

## New HS classification for ODS

Under the new HS 2012, from 1 January 2012, HCFCs and certain other ODS will be classified in the HS as follows:

### Chapter 29. Organic chemicals

#### 29.03 Halogenated derivatives of hydrocarbons.

[...]

2903. - Halogenated derivatives of acyclic hydrocarbons containing two or more different halogens :

- 2903.71 -- Chlorodifluoromethane (= HCFC-22)
- 2903.72 -- Dichlorotrifluoroethanes (= HCFC-123, covers two isomers)
- 2903.73 -- Dichlorodifluoroethanes (= HCFC-141, covers 3 isomers including the most popular HCFC-141b)
- 2903.74 -- Chlorodifluoroethanes (= HCFC-142, covers 3 isomers, including the most popular HCFC-142b)
- 2903.75 -- Dichloropentafluoropropanes (= HCFC-225, covers 9 isomers, including the most popular HCFC-225ca and HCFC-225cb)
- 2903.76 -- Bromochlorodifluoromethane, bromotrifluoromethane and dibromotetrafluoroethanes
- [...]
- 2903.79 -- Other (= all remaining HCFCs and a number of other halogenated derivatives of acyclic hydrocarbons containing two or more different halogens, including inter alia the following ozone depleting substances controlled by the Montreal Protocol: hydrobromofluorocarbons (HBFCs) and bromochloromethane (BCM))

## HS codes for ODS-containing mixtures

The HS 2007 classification for blends (i.e. mixtures) containing ODS still applies, and is as follows:

### Chapter 38. Miscellaneous chemical products

#### 38.24 Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical and allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included.

[...]

- 3824. - Mixtures containing halogenated derivatives of methane, ethane or propane :
- 3824.71 -- Containing chlorofluorocarbons (CFCs), whether or not containing hydrochlorofluorocarbons (HCFCs), perfluorocarbons (PFCs) or hydrofluorocarbons (HFCs)
- 3824.72 -- Containing bromochlorodifluoromethane, bromotrifluoromethane or dibromotetrafluoroethane (= containing halons 1301, 1211 or 2402)
- 3824.73 -- Containing hydrobromofluorocarbons (HBFCs)
- 3824.74 -- Containing hydrochlorofluorocarbons (HCFCs), whether or not containing perfluorocarbons (PFCs) or hydrofluorocarbons (HFCs), but not containing chlorofluorocarbons (CFCs)
- 3824.75 -- Containing carbon tetrachloride
- 3824.76 -- Containing 1,1,1-trichloroethane (methyl chloroform)
- 3824.77 -- Containing bromomethane (methyl bromide) or bromochloromethane
- 3824.78 -- Containing perfluorocarbons (PFCs) or hydrofluorocarbons (HFCs), but not containing chlorofluorocarbons (CFCs) or hydrochlorofluorocarbons (HCFCs) (these are mixtures which do not contain ozone depleting substances)
- 3824.79 -- Other (these are mixtures which do not contain ozone depleting substances)

From the HCFC perspective, the classification structure presented above means that if the mixture is a blend of HCFCs only or blend of HCFCs and any substances other than CFCs – it should be classified under subheading 3824.74. If the mixture contains both HCFCs and CFCs (and possibly also other substances), it should be classified under subheading 3824.71.

It is also very important to note that the codes presented above apply only if the mixture is not covered by a more specific heading of the HS. For example, 'organic composite solvents' consisting of mixtures containing HCFCs are classified under heading 38.14 (HS code 3814.00 - "Organic composite solvents or thinners, not elsewhere specified or included; prepared paint or varnish removers").



## Customs and enforcement officers quick guide

### Changes in the 2012 HS Nomenclature for HCFCs and certain other Ozone Depleting Substances

#### New HS classification for ODS

Since the last Harmonized System (HS) revision in 2007, trade patterns in ozone depleting substances (ODS) have changed with the complete phase-out of chlorofluorocarbons (CFCs) as of 1 January 2010 (except for a few exempted uses) and the increased trade in hydrochlorofluorocarbons (HCFCs) and hydrofluorocarbons (HFCs) as replacement chemicals.

HCFCs will be phased-out by 2020 in developed and by 2030 in developing countries. Recognising this, the Parties to the Montreal Protocol requested the World Customs Organization (WCO) to revise the HS codes for HCFCs.

Following this request, the Council of the WCO recommended to the Contracting Parties to the HS Convention to amend heading 29.03 of Chapter 29 with the objective of assigning specific 6-digit HS codes to the five most commonly used HCFCs, and at the same time deleting individual HS codes previously assigned to CFCs.

Based on this WCO Council Recommendation, the relevant amendment of the HS has been agreed upon by the HS Contracting Parties and entered into force on 1 January 2012. As of that date, HCFCs and certain other ODS have been separately identified in the HS. This 'Quick Guide' provides key information related to these new classifications and briefly explains the changes.

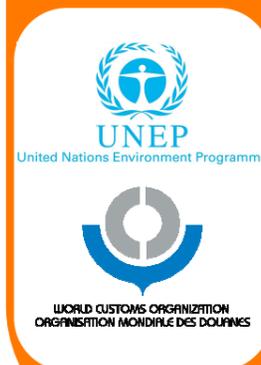
Overleaf is presented a correlation table showing the previous HS classification of ODS until 31 December 2011 (HS 2007) and the revised classifications applicable from 1 January 2012 (HS 2012).

Further details on the new HS classification for HCFCs are provided on the last page. Information is also provided on the current HS codes for ODS-containing mixtures.

#### Highlights

- ➔ The five most commonly used **HCFCs** have been assigned individual HS codes
- ➔ The single new code for all **CFCs** is **2903.77** and it also covers all other halogenated derivatives of acyclic hydrocarbons, perhalogenated only with fluorine and chlorine
- ➔ The HS code for **halons** 1301, 1211 and 2402 has also been renumbered; from 1 January 2012 the HS code is **2903.76** instead of the previous code of **2903.46**
- ➔ All HS-based Customs Tariffs which follow HS 2012 automatically have the new structure for HS heading **29.03** as of 1 January 2012

**NOTE:** The HS code for methyl bromide (bromomethane) was changed in January 2007; since then the HS code for methyl bromide (bromomethane) is 2903.39. However, many other substances are classified under the same HS code (i.e. 2903.39), including hydrofluorocarbons (HFCs), which are commonly used as substitutes for CFCs and HCFCs. It is therefore recommended that countries insert additional subdivisions in their nomenclatures and assign specific codes for these substances by adding one or more digits to the standard 6-digit HS code 2903.39.



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**Correlation table showing the HS classification of ODS until 31 December 2011 (HS 2007) and from 1 January 2012 (HS 2012)**

ODS	Chemical Name	Formula	HS 2007	HS 2012	Remarks
<b>Annex A, Group I (CFCs)</b>					
CFC-11	Trichlorofluoromethane	CFCl <sub>3</sub>	2903.41	2903.77	Subheadings for Annex A Group I – CFCs (2903.41 - 2903.44) have been merged, together with subheading 2903.45 for Annex B Group I - Other CFCs, into new subheading 2903.77
CFC-12	Dichlorodifluoromethane	CF <sub>2</sub> Cl <sub>2</sub>	2903.42		
CFC-113	Trichlorotrifluoroethanes	C <sub>2</sub> F <sub>3</sub> Cl <sub>3</sub>	2903.43		
CFC-114	Dichlorotetrafluoroethanes	C <sub>2</sub> F <sub>4</sub> Cl <sub>2</sub>	2903.44		
CFC-115	Chloropentafluoroethane	C <sub>2</sub> F <sub>5</sub> Cl	2903.44		
<b>Annex A, Group II (Halons)</b>					
Halon-1211	Bromochlorodifluoromethane	CF <sub>2</sub> BrCl	2903.46	2903.76	Subheading for Annex A Group II – Halons (2903.46) has been renumbered as 2903.76
Halon-1301	Bromotrifluoromethane	CF <sub>3</sub> Br			
Halon-2402	Dibromotetrafluoroethanes	C <sub>2</sub> F <sub>4</sub> Br <sub>2</sub>			
<b>Annex B, Group I (Other CFCs)</b>					
CFC-13, CFC-111, CFC-112, CFC-211, CFC-212, CFC-213, CFC-214, CFC-215, CFC-216, CFC-217			2903.45	2903.77	Subheading for Annex B Group I – Other CFCs (2903.45) have been merged, together with subheadings 2903.41 to 2903.44 for Annex A Group I - CFCs, into new subheading 2903.77
<b>Annex B, Group II</b>					
Carbon tetrachloride		CCl <sub>4</sub>	2903.14	2903.14	No change
<b>Annex B, Group III</b>					
1,1,1-trichloroethane (methyl chloroform)		C <sub>2</sub> H <sub>3</sub> Cl <sub>3</sub>	2903.19	2903.19	No change
<b>Annex C, Group I (HCFCs)</b>					
HCFC-22	Chlorodifluoromethane	CHF <sub>2</sub> Cl	2903.49	2903.71	Individual subheadings: 2903.71 – 2903.75 have been created for common HCFCs formerly classified in subheading 2903.49
HCFC-123	Dichlorotrifluoroethanes	C <sub>2</sub> HF <sub>3</sub> Cl <sub>2</sub>		2903.72	
HCFC-141, 141b	Dichlorofluoroethanes	C <sub>2</sub> H <sub>3</sub> FCl <sub>2</sub> , CH <sub>3</sub> CFCl <sub>2</sub>		2903.73	
HCFC-142, 142b	Chlorodifluoroethanes	C <sub>2</sub> H <sub>3</sub> F <sub>2</sub> Cl, CH <sub>3</sub> CF <sub>2</sub> Cl		2903.74	
HCFC-225, 225ca, 225cb	Dichloropentafluoropropanes	C <sub>3</sub> HF <sub>5</sub> Cl <sub>2</sub> , CF <sub>3</sub> CF <sub>2</sub> CHCl <sub>2</sub> , CF <sub>2</sub> ClCF <sub>2</sub> CHClF		2903.75	
Other HCFCs HCFC-21, HCFC-31, HCFC-121, HCFC-122, HCFC-124, HCFC-131, HCFC-132, HCFC-133, HCFC-151, HCFC-221, HCFC-222, HCFC-223, HCFC-224, HCFC-226, HCFC-231, HCFC-232, HCFC-233, HCFC-234, HCFC-235, HCFC-241, HCFC-242, HCFC-243, HCFC-244, HCFC-251, HCFC-252, HCFC-253, HCFC-261, HCFC-262, HCFC-271			2903.49	2903.79	Other HCFCs, formerly classified in subheading 2903.49, have been merged, together with Annex C Group II - HBFCs and Annex C Group III - BCM, into new subheading 2903.79
<b>Annex C, Group II (HBFCs)</b>					
All Hydrobromofluorocarbons			2903.49	2903.79	Subheading for Annex C Group II: HBFCs has been merged into new subheading 2903.79
<b>Annex C, Group III</b>					
Bromochloromethane (BCM)		CH <sub>2</sub> BrCl	2903.49	2903.79	Subheading for Annex C Group III: BCM has been merged into new subheading 2903.79
<b>Annex E, Group I</b>					
Methyl bromide (MeBr)		CH <sub>3</sub> Br	2903.39	2903.39	No change