HS CODES FOR HFCs

ADVICE FOR COUNTRIES IN ADVANCE OF THE 2022 HS CODE UPDATE

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Kigali Amendment

- One of the important requirements of this Amendment is that by 1st January 2019 (or two years later if required) an import and export licensing system for HFCs needs to be in place in each country that is Party to the Amendment.
- To enable a licensing system to function effectively, it is important that the government is able to monitor and record imports and exports of each specific HFC individually.
- Import and export statistics are normally collected by customs officers using the international product nomenclature system - The Harmonized Commodity Description and Coding System, or Harmonized System (HS).
- However, until the HS is revised in 2022, all HFCs are contained in a single HS code which does not allow differentiation of the individual chemicals or of mixtures

HS Code

- The Harmonized System is a multipurpose international product nomenclature developed by the WCO. It forms the basis for Customs tariffs and for the collection of international trade statistics, with each commodity group identified by a six-digit code arranged in a legal and logical structure. Over 98% of merchandise in international trade is classified in terms of the HS. WCO issues Amendments every five to six years to update the HS.
- Implementing import and export licensing systems for HFCs from 1st January 2019 may present a challenge for countries
- HS Nomenclature 2017 edtion did not include individual codes for HFCs and the next HS edition which will include specific HS codes for the most commonly traded HFCs and mixtures, will only enter into force in 2022

HS Code

- It will not be possible to monitor and control, based on customs data that relies only on existing HS codes, for customs to differentiate between imported/exported HFCs and other fluorinated, brominated or iodinated substances. A special approach is therefore needed.

➢All HFCs are covered by the single HS code: 2903.39

➢Mixtures containing HFCs are currently covered by the following HS code: 3824.78

Taking a proactive approach

- Since the Party to the Amendment is required to have an import and export licensing system for HFCs in place, the creation of specific individual national HS codes for HFCs is therefore very much needed.
- In advance of the release of the new version of the HS, there are actions which countries can take in the interim. The suggested approach is to establish additional digits in the national (domestic) HS codes to identify specific HFCs.
- The national system will need to be adjusted when the 2022 HS is implemented; the additional national codes will need to be removed from the time that HS 2022 is implemented.

Can the 2022 HS codes for HFCs be used in advance of their official entry into force?

- No! The provisionally adopted codes are prohibited from being used ahead of their official entry into force.
- The WCO has strict rules about contracting parties adopting/using amendments prior to their scheduled publication date. Before their official entry into force the codes are not considered to be legal or to be enforceable.
- HS 2017 remains in force until superseded by a Contracting Party's implementation of HS 2022 as the accepted amendment
- HS 2017 is in force, it must be used as is at the heading and international subheading level, with no possibility of using the new codes for HFCs in advance of the official release of the 2022 HS.
- The Convention does however allow for further national subdivisions below the six digit level (i.e. adding additional digits at the national level under the existing headings and subheadings). This is the recommended course of action countries should take in the interim

The Way Forward: WCO Recommendation that HS contracting Parties establish additional digits in the current national HS to identify specific HFCs

- It is thus recommended that countries use national subdivisions at the seven or more digit levels under the existing headings and subheadings to account for specific HFC and HFC-containing mixtures under HS 2017.
- For an interim measure, the WCO approved at its Council Session in June 2019, a new Recommendation that HS Contracting Parties insert the relevant new additional subheadings in their statistical nomenclatures
- Countries are therefore recommended to expeditiously insert additional subdivisions for the HFCs and HFC-containing mixtures provided below in their HS

Differentiation of specific HFCs in the 2017 HS

- The WCO recommends that countries (member administrations and Contracting Parties to the HS convention) insert additional subdivisions as soon as possible for the following substances to facilitate the collection and comparison of data on the international movement of HFCs and HFC containing mixtures controlled under the Montreal Protocol by virtue of the Kigali Amendment

- The information herein is intended to provide an overview and examples. For complete information please refer to the original WCO documentation

Differentiation of specific HFCs in the 2017 HS

Pure substances

Under subheading 2903.39 (Halogenated derivatives of hydrocarbons, Other)

Saturated fluorinated derivatives of acyclic hydrocarbons (HFCs)

• HFC-23 • HFC-32 • HFC-41, HFC-152, HFC-152a • HFC-125, HFC-143a, HFC-143, • HFC-134a, HFC-134 • HFC-227ea, HFC-236cb, HFC-236ea, HFC-236fa • HFC-245fa, HFC-245ca • HFC-365mfc, HFC-43-10mee

Unsaturated fluorinated derivatives of acyclic hydrocarbons (HFOs)

• HFO-1234yf, HFO-1234ze(E), HFO-1336mzz(Z)

Differentiation of specific HFCs in the 2017 HS

Mixtures

Under subheading 3824.74 (Mixtures containing HCFCs, whether or not containing perfluorocarbons* or HFCs, but not containing CFCs)

- Containing saturated fluorinated derivave of methanes, ethanes and propanes, HFC-365mfc, HFC-43-10mee
- Other, containing substances of subheadings 2903.71 to 2903.75

Under subheading 3824.78 (Mixtures Containing Perfluorocarbons* or Hydrofluorocarbons, but not CFCs or HCFCs)

- Containing trifluoromethane (HFC-23) or perfluorocarbons (PFCs) but not containing chlorofluorocarbons (CFCs) or hydrochlorofluorocarbons (HCFCs) Mixture containing HFC-23
- Other

Differentiation of specific HFCs in the 2017 HS

Containing other hydrofluorocarbons (HFCs) but not containing chlorofluorocarbons (CFCs) or hydrochlorofluorocarbons (HCFCs)

- Mixture containing 15% or more by mass of HFC-143a
- Others, not included in the subheading above, containing 55% or more by mass of HFC- 125 but not containing HFOs • Others, not included in the subheadings above, containing 40% or more by mass of HFC-125
- Others, not included in the subheadings above, containing 30% or more by mass of HFC-134a, but not containing HFOs
- Others, not included in the subheadings above, containing 20 % or more by mass of HFC-32 and 20% or more by mass of HFC-125
- Others, not included in the subheadings above, containing saturated fluorinated derivative of methanes, ethanes and propanes , HFC-365mfc, HFC-43-10mee

Examples of establishing additional digits in the national HS codes to identify specific HFCs

The tables below and at right illustrate some example HFCs and HFC-containing mixtures and the codes assigned to them by the EU and Colombia respectively :

ASHRAE Designation/description	European Union	Colombia
Saturated fluorides		
HFC-32	2903.39 21	2903.39 14
HFC-23	2903.39 23	2903.39 12
HFC-14	-	2903.39 13
HFC-125	-	2903.39 23
HFC-143a	-	2903.39 25
HFC-125 and HFC-14	2903.39 24	-
HFC-152a	2903.39 25	2903.39 21
HFC-134a	2903.39 26	2903.39 22
HFC-236fa	-	2903.39 31
HFC-227ea	-	2903.39 33
Pentafluoropropanes, Hexafluoropropanes and Heptafluoropropanes (includes HFC-227ea, 236cb, 236ea, 236fa, 245ca, 245fa)	2903.39 27	-
All other saturated HFCs and PFCs*	2903.39 29	2903.39 99
Unsaturated HFCs (HFOs)		
HFC-1234yf	2903.39 31	-
HFC-1234ze(E)	2903.39 35	-
Other unsaturated fluorides- All other unsaturated HFCs (HFOs) and all unsaturated PFCs (PFOs)	2903 39 39	-
* PFC = Perfluorinated compound (not controlled under the Montreal Protocol)		

HS code extension digits for HFC containing mixtures - examples

ASHRAE Designation/description	Substances, (percentage composition)	European Union	Colombia
Mixtures			
R-507	Mixture of HFC-125 and HFC-143a (50%, 50%)	-	3824.78 70
R-507 series	Mixture of HFC-125 and HFC-143a	3824.78 10	-
R-404A	Mixture of HFC-125, HFC-143a and HFC-134a (44%, 52%, 4%)	-	3824.78 10
R-404 series	Mixture of HFC-125, HFC-143a and HFC-134a	3924.78 20	-
R-410A	Mixture of HFC-125, HFC-32 (50%, 50%)	-	3824.78 40
R-407A	Mixture of HFC-125, HFC-32 and HFC-134a (40%, 20%, 40%	-	3824.78 20
R-407C	Mixture of HFC-125, HFC-32 and HFC-134a (25%, 23%, 52%)	-	3824.78 30
R-407 series	Mixture of HFC-125 , HFC-32 and HFC-134a	3824.78 40	-
R-417A	Mixture of HFC-125, HFC-134a and HC-600 (46.6%, 50%, 3.4%)	-	3824.78 50
R-422D	Mixture of HFC-125, HFC-134a and HC-600a (65.1%, 31.5%, 3.4%)	-	3824.78 60
All mixtures containing unsaturated HFCs (HFOs)	Containing unsaturated hydrofluorocarbons	3824.78 80	-
Colombia - The quantities of each component (percentage composition by mass) are specified for each mixture e.g. R-407A: HFC-125 (40%), HFC-32 (20%) and HFC-134a (40%) R-407C: HFC-125 (25%), HFC-32 (23%) and HFC-134a (52%)			

HS code extension digits for Specific HFCs for Philippines

Hdg. No.	2019PSCC	DESCRIPTION	UNIT OF QTY	2015 PSCC	2017 AHTN
29.03		**Halogenated derivatives of hydrocarbons.**			
		- Saturated chlorinated derivatives of acyclic hydrocarbons :			
	2903.39.90-02	Trifluoromethane (HFC-23)	Net kg	ex2903.39.90-09	2903.39.90
	2903.39.90-03	Difluoromethane (HFC-32)	Net kg	ex2903.39.90-09	2903.39.90
	2903.39.90-04	Fluoromethane (HFC-41), 1,2 - difluoroethane (HFC-152) and 1,1 - difluoroethane (HFC-152a)	Net kg	ex2903.39.90-09	2903.39.90
	2903.39.90-05	Pentafluoroethane (HFC-125), 1,1,1-trifluoroethane (HFC-143a) and 1,1,2-trifluoroethane(HFC-143)	Net kg	ex2903.39.90-09	2903.39.90
	2903.39.90-06	1,1,1,2-Tetrafluoroethane (HFC-134a) and 1,1,2,2-tetrafluoroethane (HFC-134)	Net kg	ex2903.39.90-09	2903.39.90
	2903.39.90-07	1,1,1,2,3,3,3-Heptafluoropropane (HFC-227ea), 1,1,1,2,2,3-hexafluoropropane (HFC-236cb), 1,1,1,2,3,3,-hexafluoropropane (HFC-236ea) and 1,1,1,3,3,3-hexafluoropropane (HFC-236fa)	Net kg	ex2903.39.90-09	2903.39.90
	2903.39.90-08	1,1,1,3,3-Pentafluoropropane (HFC-245fa) and 1,1,2,2,3-pentafluopropane (HFC-245ca)	Net kg	ex2903.39.90-09	2903.39.90
	2903.39.90-11	1,1,1,3,3-Pentafluorobutane (HFC-365mfc) and 1,1,1,2,2,3,4,5,5,5-decafluoropentane (HFC-43-10mee)	Net kg	ex2903.39.90-09	2903.39.90
	2903.39.90-12	Unsaturated fluorinated derivatives of acyclic hydrocarbons	Net kg	ex2903.39.90-09	2903.39.90
	2903.39.90-13	2,3,3,3-Tetrafluoropropene (HFO-1234YF), 1,3,3,3-tetrafluoropropene (HFO-1234ze) and (Z)-1,1,1,4,4,4-hexafluro-2-butene (HFO-1336mzz)	Net kg	ex2903.39.90-09	2903.39.90
	2903.39.90-14	Hydrofluroolefins	Net kg	ex2903.39.90-09	2903.39.90
	2903.39.90-19	Other	Net kg	ex2903.39.90-09	2903.39.90
		- Halogenated derivatives of acyclic hydrocarbons containing two or more different halogens :			
	2903.79.00-02	Triflouromethane	Net kg	2903.79.00-02	2903.79.00

HS code extension digits for Specific HFCs containing mixtures for Philippines

Hdg. No.	2019PSCC	DESCRIPTION	UNIT OF QTY	2015 PSCC	2017 AHTN
38.24		**Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included.**			
	3824.74.90-02	Containing saturated fluorinated derivative of methanes (F = 1 to 3), ethanes (F = 2 to 5) and propanes (F=5 to 7), 1,1,1,3,3-pentafluorobutane (HFC-365MFC) and 1,1,1,2,2,3,4,5,5,5-decafluoropentane (HFC-43-10mee)	Net kg	3824.74.90-09	3824.74.90
	3824.78.00	- - Containing perfluorocarbons (PFCs) or hydrofluorocarbons (HFCs), but not containing chlorofluorocarbons (CFCs) or hydrochlorofluorocarbons (HCFCs)			
	3824.78.00-01	Containing trifluoromethane (HFC-23) or perfluorocarbons (PFCs) but not containing chlorofluorocarbons (CFs) or hydrochlorofluorocarbons (HCFCs):	Net kg	3824.78.00-00	3824.78.00
	3824.78.00-02	Containing trifluromethane (HFC-23)	Net kg	3824.78.00-00	3824.78.00
	3824.78.00-03	Containing other hydrofluorocarbons (HFCs) but not containing cholorofluorocarbons (CFCs) or hydrochlorofluorocarbons (HCFCs):	Net kg	3824.78.00-00	3824.78.00
	3824.78.00-04	Containing 15% or more by mass of 1,1,1-trifluoroethane (HFC-143a)	Net kg	3824.78.00-00	3824.78.00
	3824.78.00-05	Other, not included in the subheadings above, containing 55% or more by mass of pentafluoroethane (HFC-125) but not containing unsaturated fluorinated derivatives of acyclic hydrocarbons (HFOs)	Net kg	3824.78.00-00	3824.78.00
	3824.78.00-06	Other, not included in the subheading above, containing 40% or more by mass of pentafluoroethane (HFC-125)	Net kg	3824.78.00-00	3824.78.00
	3824.78.00-07	Other, not included in the subheadings above, containing 30% or more by mass of 1,1,1,2-tetrafluoroethane (HFC-134a) but not containing unsaturated fluorinated derivatives of acyclic hydrocarbons (HFOs)	Net kg	3824.78.00-00	3824.78.00
	3824.78.00-08	Other, not included in the subheadings above, containing 20% or more by mass of difluoromethane (HFC-32) and 20% or more by mass of pentafluroethane (HFC-125)	Net kg	3824.78.00-00	3824.78.00
	3824.78.00-11	Other, not included in the subheadings above, containing saturated flurinated derivative of methanes (F = 1 to 3), ethaned (F = 2 to 5) and propanes (F=5 to 7), 1,1,1,3,3-pentafluorobutane (HFC-365mfc) and 1,1,1,2,2,3,4,5,5,5-decafluoropentane (HFC-43-10mee)	Net kg	3824.78.00-00	3824.78.00
	3824.78.00-19	Other	Net kg	3824.78.00-00	3824.78.00

The requirement for data reporting

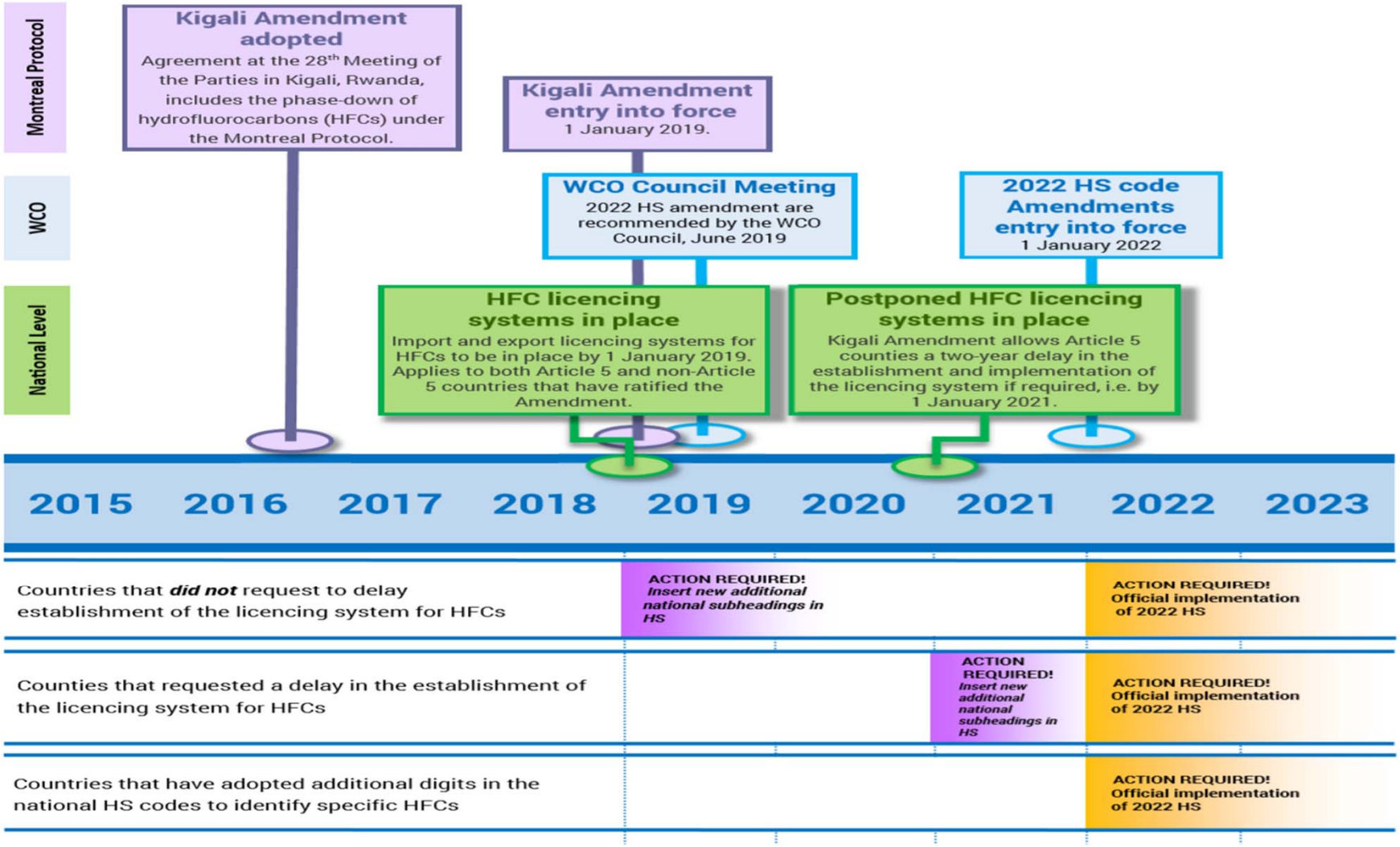
- Since the countries need to report data separately on specific substances, customs officers must have a means to differentiate between the most common HFCs and refrigerant mixtures using the HS.
- Until the 2022 update to the HS is available, it is recommended to implement a suitable system such as that outlined in this document.
- OzonAction and its regional teams stand ready to assist as required.

Date of licensing system implementation

- HFC licensing systems to be in place was 1st January 2019 for Pares to the Kigali Amendment
- It does not solve the problem of the availability of specific HS codes as the official release of the next version of the HS is 2022 if HFC licensing systems is not yet in place.

Timeline

There will be a period between the dates of 1 January 2019, when import and export licencing systems for HFCs under the Kigali Amendment are due to be in place for countries Party to the Amendment (or 1 January 2021 for those Article 5 countries that decide to delay establishment and implementation) and the time of adoption of the 2022 HS at the national level where countries may need to take a proactive approach (see 'Action required' in the illustration below). Unless a country has already made arrangements to address this, it will not be able to easily monitor, control and report data on imports and exports of specific HFCs and HFC-containing mixtures. The 2022 HS enters into force on 1 January 2022, but it can take some time for countries to adopt the Amended HS, which will extend the period where countries may need to use the suitable interim approach such as outlined in this document.



The 2022 HS codes for HFCs

These codes are not effective until 2022 and cannot be used ahead of their entry into force

HS codes for individual HFCs

2022 HS Code	Substance
2903.4	Saturated fluorinated derivaves of acyclic hydrocarbons
2903.41	HFC-23
2903.42	HFC-32
2903.43	HFC-41, HFC-152, and HFC-152a -
2903.44	HFC-125, HFC-143a and HFC-143 -
2903.45	HFC-134a and HFC-134
2903.46	HFC-227ea, HFC-236cb, HFC-236ea and HFC-236fa
2903.47	HFC-245fa and HFC-245ca
2903.48	HFC-365mfc and HFC-43-10mee
2903.49	Other-
2903.5	Unsaturated fluorinated derivaves of acyclic hydrocarbons (HFOs)
2903.51	HFO-1234yf, HFO- 1234ze(E) and HFO-1336mzz(Z)
2903.59	Other

The 2022 HS codes for HFCs

HS codes for mixtures containing HFCs

2022 HS Code	Substances	Examples
Containing trifluoromethane (HFC-23) or perfluorocarbons (PFCs) but not containing chlorofluorocarbons (CFCs) or hydrochlorofluorocarbons (HCFCs)		
3827.51	Mixtures containing HFC-23	R-508[a]; R-508B
3827.59	Other (i.e. containing PFCs, but not HFC-23, CFCs or HCFCs)	R-413A
Containing other hydrofluorocarbons (HFCs) but not containing chlorofluorocarbons (CFCs) or hydrochlorofluorocarbons (HCFCs)		
3827.61	Containing 15% or more by mass of HFC-143a (1,1,1-trifluoroethane)	R-404A R-428A R-434A R-507A
3827.62	Others, not included in the subheading above, containing 55% or more by mass of HFC- 125 (pentafluoroethane) but not containing unsaturated fluorinated derivatives of acyclic hydrocarbons (HFOs)	R-407B R-410B R-417B R-419A R-421A R-421B R-422A R-422B R-422C R-422D R-422E
3827.63	Others, not included in the subheadings above, containing 40% or more by mass of HFC-125 (pentafluoroethane)	R-407A R-410A R-417A R-419B R-424A R-438A R-439A R-452A R-452C R-460A

The 2022 HS codes for HFCs

HS codes for mixtures containing HFCs

2022 HS Code	Substances	Examples
3827.64	Others, not included in the subheadings above, containing 30% or more by mass of HFC-134a (1,1,1,2 tetrafluoroethane) but not containing HFOs (unsaturated fluorinated derivaves of acyclic hydrocarbons)	R-407C R-407D R-407E R-407F R-407G R-407H R-417C R-423A R-425A R-426A R-427A R-437A R-442A R-453A R-458A -
3827.65	Others, not included in the subheadings above, containing 20 % or more by mass of HFC-32 (difluoromethane) and 20% or more by mass of HFC-125 (pentafluoroethane)	R-448A R-449A R-449B R-449C R-460B
3827.68	Others, not included in the subheadings above, containing substances of subheadings 2903.41 to 2903.48 (i.e. containing HFC-23, HFC-32, HFC-41, HFC-152, HFC-152a, HFC-125, HFC-143a, HFC-143, HFC-134a and HFC-134, HFC-227ea, HFC-236cb, HFC-236ea, HFC-236fa, HFC-245fa, HFC-245ca, HFC-365mfc and/or HFC-43-10mee)	R-429A R-430A R-431A R-435A R-440A R-444A R-444B R-445A R-446A R-447A R-447B R-450A R-451A R-451B R-452B R-454A R-454B R-454C R-455A R-456A R-457A R-459A R-459B R-512A R-513A R-513B R-515A -
3827.69	Other (i.e. containing other HFCs not listed in subheadings 3827.61 to 3827.68 - can also contain HFOs)	R-514A -

ASHRAE designations and chemical names

Table of ASHRAE designations ('R' numbers), for HFCs and HFOs used in this policy brief, with their chemical names. *ASHRAE designations are often presented with the prefix 'R' , for example: R-134a for HFC-134a.*

ASHRAE designation	Chemical Name
HFC-14	Tetrafluoromethane
HFC-23	Trifluoromethane
HFC-32	Difluoromethane
HFC-41	Fluoromethane
HFC-152	1,2-difluoroethane
HFC-152a	1,1-difluoroethane
HFC-125	Pentafluoroethane
HFC-143a	1,1,1-trifluoroethane
HFC-143	1,1,2- trifluoroethane
HFC-134a	1,1,1,2-tetrafluoroethane
HFC-134	1,1,2,2-tetrafluoroethane
HFC-227ea	1,1,1,2,3,3,3-heptafluoropropane
HFC-236cb	1,1,1,2,2,3-hexafluoropropane
HFC-236ea	1,1,1,2,3,3-hexafluoropropane
HFC-236fa	1,1,1,3,3,3- hexafluoropropane
HFC-245fa	1,1,1,3,3-pentafluoropropane
HFC-245ca	1,1,2,2,3-pentafluoropropane
HFC-365mfc	1,1,1,3,3-pentafluorobutane
HFC-43-10mee	1,1,1,2,2,3,4,5,5,5- decafluoropentane
HFO-1234yf	2,3,3,3-tetrafluoropropene
HFO-1234ze(E)	1,3,3,3-tetrafluoropropene
HFO-1336mzz(Z)	1,1,1,4,4,4-hexafluoro-2-butene

Useful OzonAction Smartphone Application -
Help in understanding HFC Terminology

WhatGas?

The OzonAction "WhatGas?" application allows you to quickly find information on any specific refrigerant or refrigerant blend/mixture as well as other ozone depleting substances, hydrofluorocarbons (HFCs) and alternative chemicals. Information includes:

- **Harmonised System (HS) codes**
- Chemical name, formula, and type
- ASHRAE designation
- Trade names
- Chemical Abstract Service (CAS) and United Nations (UN) numbers
- Montreal Protocol Annex and Control measures
- Ozone depleting potential (ODP), Global warming potential (GWP)
- Blend/mixture components
- Toxicity and flammability class
- Main uses

Search for "UNEP" or "WhatGas?" in the Apple and Google Play stores

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Desktop version also available (use on any internet connected computer)
www.unenvironment.org/ozonaction/resources/what-gas/what-gas

All OzonAction applications are available at no cost.

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References

1. The Kigali Amendment reached the minimum number of ratifications required to enter into force on 1 January 2019.
2. This publication uses the terminology *'Mixtures'* (as used in the WCO HS documentation) to describe commodities containing two or more ozone-depleting substances or alternatives. It should be noted that the term *'Blends'* is also frequently used in the context of refrigerants. For example ASHRAE and the Montreal Protocol's Technology and Economic Assessment Panel use the terminology: *'Refrigerant Blends'*.
3. For more information see:
http://www.wcoomd.org/en/topics/nomenclature/overview/what-is-the-harmonized-system.aspx
4. Recommendation of the Customs Co-operation Council on the insertion in national statistical nomenclatures of subheadings to facilitate the collection and comparison of data on the international movement of substances controlled by virtue of the Kigali Amendment to the Montreal Protocol on substances that deplete the ozone layer
http://www.wcoomd.org/-/media/wco/public/global/pdf/about-us/legal-instruments/recommendations/hs/recommendation_kigali.pdf?la=en
5. HFOs are not covered by the Kigali Amendment
6. 2903.399: Perfluoroisobutene and *"Includes all other HFCs and PFCs (and many other fluorinated, brominated and iodinated compounds not elsewhere classified)"*. The classification system used in Colombia also incudes a number of 'Other' categories for example for: Other Fluorinated, brominated or iodinated derivatives of methane (2903.3919), Other Fluorinated, brominated or iodinated derivatives of ethane (2903.3929) and Other Fluorinated, brominated or iodinated derivatives of propane (2903.3939).
7. The proposal also includes new codes for some other substances which are not HFCs, e.g: methyl bromide (bromomethane) 2903.61
8. The updates to HS 2022 were adopted in June 2019, however, there is a six month objection period before they are final. No objections are expected for these codes.

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