



INFORMATION BULLETIN No. 123

Hydrochlorofluorocarbon (HCFC) Refrigerants

Guidance and Instructions for Bahamas Recognised Organisations, Bahamas Approved Nautical Inspectors, Ship Owners, Managers and Masters

1. Purpose

- 1.1. This Bulletin provides guidance on the use of hydrochlorofluorocarbon (HCFC) refrigerants on board Bahamian ships.

2. Application

- 2.1. This Bulletin applies to all Bahamian ships with HCFC refrigerants on board.

3. General requirements

- 3.1. Bahamian ships are subject to the requirements of Regulation 12 of Annex VI of MARPOL 73/78, as amended (hereinafter referred to as "MARPOL Annex VI").
- 3.2. Regulation 12 of MARPOL Annex VI permits the use of HCFC in new installations on board ships until 01 January 2020.
- 3.3. Notwithstanding the above, it is envisaged that it will become progressively more difficult to obtain HCFC refrigerants in future.
- 3.4. The European Union (EU) has introduced strict conditions on the supply of HCFC refrigerants to ships, which are outlined below.

4. European Regulation (EC) No. 1005/2009

- 4.1. EU Regulation (EC) No. 1005/2009 (as amended by Commission Regulation (EU) Nos. 744/2010, 1087/2013 & 1088/2013) prohibited the use of virgin HCFC in the maintenance and servicing of refrigeration and air conditioning units on EU flagged ships from 1st January 2010, though servicing was possible using recycled HCFC. This prohibition extended to non-EU flagged ships where an EU company was performing maintenance or servicing on board prior to 31 December 2014.
- 4.2. As of 01 January 2015, EU companies are prohibited from using **ANY** HCFC in the servicing of refrigeration and air conditioning systems on board EU and non-EU flagged ships, though they may carry out servicing which does not require any HCFC to be used.
- 4.3. Ship's staff on Bahamian ships may still undertake servicing of systems containing HCFC, subject to the provisions of MARPOL Annex VI.

5. Export of HCFC from an EU Member State to a Bahamian ship

- 5.1. It may be possible for HCFC producers and registered re-packagers in the EU with an export licence to export virgin HCFC from the EU to a Bahamian ship.
- 5.2. Import of HCFC refrigerant into a country is regulated and controlled by the Montreal Protocol to the Vienna Convention for the protection of the Ozone Layer. The Bahamas is a Party under Article 5 "*Special situation of developing countries*" of the Montreal Protocol.
- 5.3. The Bahamas National Ozone Unit accepts and agrees that Bahamian ships may continue to take on board refrigerant gases and other ozone depleting substances, in accordance with MARPOL Annex VI.
- 5.4. It should, however, be noted that some countries have chosen to apply a controlled licensing procedure for export of HCFC to ships.
- 5.5. For each individual export of ozone depleting substances from EU Member States, the exporter in the EU should request an export licence from the European Commission.
- 5.6. The licence is usually issued within two working days, subject to all information being correctly provided. Note that delays are sometimes possible.

- 5.7. When applying for a license, it is necessary for Bahamian ships to provide a registered address within The Bahamas, or an address of a representative agent in The Bahamas, as an alternative. A PO Box number is not acceptable.
- 5.8. It is recognised that due to the international nature of the Bahamas ship registry, some ships will not be able to provide an address in The Bahamas. Only where ships are unable to provide an address in The Bahamas, the European Commission DG Climate Action requires that the full postal address of the entity that has direct control over the business of the ship (usually the ship operator) is to be entered. In addition, the applicant must explicitly declare in the comments field that no representative exists in The Bahamas.
- 5.9. The aim of this requirement is to ensure that the responsible entity is documented in case of any enquiry or investigation.
- 5.10. Careful attention should be paid to the provision of information for completion of the licence application form in order to avoid unnecessary delay to the ship.
- 5.11. HCFCs loaded onto a Bahamian ship outside the EU may continue to be used on board and do not require a permit, unless landed ashore in an EU port for destruction.

6. Revision History

Rev.3 (03 February 2015) – General revision and new format

Rev.2 (24 February 2010) – Amendments to licencing procedure

Rev.1 (18 February 2010) – First issue