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**CLIMA.C.2 - Transport and Ozone**

# **ODS Licensing System**

## **Information Document**

**MEANS OF TRANSPORT  
UNDER REGULATION (EC) No 1005/2009**

Version 1.0

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ODS Licensing System (v 1.9)

**Important note:**

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## 1. INTRODUCTION

Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer<sup>1</sup> (the Regulation) includes requirements for the import and export of controlled substances<sup>2</sup>. In this document, ‘controlled substances’ will be referred to as ‘ozone-depleting substances’ or ‘ODS’.

Under the Regulation, imports and exports of ODS and products and equipment containing or relying on ODS are banned. However, there are a few exemptions to the ban. Placing ODS on the market is also not allowed, although again there are some exemptions. Transport is one of the areas in which these bans and exemptions apply.

In this document, we use the term ‘means of transport’ to describe any means of transport containing or relying on ODS, as covered by the Regulation.

The types of situation covered by this document include:

- ships where hydrochlorofluorocarbons (HCFCs) are used in refrigeration systems;
- refrigerated containers where HCFCs are used; and
- aircraft, ships and tanks where halon is used in fire protection systems.

This information document is aimed at undertakings that operate or service means of transport or supply ODS to them.

This document has two parts: section 2 describes the import and export possibilities for means of transport flying the flag of an EU Member State, while section 3 describes the rules applicable to non-EU flagged means of transport.

In the document, we will use the term ‘EU’ to refer to the customs territory of the European Union, as specified in Article 3(18) and (19) of the Regulation.

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<sup>1</sup> <http://eur-lex.europa.eu> search – year: 2009, number:1005, type: Regulation

<sup>2</sup> The controlled substances are listed in Annex I to Regulation (EC) No 1005/2009.

## 2. MEANS OF TRANSPORT REGISTERED IN THE CUSTOMS TERRITORY OF THE EU

In this document, we use the term ‘EU means of transport’ to refer to means of road, rail, air, sea or inland waterway transport which is registered in the EU’s customs territory.

Examples of EU means of transport would include: a reefer container with an HCFC-based system flagged to France and a ship with a halon-based fire protection system, which is sailing under the flag of Guadeloupe.

Means of transport registered outside the EU customs territory are considered to be non-EU means of transport. Territories deemed to be outside the EU’s customs territory include, for example, Bermuda and the Faroe Islands. For a list of EU Member State territories and their status, see the territories information document.<sup>3</sup>

Regulation (EC) No 1005/2009 applies to all EU means of transport, whether they are inside or outside the EU

In principle, the same rules apply to an EU means of transport as to any land-based company in the EU.

There are only a few situations where you can permanently export an EU means of transport with ODS on board. An EU means of transport can be exported only if it contains halon for critical uses.<sup>4</sup> In such cases, the owner of the means of transport must apply for an export licence (EPEA- or EPEO-type licence).<sup>5</sup>

EU means of transport containing halons for non-critical uses or other ODS (e.g. HCFC) cannot be exported. The export ban includes re-flagging means of transport and exportin ships or containers for dismantling purposes. This means that EU ships containing HCFC refrigeration systems cannot be exported. However, under Article 17(3) of the Regulation, it is possible to request an exemption under certain conditions.

An EU means of transport can have its halon systems serviced if the halon on board is for critical uses. Additionally, the halon itself and any products and equipment containing halon for critical uses can be supplied to an EU means of transport. If the supply of the halon takes place outside the EU, the owner of the means of transport must apply for an import licence (ICUH-, IPEA- or IPEO-type licence).

Supplying or servicing EU means of transport with halons for non-critical uses or with any other ODS (e.g. HCFC) is not allowed.

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<sup>3</sup> <https://circabc.europa.eu/w/browse/6ac80e6a-8fdd-4f38-a0b6-7e6baea143b8>; also available at CIRCABC online forum, in the ‘Library’ tab in the ‘2. Other supporting documents for ODS licensing’ folder.

<sup>4</sup> Critical uses are listed in Annex VI to Regulation (EC) No 1005/2009. Critical uses for aircraft and cargo ships are listed in Annex 2 to this document for quick reference.

<sup>5</sup> See Annex 3 to this document for the full names of Commission-issued licence types that relate to the ODS Licensing System.

## 2.1. Overview

The tables below summarise the rule applicable to EU means of transport.

EU means of transport containing or relying on:	Entry	Exit	Entry	Exit
	Temporary admission <sup>6</sup>		Other customs procedures <sup>7</sup>	
halons (critical uses) <sup>8</sup>	n.a.	n.a.	n.a.	<input checked="" type="checkbox"/> Subject to licensing
halons (remaining uses)	n.a.	n.a.	n.a.	<input checked="" type="checkbox"/>
HCFC	n.a.	n.a.	n.a.	<input checked="" type="checkbox"/> <sup>9</sup>
remaining ODS	n.a.	n.a.	n.a.	<input checked="" type="checkbox"/>

EU means of transport containing or relying on:	Servicing with ODS <sup>10</sup>		Supply of ODS <sup>10</sup>	
	Inside EU	Outside EU	Inside EU	Outside EU
halons (critical uses) <sup>8</sup>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Subject to licensing
halons (remaining uses)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
HCFC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
remaining ODS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

= possible

= not possible

n.a. = not applicable

<sup>6</sup> This usually refers to cases where the means of transport enters and exits the EU carrying goods or passengers and where it is not the good itself.

<sup>7</sup> This usually refers to cases where the means of transport is a good in itself and does not enter and exit the EU to transport goods or passengers.

<sup>8</sup> Critical uses are listed in Annex VI to Regulation (EC) No 1005/2009. Critical uses for aircraft and cargo ships are listed in Annex 2 to this document.

<sup>9</sup> Except HCFC equipment covered by a specific exemption under Article 17(3) and licensed accordingly.

<sup>10</sup> Annex 1 to this document provides definitions of the terms 'servicing' and 'supply'

## 2.2. FAQ

### 2.2.1. *Can an EU aircraft obtain halon-based fire extinguishers?*

Yes. An EU aircraft can use portable fire extinguisher containing halon 1211 or 2402 for the protection of cabins and crew compartments. Supply and related servicing of such fire extinguishers is allowed.

Servicing and supply of halon to EU aircraft for fixed fire protection systems are also allowed, provided that they are for critical uses. The types of critical use and the deadlines up until when they apply are set out in Annex 2.

Licence requirements: If halon fire extinguishers are supplied (without servicing) to an EU aircraft outside the EU, the owner of an aircraft must apply for an import licence (IPEA-type licence). If the aircraft is serviced outside the EU, the owner does not need a licence. This is because the use of the halon is considered as consumption by the country in which the airport is located. If the aircraft is serviced in the EU, there are no licensing requirements.

### 2.2.2. *Can an EU cargo ship obtain halon?*

Yes, but only for one type of system. The servicing and supply of halon to an EU commercial cargo ship is only allowed for fixed fire protection systems for the inerting of normally occupied spaces where flammable liquid or gas could be released. The use of halon for this purpose is allowed until 31 December 2016.

Licence requirements: If the halon or product is supplied (without servicing) to an EU cargo ship outside the EU, the owner of the ship must apply for an import licence (IPEO licence for a product or ICUH licence for halon). If the ship is serviced outside the EU, the owner does not need a licence. This is because the use of the halon is considered as consumption by the country in which the port is located. If the ship is serviced in the EU, there are no licensing requirements.

The use of any other halon-based fire extinguishers is not allowed on board cargo ships in the EU. The placing on the market and export are also prohibited for purposes other than for the inerting of normally occupied spaces where flammable liquid or gas could be released.

### 2.2.3. *Can an EU ship obtain HCFC such as R22?*

No. Starting from 2015, refrigeration systems on EU ships cannot be topped-up with HCFC. For the servicing and supply of EU ships, the same rules apply as to any land-based company in the EU. Consequently, the supply of HCFC and the related servicing of refrigeration systems are prohibited as of 2015. However, EU ships can continue to operate with HCFC on board if there is no need for servicing.

### 2.2.4. *Can HCFC be removed from an EU ship?*

Yes. The recovery of HCFC from the ship's refrigeration system is allowed and does not require a licence.

### 3. NON-EU MEANS OF TRANSPORT

All means of transport registered outside the EU's customs territory are considered to be non-EU means of transport. For a list of the status of non-EU territories and countries with special relations with the EU, see the territories information document.<sup>11</sup>

Examples of non-EU means of transport would include a US civil aircraft with halon-based fire extinguishers and a cargo ship registered in Gibraltar with a halon-based fire protection system.

A non-EU means of transport can be in the customs territory of in the EU under the temporary admission procedure provided that the relevant conditions for temporary admission are respected.

For example, the following non-EU means of transport can enter temporarily into the EU:

- a scheduled passenger flight of an aircraft with non-critical halon fire protection systems;
- a ship with an HCFC refrigeration system passing through EU waters but not calling at an EU port; and
- a ship with an HCFC refrigeration system calling at an EU port under temporary admission.

It is also possible for non-EU means of transport to enter the EU under a customs procedure other than temporary admission, such as inward processing. However, entry to the EU is restricted to means of transport that have halon for critical uses only on board.<sup>12</sup> A non-EU ship with an HCFC refrigeration system cannot be repaired in the EU. If a non-EU means of transport contains halons for non-critical uses or any other ODS (such as HCFC), it can only enter the EU under the temporary admission procedure. An exception to this rule is in the case of imports for destruction.

For means of transport that have halon for critical uses on board, EU operators, such as the company repairing the ship, must apply for an import licence (IPEA- or IPEO-type licence) and, if relevant, a re-export licence (EPEA- or EPEO-type licence).

A non-EU means of transport with halon for critical uses on board, which enters and exits the EU without any supply, removal, servicing or major repairs, does not need a licence provided it remains in the EU for no longer than 45 days and enters the EU under one of the following customs procedures:

- (a) transit (including transshipment);
- (b) temporary storage;

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<sup>11</sup> <https://circabc.europa.eu/w/browse/6ac80e6a-8fdd-4f38-a0b6-7e6baea143b8>; also available at CIRCABC online forum, in the 'Library' tab in the '2. Other supporting documents for ODS licensing' folder.

<sup>12</sup> Critical uses are listed in Annex VI to Regulation (EC) No 1005/2009. Critical uses for aircraft and cargo ships are listed in Annex 2 to this document.

- (c) customs warehousing;
- (d) free zone procedure.

The halon equipment on board a non-EU means of transport can be serviced in the EU. Halon can also be supplied in the EU to a non-EU means of transport but it must be for critical uses, whether for supply or servicing. In the case of supply, the EU halon supplier must apply for an export licence (ECUH-type licence).

Until 31 December 2019, HCFCs can be supplied to non-EU ships in EU ports. The HCFC supplier must apply for an export licence (EHCF-, EHCP- or EHCO-type licence). However, non-EU means of transport containing or relying on HCFCs cannot be serviced in the EU.

### 3.1. Overview

The tables below summarise the requirements for non-EU means of transport.

Non-EU means of transport containing or relying on:	Entry	Exit	Entry	Exit
	Temporary admission <sup>13</sup>		Other customs procedures <sup>14</sup>	
halons (critical uses) <sup>15</sup>	✓	✓	✓ <sup>16</sup> Subject to licensing	✓ <sup>16</sup> Subject to licensing
halons (remaining uses)	✓	✓	✗	n.a.
HCFC	✓	✓	✗	n.a.
remaining ODS	✓	✓	✗	n.a.

Non-EU means of transport containing or relying on:	Servicing with ODS <sup>17</sup>		Supply of ODS <sup>17</sup>	
	Inside EU	Outside EU	Inside EU	Outside EU
halons (critical uses) <sup>15</sup>	✓	n.a.	✓ Subject to licensing	n.a.
halons (remaining uses)	✗	n.a.	✗	n.a.
HCFC	✗	n.a.	✓ Subject to licensing & until 31/12/2019 only	n.a.
remaining ODS	✗	n.a.	✗	n.a.

✓ = possible

✗ = not possible

n.a. = not applicable

<sup>13</sup> This usually refers to cases where the means of transport enters and exits the EU carrying goods or passengers and where it is not the good itself.

<sup>14</sup> This usually refers to cases where the means of transport is a good in itself and does not enter and exit the EU to transport goods or passengers.

<sup>15</sup> Critical uses are listed in Annex VI to Regulation (EC) No 1005/2009. Critical uses for aircraft and cargo ships are listed in Annex 2 to this document.

<sup>16</sup> Subject to licensing except where the goods enter/exit under a temporary storage, free zone, customs warehousing or transit procedure and stay in the EU no longer than 45 days.

<sup>17</sup> Annex 1 to this document provides definitions of the terms 'servicing' and 'supply'.

## 3.2. FAQ

### 3.2.1. *Can a non-EU aircraft obtain halon-based portable fire extinguishers in the EU?*

Yes. A non-EU aircraft can be supplied with portable fire extinguishers containing halon 1211 or 2402 for the protection of cabins and crew compartments. In addition the supply and the related servicing of such fire extinguishers are also possible.

The servicing and supply of halon to non-EU aircraft for fixed fire protection systems is also allowed, provided that they are for critical uses. The types of critical use and the deadlines up until when they apply are set out in Annex 2.

Licence requirements: If the halon fire extinguishers are supplied (without servicing) to a non-EU aircraft, the EU supplier must apply for an export licence (EPEA-type licence). If the fire extinguishers of the non-EU aircraft are serviced in the EU, a licence is not needed. This is because the use of the halon is considered as EU consumption.

### 3.2.2. *Can a non-EU cargo ship obtain halon in the EU?*

Yes, but only for one type of system. The servicing and supply of halon to a non-EU cargo ship is only allowed for fixed fire protection systems for the inerting of normally occupied spaces where flammable liquid or gas could be released. The use of halon for this purpose is allowed until 31 December 2016.

Licence requirements: If the halon fire extinguishers are supplied (without servicing) to a non-EU ship, the EU supplier must apply for an export licence (EPEO licence for a product or ECUH licence for halon). If the fire extinguishers of the non-EU ship are serviced in the EU, a licence is not needed. This is because the use of the halon is considered as EU consumption.

The remaining uses of halon on ships are prohibited. In other words, in EU ports you will not be able to purchase any halon, halon-based fire extinguisher or spare parts.

### 3.2.3. *Can a non-EU aircraft or ship get its halon fire protection system repaired in the EU?*

Yes. Means of transport which contain or rely on halon can be imported to the EU for repair works, provided that the halon is for critical uses. The types of critical use and the deadlines up until when they apply are set out in Annex 2.

An import/export licence is necessary in order to have a non-EU means of transport repaired, even if this does not involve the servicing of the halon-based system on board. This is because when the means of transport are brought into the EU for major repair works, they are usually imported under the inward processing procedure. An ODS licence is required for any product or equipment containing or relying on halon which enters the EU under inward processing.

Licence requirements: An import licence (IPEA- or IPEO-type licence) is required if a non-EU means of transport comes into the EU for major repair works. An export licence (EPEA-type or EPEO-type licence) is required when the non-EU means of transport exits the EU after major repairs.

### ***3.2.4. Can a non-EU ship obtain HCFC such as R22 in an EU port?***

Yes. Non-EU ships can be supplied with HCFC in the EU until 31 December 2019. For the supply of HCFC to a non-EU ship, the same rules apply as for any other export of HCFC, i.e. they are subject to licensing.

Licence requirements: The EU supplier has to apply for an export licence (EHCF or EHCP or EHCO-type licence).

Servicing with HCFC a non-EU ship currently in an EU port (e.g. refilling the refrigeration system) is not allowed. For servicing a non-EU ship, the same rules apply as for the servicing of a refrigeration system in a land-based facility within the EU. Starting from 2015, HCFC servicing is prohibited. This ban also covers spare parts for refrigeration equipment.

### ***3.2.5. Can a non-EU ship get their HCFC refrigeration system repaired in the EU?***

No. The repair of such ship cannot take place in the EU because entry of such ship to the EU is not allowed. Non-EU ships cannot enter the EU under a customs procedure other than temporary admission if they have HCFC refrigeration systems. Non-EU ships coming into the EU for maintenance, repair, overhaul or similar activities are usually imported under the inward processing procedure, and not under temporary admission.

### ***3.2.6. Can HCFC be removed from a non-EU ship and left in an EU port?***

Yes. The recovery of HCFCs removed from a non-EU ship is allowed and requires an import licence for destruction (IDST licence type).

## **4. CONTACT INFORMATION**

A list of contact points at the Commission and competent authorities in the Member States is available at the CIRCABC online forum, in the library in folder '4. Contact Information'<sup>18</sup>.

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<sup>18</sup> <https://circabc.europa.eu/w/browse/91661b30-3bd7-4b25-b083-dbc64092175c>

## ANNEXES

### ANNEX 1: DEFINITIONS

#### **Servicing**

In this document, ‘servicing’ means the use of ODS (e.g. for maintenance or refilling) on a means of transport by a person employed by the company supplying the ODS who is not a member of the crew operating the means of transport.

*Example: Servicing takes place when a technician employed by a German servicing company replaces halon-based fire protection equipment on board a Brazilian aircraft which is currently in Germany.*

#### **Supply**

In this document, ‘supply’ means the delivery of ODS to a means of transport where no servicing or major repairs are carried out by the company delivering the ODS or by any other EU-based company, but where the servicing itself will be carried out by the crew operating the means of transport.

*Example: Supply takes place when a Dutch company delivers HCFCs to a ship flagged to Belize, currently in a port in the Netherlands under temporary admission. The company making the delivery does not carry out any work on the ship.*

#### **Major repair**

In this document, the term ‘major repairs’ refers to cases where the means of transport is imported or exported under a re-export procedure, such as inward or outward processing, for the purpose of maintenance or other major works (including overhaul). This does not include minor repairs carried out on a means of transport while it is under temporary admission arrangements.

#### **Removal of ODS/ import for subsequent destruction**

In this document, ‘removal of ODS’ means any movement, from a means of transport into the EU, of ODS or products or equipment containing or relying on ODS for subsequent destruction in the EU.

## ANNEX 2: CRITICAL USES

Critical uses of halons are listed in Annex VI to the Regulation. These critical uses are allowed only until the deadlines stated in Annex VI.<sup>19</sup> Below is a summary of the content of Annex VI where it applies to commercial aircraft and ships currently in operation.

Means of transport	Critical use	Type of extinguisher	Type of halon	Deadline <sup>20</sup>
<b>Aircraft</b>	For the protection of normally unoccupied cargo compartments	Fixed system	1301 1211 2402	2040
	For the protection of cabins and crew compartments	Portable extinguisher	1211 2402	2025
	For the protection of engine nacelles and auxiliary power units	Fixed system	1301 1211 2402	2040
	For the inerting of fuel tanks	Fixed system	1301 2402	2040
	For the protection of lavatory waste receptacles	Fixed system	1301 1211 2402	2020
	For the protection of dry bays	Fixed system	1301 1211 2402	2040
<b>Commercial cargo ships</b>	For the inerting of normally occupied spaces where flammable liquid or gas could be released	Fixed system	1301 2402	<b>31 Dec 2016</b>

Disclaimer: This table does not provide complete information on critical uses of halons. The full set of information is provided in Annex VI to the Regulation.

<sup>19</sup> <http://eur-lex.europa.eu/> search – year: 2009, number:1005, type: Regulation

<sup>20</sup> After this date the product or equipment shall be decommissioned.

### ANNEX 3: ODS LICENSING SYSTEM - RELEVANT LICENCE TYPES

The ODS Licensing System (<https://webgate.ec.europa.eu/ods2>) is the European Commission's online system for issuing ODS licences.

This Annex lists the names of the licence types used for the purpose of the ODS Licensing System that are relevant to means of transport.

#### Types of relevant import licence

Licence code	Licence name
ICUH	Import of halon for critical use
IDST	Import of substance for destruction
IPEA	Import of products or equipment containing halon for critical use on aircraft (annual multiple shipment licence)
IPEO	Import of products or equipment containing halon for critical uses on units other than aircraft
IPED	Import of products or equipment for destruction
IPEX	Import of products or equipment covered by an exemption decision

#### Types of relevant export licence

Licence code	Licence name
ECUH	Export of halon for critical use
EHCF	Export of HCFC re-export after re-packaging
EHCP	Export of HCFC produced and re-packaged in the EU
EHCO	Export of HCFC for other purposes
EPEA	Export of products or equipment containing halon for critical use on aircraft (annual multiple shipment licence)
EPEO	Export of products or equipment containing halon for critical uses on units other than aircraft
EPEX	Export of products or equipment covered by an exemption decision

## **ANNEX 4: FAQ - CONTAINERS**

The following questions apply to containers (e.g. intermodal containers, reefer containers) that contain refrigeration equipment and/or foams that have been blown with ODS, and any other product and equipment containing or relying on ODS.

### **4.1. I am an EU-based container owner/operator. Can I bring a container with HCFC into the EU?**

Yes. Containers with HCFCs can enter or exit the EU, but only under a temporary admission procedure. You are not allowed to import such containers into the EU under any other customs procedure. See section 2.1 for more details.

### **4.2. Can I ship goods in non-EU containers with HCFC into the EU?**

Yes. Shipment in non-EU containers containing HCFCs is possible under temporary admission, provided that the applicable rules for temporary admission under customs law are followed. However, a non-EU container cannot be sold and released for free circulation in the EU. See section 3.1 for more details.

### **4.3. Can I ship empty containers with HCFC to my EU clients?**

No. Where the container is not a means of transport but a good in itself, the same rules apply as for other controlled goods. The transit and transshipment of controlled goods through the EU is prohibited. The ban refers to transit shipments of empty containers through the EU and not to shipments of previously legally imported/acquired containers inside the EU.

### **4.4. Can I have my non-EU containers repaired or serviced in the EU?**

No. The same rules apply as for the servicing of non-EU means of transport with HCFC, as outlined in sections 3.1, 3.2.4 and 3.2.5. Therefore, starting from 2015 non-EU containers cannot be repaired or serviced in the EU.

### **4.5. Can I sell my old containers in the EU as second-hand goods?**

No. As the import of non-EU containers with HCFC is prohibited, they cannot be sold in the EU as second-hand goods. However, they may be placed on the market for disposal.

EU containers with HCFCs that were legally acquired in the past can be placed on the market as second-hand containers. For means of transport, it is only the first placing on the market that is prohibited. Such containers may also be placed on the market for disposal.

### **4.6. Can I export my old containers?**

No. The export of products and equipment containing or relying on HCFCs is prohibited unless you have an exemption under Article 17(3). However, this is unlikely to be relevant for old containers due to their limited commercial value and expected remaining lifetime.

#### **4.7. Where can I scrap my old containers?**

Containers containing ODS in their refrigeration equipment or insulation foam count as hazardous waste and must be handed over for proper disposal to an authorised waste facility in the EU that has staff who are specifically qualified to handle ODS waste.

#### **ANNEX 5: RECORD OF CHANGES TO THE DOCUMENT**

<b>Version</b>	<b>Date</b>	<b>Description</b>
1.0	03/2015	First version for the purpose of the ODS Licensing System