export licence for re-export (EIP)’ is required to export substances and mixtures that have previously been imported for re-export. Only exporters that hold a corresponding import licence are entitled to request an EIP. The application is directly linked to the corresponding import licence. Therefore, the button to apply for a new EIP does not appear with the other types of export licence, but only next to the corresponding import licence.

Substances or mixtures imported for re-export must be repackaged and subsequently re-exported within a specific timeframe.

- Methyl bromide must be re-exported by 31 December of the year of import. This exemption ends on 31 December 2014. All quantities must be re-exported by that date.
- HCFC must be re-exported by 31 December of the year following the import. This exemption ends on 31 December 2019. All quantities must be re-exported by that date.

Since the full amount imported must be re-exported again within the deadline, the ODS database will show how much remains to be exported under every import licence. The quantity exported will be deducted from the amount imported until the total reaches zero. After that, the ODS database will allow no additional applications and the request button will disappear.

The system will also display import and export licences for re-export from previous years if the re-export balance has not reached zero.

4.3. Completion of the export licence application form

To start the application, click ‘New’ next to the appropriate export licence type (see picture VII/2). For EIP licences this button is located next to the import licence in question.

The screenshot shows a web interface titled 'Export licenses 2011'. It is divided into four sections, each with a 'New' button and a table:

- EXPORT: ODS FOR ESSENTIAL USES (ESU)**: 'New ESU' button, table with columns 'COMMERCIAL DESCRIPTION' and 'STATUS'.
- EXPORT: HALON FOR CRITICAL USES (EHS)**: 'New EHS' button, table with columns 'COMMERCIAL DESCRIPTION' and 'STATUS'. An entry shows '18/04/2011 -' with 'test' in the description and 'Editing' in the status.
- EXPORT: ODS LICENSE PER SHIPMENT (EPS)**: 'New EPS' button, table with columns 'COMMERCIAL DESCRIPTION' and 'STATUS'. An entry shows '18/04/2011 EXP-11-022-0738041694' with 'test' in the description and 'Sent' in the status.
- EXPORT: PRODUCTS CONTAINING OR RELYING ON ODS (EPO)**: 'New EPO' button, table with columns 'COMMERCIAL DESCRIPTION' and 'STATUS'.

Picture VII/2: Export licence area on ‘My home’ page

The online application form will then appear (see picture VII/3). All the fields are mandatory, except when explicitly indicated otherwise. The ODS database will not accept submissions unless all the mandatory fields have been completed.

4.3.1. Application form section 1: General information

This part of the application form gives general information about the request.

Field	Content
‘Application date’	The date when the application was submitted to the Commission (status change from ‘editing’ to ‘requested’). As long as the request is in editing mode, the form will show the date when the application was first created.
‘Application status’	Current status of the application. An overview of the possible statuses is available in Part I of this manual.
‘Exporter’	The name and home country of the applicant.

Ozone depleting substances (EPS)

1. GENERAL INFORMATION													
Application date:	16/06/2012												
Application status:	Editing												
Exporter:	W. TEST OMS (EUROPEAN UNION)												
EOI number:	1000101012												
Destination country:	AFGHANISTAN												
Importer in destination country:													
Customs of exit:	Customs office of the relevant Customs office of the EC, agreed by Commission, before submitting --- Amsterdam Customs ---												
Customs of export:	Customs office of the EC, agreed by Commission, before submitting --- Amsterdam Customs ---												
Customs procedure:	--- Amsterdam Procedure ---												
Commercial description:	For substances, substance name as indicated in the certificate. For products, description of product												
Estimated date of exportation:	MM/yyyy (Starting with January)												
License validity period:	will be calculated automatically												
2. IDENTIFICATION OF ODS													
If a mixture it is to be imported, will substances will be packaged with total of ODS													
Substances:	<table border="1"> <thead> <tr> <th>ODS Substances</th> <th>Quantity</th> <th>Weight</th> </tr> </thead> <tbody> <tr> <td>Item: --- O3 ---</td> <td>1</td> <td>%</td> </tr> <tr> <td>Other Substances</td> <td>1</td> <td>%</td> </tr> <tr> <td colspan="2">Total Percentage</td> <td>1-00 %</td> </tr> </tbody> </table>	ODS Substances	Quantity	Weight	Item: --- O3 ---	1	%	Other Substances	1	%	Total Percentage		1-00 %
	ODS Substances	Quantity	Weight										
	Item: --- O3 ---	1	%										
Other Substances	1	%											
Total Percentage		1-00 %											
CR code:	Customs office of the relevant Customs office of the EC, agreed by Commission												
Designated user:	Any substance for technical use												
Nature of the ODS:	--- Unknown Nature ---												
Certificate provided:	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Not applicable												
CAS-number of ODS:	will be filled automatically												
Total GROSS mass:	1.000 GROSS-kgg (do not use any comma)												
Total NET mass:	1.000 NETTO-kgg (do not use any comma)												
Total ODP mass:	Zero KILOGRAMS (NETTO) will be calculated automatically 1.000 ODP-kgg Zero KILOGRAMS (GROSS)												
3. OTHER INFORMATION													
Authorization number:	In case of re-exports the number of the import licence, or in case of exports for laboratory uses the number of the previous authorization, or in case of exports of products the number of the related Commission Decision												
Comments from exporter:													
Action:	<input checked="" type="radio"/> Do not submit your EPS request yet. <input type="radio"/> I propose that submit the License request to the EC <input type="radio"/> Submit the EPS request to the European Commission												

Picture VII/3: export licence application form

Field	Content
'EORI number'	The EORI number will automatically appear in the application form for import and export licences. If the number was not entered before in the user profile, the field will appear as editable. The ODS database will not accept applications without an EORI number. Once it has been entered in a licence application, it will automatically be saved in the user profile and used for future applications.
'Destination country'	The drop-down menu will display only destination countries that are included in the export declaration. The ODS database will accept only applications where the combination of destination country, use and substance is included in the declaration.
'Importer in destination country'	<p>Enter the full name and address (name, street and city) of the importing undertaking in the final destination country. Post office box addresses are not accepted. The address of the importer must be located in the destination country.</p> <p>Avoid providing unnecessary information, such as names of contact persons, phone numbers or the destination country, as only a limited number of characters can be entered. If too many are entered this could lead to a system failure (see chapter on error messages).</p> <p>If the importer is not the final recipient, the final recipient should be indicated in the comments field to avoid potential inconsistencies in the documentation.</p> <p>In the case of exports to non-EU flagged ships or aircraft in EU harbours or airports, the name of the undertaking in the destination country is usually the representative of the ship/aircraft owner or operator in the flag state and not necessarily the actual owner. Except for specifically communicated cases, the address must be in the destination country.</p> <p>In the case of exports to vessels, in addition to the details described above, also add the name of the vessel and its IMO number in the comments field.</p>
'Customs of exit'	<p>The customs office of exit is usually the last port (harbour, airport or road station) the shipment passes through before leaving the customs territory. Under the Customs Code, this is the customs office where the exit summary declaration must be lodged and that is responsible for the risk assessment and any related investigations.</p> <p>If the customs office concerned is not available, follow the procedure described in chapter 4.3.6.</p>
'Customs of export'	<p>The customs office of export is the office where the export customs declaration ('single administrative document') will be lodged. Usually this is the customs office in the region where the exporter is located. Under the Customs Code, this is the customs office that is responsible, amongst other things, for application of tariffs and revenue.</p> <p>If the customs office concerned is not available, follow the procedure described in chapter 4.3.6.</p>
'Customs procedure'	<p>Indicate the customs procedure applicable in this field. A drop-down menu with the possible customs procedures is available.</p> <p>The procedure must be consistent with the procedure indicated in field 37 of the single administrative document. A document containing further specific information is available from the CIRCA online forum.</p>

Field	Content
	Note that not all customs procedures can be combined with all kinds of exports.
'Commercial description'	The information provided in this field must describe the goods to be imported in a brief and understandable manner. Codes, abbreviations and product numbers are usually not appropriate. This field must include: <ul style="list-style-type: none"> • For substances: the name of the substance, as indicated on the label and in the single administrative document. • For products and equipment: a short description making it possible to identify the item.
'Estimated date of exportation'	Enter the estimated date of export in the format dd/mm/yyyy or select it from the date picker next to the field. The date can be no earlier than the current date and no earlier than 1 January and no later than 31 December of the licensing year.
'Licence validity period'	The total validity of a licence is 28 days. It is calculated automatically and ranges from 7 days before the estimated date of exportation to 21 days after it. However, a licence will never be valid before 1 January and after 31 December of a licensing year. Near those dates the validity period will be cut accordingly. Also, the licence will not be valid before the date on which it is issued.

4.3.2. Application form section 2: Identification of goods

This part of the application form gives details of the goods that will be exported.

Field	Content
'Substance'	<p>Select the substance to be exported from the drop-down menu. Only substances that are included in the export declaration can be selected. If you want to add substances, the export declaration will have to be amended, as described above.</p> <p>In the case of products or equipment, this means the substances contained or on which the equipment depends.</p> <p>The ODS database will accept only applications where the combination of destination country, use and substance is included in the declaration.</p> <p>If a pure substance is exported (whether or not contained in a product), enter 100 % in the percentage field. If mixtures are exported, enter the principal composition of the mixture, as described in the following paragraph.</p> <p>In the list of non-ODS, several commonly used substances are available. If the substance you need is not on the list, contact the European Commission to have the substance added. Only the main components of the mixture need to be indicated.</p> <p>If more than one ODS or other substance are necessary, extra lines can be added. First, enter the substance with a percentage lower than 100 % and complete the rest of the application form. Then select the option 'Do not submit the request yet' in the 'action' field (at the end of the form) and</p>

Field	Content
	<p>click 'Submit'. Additional lines will then appear.</p> <p>In an application for an EIP it is not possible to introduce an ODS which is not included in the original import licence. You can, however, add non ODS substances. If you wish to re-export a mixture containing more than one ODS you will need to request two export licences, one for each ODS portion in the mixture and each under the respective import licence.</p> <p>The ODS database will not accept applications where the sum of all substances is not 100%.</p> <p>The 'Net-kg' and 'ODP-kg' columns will be filled in automatically by the ODS database.</p>
'CN code'	<p>Select the Combined Nomenclature code for the goods from the drop-down menu. The menu will not be available until the 'substance' field has been completed. CN codes for mixtures will appear only if a mixture was entered in the 'substance' field.</p> <p>This field displays not only the code number but also the description of the commodity, as indicated in the Customs Code.</p> <p>If the relevant CN code is not available in the drop-down menu, follow the procedure described in chapter 4.3.6.</p>
'Designated use'	<p>Select from the drop-down menu. Only the uses that are included in the export declaration and that are appropriate for the type of licence requested will be available.</p> <p>The ODS database will accept only applications where the combination of destination country, use and substance is included in the declaration.</p>
'Nature of the ODS'	<p>Select from the drop-down menu whether the nature of the substance is virgin, recovered, recycled, reclaimed or waste.</p>
'Certificate provided'	<p>Submission of a certificate is necessary only in specific cases. See Part I of this manual for further details.</p> <p>If a certificate is provided, select 'yes'. In this case, indicate the kind of certificate in the comments field. If 'yes' is selected it is obligatory to submit a certificate. If no certificate is provided within five days after the submission, the application will eventually be rejected.</p> <p>The application will also be rejected if 'no' or 'not applicable' was selected in cases where submission of a certificate is mandatory, regardless whether or not a certificate was actually submitted.</p> <p>In the case of trade with an iPIC country, consider submitting the relevant import licence issued by the destination country. This could speed up the authorisation procedure.</p>
'CAS number of ODS'	<p>This field will be completed automatically with the CAS number of the substance concerned.</p>

Field	Content
'Total GROSS mass'	<p>Enter the total weight of the shipment in metric kilograms, including packaging material, transport containers, etc. This is particularly important for exports of products or equipment, where the total mass of the shipment should be indicated, not only the ODS contained.</p> <p>For gross mass, it is not necessary to provide gram values. Values should be rounded up to the next metric kilogram. Do not use commas as decimal or thousands separators.</p> <p>The gross mass must be larger than the net mass.</p>
'Total NET mass'	<p>The total net mass means only the net quantity, in metric kilograms, of the ODS that is being shipped. In the case of mixtures, this means the net quantity of the whole mixture (the portion of the ODS will be calculated by the system automatically, based on the percentage indicated in the substance field). In the case of products or equipment, this means the quantities contained in the products or equipment (total quantity over all items).</p> <p>Except where small quantities of laboratory chemicals are shipped, it should not usually be necessary to provide gram values. Values should be rounded up to the next metric kilogram.</p>
'Total ODP mass'	<p>The total ODP mass will be calculated automatically by multiplying the total net mass by the ozone depletion potential of the substance.</p>
'Number of units'	<p>Provide the number of individual containers/cylinders/bottles/drums the shipment comprises. Where goods are shipped in bulk this refers to the number of ISO tanks. Where goods are shipped in small size containments (e.g. cylinders, bottles or drums) this refers to the number of individual units.</p> <p>In the case of products and equipment the field is only mandatory where the products are countable (equipment is always countable). One example of countable items are fire extinguishers. One example of non-countable items are blown foams imported for destruction.</p>
'Net mass per unit'	<p>In the case of countable items, the average net mass per unit will be calculated automatically by the ODS database.</p>

4.3.3. Application form section 3: Other information

This part of the application form includes miscellaneous information.

Field	Content
'Producer'	<p>This field appears only in application forms for an ESU licence.</p> <p>If the producer or importer you need does not appear in the drop-down menu, contact the Commission to have the producer activated for the exporter's account.</p>

Field	Content
'Authorisation number'	<p>This field is mandatory in the following cases:</p> <ul style="list-style-type: none"> • For exports for essential laboratory and analytical uses. In this case provide the number of the related production authorisation or import licence. Alternatively you can provide the number of the related application for production. • For re-exports provide the number of the related import licence for re-export (LIP). In the case of re-exports under Article 544c of the provisions implementing the Customs Code (Commission Regulation (EEC) No 2454/93) and where no import licence number is available, enter the text »Article 544c« in this field. • For exports of products or equipment containing or relying on HCFC. In this case provide the number of the corresponding Commission Decision.
'Storage facility'	<p>This field is mandatory only for exports of halons (EHS licence type). It is not required for exports of products and equipment containing or relying on halons (EPD licence).</p> <p>If the storage facility you need does not appear in the drop-down menu, follow the procedure described in chapter 4.3.6.</p>
'Comments from exporter'	<p>This is a free-text field for any comments. This field <u>should not be used</u> for general communication with the Commission or to assign tasks (e.g. request cancellation of another application). Remember that any text entered here will appear in the final licence.</p> <p>A comment is always required in the following cases (non-exhaustive list):</p> <ul style="list-style-type: none"> • For any case where one of the fields was not completed in line with the requirements outlined above; • If a certificate was provided, in which case an indication of the nature of the certificate and the way it was submitted must be provided; • For exports to vessels, in which case the name of the vessel and its IMO number must be provided.

4.3.4. Action

After completing the form, three different courses of action can be chosen:

- 'Do not submit your request' saves the work at this point for later continuation.
- 'Preview then submit the licence request to the EC' presents a preview of the final application first before it is submitted.
- 'Submit the request to the European Commission' submits the request directly without a preview step.

Click on 'Submit' to execute the action selected.

When 'Submit' is clicked the ODS database automatically checks the application for certain potential errors. If an error is detected (e.g. the declared amount exceeded or a field not completed), the ODS database will automatically return to the application form

page and the relevant error message will be displayed at the top of the page. If the data entered in a field do not match the criteria set, a pop-up message will appear.

Applications are not submitted to the Commission until the status changes from 'edit' to 'requested'. Applications in 'edit' status have no validity of any kind.

4.3.5. Adding missing information in drop-down menus

If you cannot complete the application form because the relevant information is missing from the drop-down menu, contact the Commission by e-mail.

If the customs office required is missing, the exact name and address of the customs office need to be provided plus the unique reference number of the customs office, if known. Furthermore, if a contact person is known, his or her name and e-mail address should be provided. For some Member States the Commission has to contact the relevant higher customs authorities before the customs office can be activated. This can take up to ten working days. In those cases the Commission will strive to make the customs office available so that the application can be completed on a preliminary basis. However, applications concerning this customs office will not be processed until the customs office has been confirmed.

If the CN code is missing, the relevant code should be provided. The Commission will then verify whether or not the code is eligible for imports of ODS. At least ten working days should be allowed for verification and activation in the ODS database.

If the halon storage facilities are missing, the name, full address (street, city, country, phone number, contact person and e-mail address) should be provided. The Commission will then verify with the competent authority in the Member State concerned whether or not the facility is eligible. Since the Commission has no influence over the processing time in the Member States, it cannot estimate how long this will take.

4.4. Authorisation procedure

The European Commission will be informed automatically by e-mail about the request. There is no need to inform the Commission separately.

In line with Article 18(1) of the Regulation, the Commission will decide on licence applications within 30 days of receipt.

Under normal circumstances, the authorisation procedure for an export licence will usually be finished within five working days, but it can take up to ten. Exceptions apply if the request needs to undergo the iPIC procedure and when service delays or interruptions are announced on the ODS message board.

Once the application is submitted, the Commission checks that it complies with the Regulation⁴. Once the Commission accepts an application, a notification e-mail is sent automatically to the applicant and its competent authority and the licence is given the

⁴ Note that issuing a licence does not mean that the trade fully complies with the Regulation. There are other aspects, such as placing on the market restrictions or labelling requirements, that are not considered in the licensing procedure.

status 'accepted' in the ODS database. In the case of ESU licences, the producer is also informed.

The licence is then made available electronically to the competent authority in the Member State concerned and to the customs office selected in the licence. In the ODS database the status of the licence changes to 'sent'⁵.

If an export licence remains in the status 'Accepted', contact the Commission.

For customs clearance, the licence number must be indicated in field 44 of the single administrative document.

All applications for an export licence at any stage will always be visible for the competent authority in the Member State concerned.

4.5. After an export licence has been issued

4.5.1. Correction of an export licence application

Once an application has been submitted (status 'requested') or the licence has been issued (statuses 'accepted' or 'sent'), it is no longer possible to correct the application or licence in any way.

Under the Regulation, importers must inform the Commission about any changes that occur during the validity of a licence. If those changes require amendment of the licence (e.g. arrival delayed until after the validity period), the licence must be cancelled and a new application must be submitted. The Commission should also be informed if the licence will not be used.

4.5.2. Cancellation of an export licence

As long as the application has not been accepted by the European Commission (status 'requested'), the applicant is still able to cancel it. To do so, first open the application concerned. Then select 'Cancel' from the action list and click 'Submit'. The application will not be deleted completely but will appear in the list of all applications with the status 'cancelled'. Before cancelling a request you have the possibility to add a comment in the 'comments' field. It is recommendable to make use of this option for documentation and tracking reasons. The amount authorised will be credited to the applicant's account.

Once an export licence has been issued by the European Commission (status 'accepted' or 'sent'), it is no longer possible for the applicant to modify or cancel the application. In this case, contact the European Commission to have the export licence annulled and the authorised amount credited. Processing of such requests may take up to four weeks for technical reasons.

Once a licence application has been submitted to the European Commission, it is no longer possible to change it in any way. If you detect an error after submission, contact

⁵ If the paper-based procedure applies, in addition three signed and stamped copies are issued and sent to the applicant for clearance purposes.

the Commission to have the application cancelled. It is always necessary to submit a new application.

4.5.3. *Customs clearance*

The exporter must indicate the import licence number in field 44 of the single administrative document. It must be indicated in exactly the same way as in the licence (e.g. including gaps and hyphens). The customs office can then check the licence online in the ODS database. A document explaining the link between the ODS licence and the single administrative document is available from the CIRCA online forum.

4.5.4. *Closure/Remainder*

Export licences should be closed by the customs office once the export has taken place. If there is any difference between the quantity licensed and the quantity actually exported, the customs office will enter the quantity that was not exported as the remainder. This remainder will be credited to the exporter's account.

The undertaking should always ask the customs office to close the export licence after use and to state the amount actually exported, first in order to have the non-used amount credited to the undertaking's account but also to prevent illegal abuse of the licence. Furthermore, if the export licence is not closed, the differences between the amounts licensed and the amounts later reported by the undertaking could lead to additional enquiries.

If the licence is not used in the end, the Commission should be informed so that it can cancel the licence and return the relevant quota.

5. OTHER ISSUES

5.1. Contact information

If you have any further questions, consult the 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.

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.

5.2. Abbreviations

A list of abbreviations is available in Part I of this manual.

5.3. Record of changes to the document

Version	Changes
2	Information concerning maritime/aviation servicing added in chapters 2.2.2 and 3.3.1. Information on how to deal with mixtures added to chapters 2.2.3, 2.2.4 and 3.1. Supplementary explanations added to chapters 2.2.6 to 2.2.10. Chapter 3.4.3 added.
3 (1/2010)	Complete overhaul of the document to adapt it to the transition from Regulation (EC) No 2037/2000 to Regulation (EC) No 1005/2009.
3.1	Editorial changes and minor corrections throughout the document. Changes related to the shift from DG Environment to DG Climate Action.
4 (8/2011)	General overhaul following the changes introduced by Service Release 2.4 of the ODS database.