



**Customs brokers guide to importing items regulated by the
*Ozone Protection and Synthetic Greenhouse Gas Management Act 1989***

Key points for brokers:

Imports of ozone depleting substances and synthetic greenhouse gases controlled under the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* (the Act), and equipment containing these substances, are managed by the Department of the Environment and Energy and Australian Border Force to minimise the impact of these substances on the ozone layer and the climate system.

For detailed information on importing and exporting gases and equipment covered by the Act see the Department of the Environment and Energy's website at www.environment.gov.au/protection/ozone/licences-and-reporting.

Importers must hold the correct licence to import regulated items, or be prepared to provide evidence their goods are exempt from the controls or licence requirements.

If goods are self-assessed as being exempt or not requiring a licence, customs brokers/importers must be able to produce supporting evidence on request.

Brokers cannot hold a licence to import items on behalf of a client. Brokers will require the importer's licence information to process the import.

Controlled substances or equipment imported without a licence may be seized and importers may be liable to penalties and prosecution.

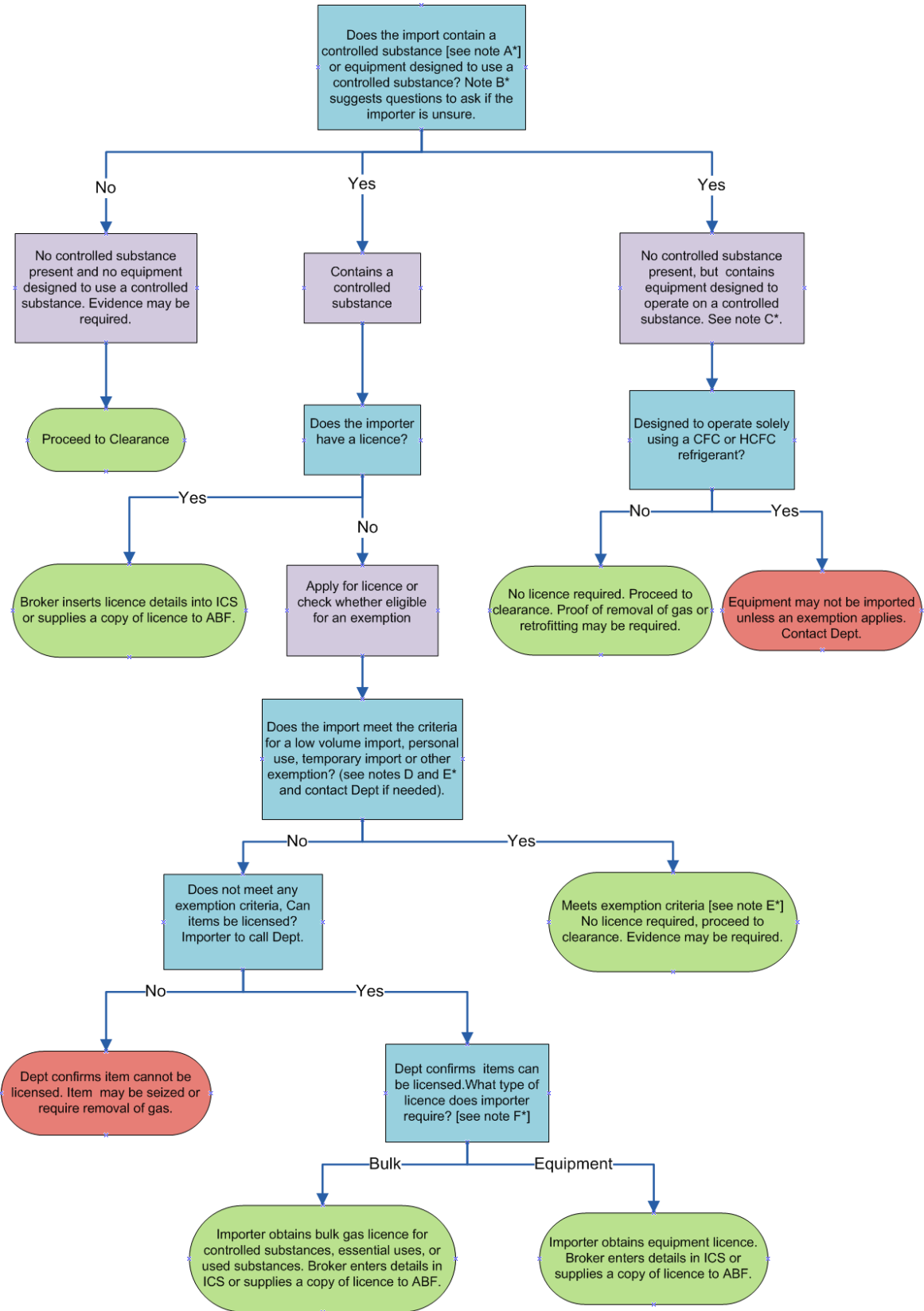
Importers should check import requirements before importing goods and allow adequate time to apply for a licence if one is required.

The Department of the Environment and Energy must decide whether to approve a licence application within 60 days of all required information being provided. The Department aims to deal with licence applications sooner, typically within 14 days.

Licence application fees cannot be refunded.

Import documentation must be complete, correct and in English (or translated into English).

The flow chart on the following page suggests a process for customs brokers to follow when dealing with imports that may contain goods regulated by the Act. For assistance, contact the Department of the Environment and Energy's Imports Operations Team on ozone@environment.gov.au or phone +61 2 6274 1373.



* See notes A-F on the next page and in more detail under 'Resources' at www.environment.gov.au/ozone/customs-brokers

Flowchart notes available in more detail at 'Resources' at

www.environment.gov.au/ozone/customs-brokers

A: List of controlled substances

Refer to [Schedule 1](#) of the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* (the Act).

B: Questions to ask the importer

See page 4 below.

C: Importing equipment without controlled gas.

See ['Importing vehicles, boats, caravans or any other equipment that may contain refrigerant gas into Australia'](#). *Note: new equipment is usually shipped with gas, unless the importer has specifically arranged for the gas to be removed.*

D: Exemptions

Section 40 of the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* is no longer in operation. For information on how items formerly covered under a Section 40 exemption are now handled, please see the equipment licence (EPQL) information at ['Equipment licences \(EQPLs\)'](#).

E: Criteria where no licence is required.

See page 5 onwards below.

F: Detailed information on the types of controlled substances licences (bulk gases) and equipment licences (EQPL).

More information can be found at ['Licences and reporting requirements'](#).

Note B. Does the import contain a controlled substance or equipment designed to use a controlled substance?

Questions to ask the importer

This information is designed to help customs brokers identify when an import is regulated under the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*, particularly where the importer does not know if the import contains a controlled substance or equipment designed to use a controlled substance.

Common circumstances where an importer may not know if their import contains controlled substances:

- Household goods imports of people relocating from overseas.
- Small-scale imports of regulated equipment mainly refrigeration and air conditioning equipment.
- International yacht or ship travellers or importers of vehicles or aircraft which contain refrigeration and air conditioning equipment and/or fire extinguishers.
- Unusual items of equipment, unusual import circumstances or people unfamiliar with the technical details of the goods.

Does the import include any of the following equipment?

- refrigerators and freezers of any type including commercial models
- air conditioning or heat pumps
- fire extinguishers
- scientific equipment
- large electrical equipment
- any gas-propelled item including air horns
- motor vehicles
- marine craft (including motor boats or sail craft)
- aircraft

These types of equipment often contain or are designed to operate using controlled substances. The importer will need to find out if the equipment is designed to use a substance listed at [Schedule1](#). Reference to the substance used is likely to be found on the item, e.g. on a compliance plate, manufacturer's label or on packaging, or in the product manual. If not, the importer may need to seek details of the substance(s) from the supplier or manufacturer.

Do your goods contain any gases (or liquefied gases) in tanks, cylinders or cans? They may be contained in the internal workings of machinery or equipment.

The importer will need to find out if the gases or liquefied gases are listed at [Schedule1](#). Reference to the substance used is likely to be found on the item, e.g. on a compliance plate, manufacturer's label or on packaging, or in the product manual. If not, the importer may need to seek details of the substance(s) from the supplier or manufacturer.

Has the gas been removed from the equipment before import?

If the equipment has had the gas removed, it is still important to know whether the equipment is designed to run on a controlled substance. In most cases, equipment without any gas will not require an import licence. If the equipment is designed to run solely on hydrochlorofluorocarbon (HCFC) or chlorofluorocarbon (CFC), it may not be imported unless an exemption applies.

EXEMPTIONS AND EXCLUSIONS FROM LICENCE (PERMIT) REQUIREMENTS FOR IMPORTS UNDER THE *OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS MANAGEMENT ACT 1989* (THE ACT)

GUIDE FOR CUSTOMS BROKERS

Importers must hold the correct licence to import items regulated under the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* (the Act), or be able to provide evidence their goods are exempt from the controls or licence requirements. The most commonly applicable exemptions and exclusions are listed here.

Licence applications can be made through the Department of the Environment and Energy's website at: <http://www.environment.gov.au/topics/environment-protection/ozone/licences-and-reporting/forms>.

Exemptions and exclusions suitable for self-assessment

Subject to appropriate evidence being provided by the importer, brokers can self-assess whether goods are exempt or not covered by the Act in the following circumstances:

- **The equipment does not contain a scheduled substance**, for example, has had the gas removed, or has never been filled with gas.
- **The equipment does not operate on a scheduled substance** - some equipment, similar to equipment that operates on scheduled substances, uses gases not covered by the Act and this equipment is excluded from licence requirements.
- **Low volume import exemption – Synthetic Greenhouse Gases** - Importers can import equipment containing up to a total of 25 kilograms of synthetic greenhouse gas (HFC, PFC, SF₆ or NF₃) during a calendar year without a licence. There is no limit on the number of pieces of equipment and the equipment may be imported in one or more consignments.
- The equipment contains a scheduled substance but **has been owned by the importer for more than 12 months and is principally for personal or domestic use**. This exemption can apply to motor vehicles but does not apply to commercial imports.
- The equipment contains a scheduled substance but is a **temporary import** (including goods covered by a carnet), qualifies as **returning goods**, or is covered under a Status of Forces Agreement (**SOFA**).

Table 1 below provides further information and examples of the evidence that would demonstrate compliance with the exemption requirements.

Exemptions and exclusions that should be referred to the Department of the Environment and Energy

There are some exclusions and exemptions that should not be assessed by brokers but should be referred to the Department of the Environment and Energy for assessment. The most significant of these are shown in Table 2 below.

The Department's Import Operations Team can be contacted on ozone@environment.gov.au or phone +61 2 6274 1373.

Table 1. Exemptions and exclusions that can be self-assessed

Circumstance when licence is not required	Details	Types of evidence that may be required
EQUIPMENT - LOW VOLUME EXEMPTION – SYNTHETIC GREENHOUSE GASES	Importers can import up to a total of 25 kilograms of synthetic greenhouse gas (HFC, PFC, SF ₆ or NF ₃) in equipment during a calendar year without a licence. There is no limit on the number of pieces of equipment and the equipment may be imported in one or more consignments.	<p>HFCs, PFCs, SF₆ and NF₃ can be found in air conditioning equipment, refrigeration equipment, and a range of other products such as electrical switch gear.</p> <p>Importers should keep track of imports containing these gases over the calendar year to be sure an import is eligible for the low volume exemption.</p> <p>NOTE: This exemption does not apply to equipment containing HCFCs. Most HCFC equipment is banned from import unless a personal use exemption applies or in certain limited circumstances when a licence may be granted. More information is in Table 2. Contact the Department of the Environment and Energy’s Import Operations Team on +61 2 6274 1373 or email: ozone@environment.gov.au</p>
EQUIPMENT DOES NOT CONTAIN A SCHEDULED SUBSTANCE: EG: THE GAS HAS BEEN REMOVED OR EQUIPMENT NEVER CHARGED WITH GAS	<p>An equipment licence is not required for equipment that normally operates on a synthetic greenhouse gas (HFC, PFC, SF₆ or NF₃) but which does not contain gas on arrival in Australia – never charged with gas or the gas has been removed.</p> <p>Note: equipment that is designed to operate solely on CFCs or HCFCs is prohibited unless a licence is granted, even if it does not contain the substance at import.</p>	<p>Importers may be asked to provide evidence that equipment does not contain a scheduled substance. Suitable documentation could include:</p> <ul style="list-style-type: none"> • a certificate or work order completed by the technician that removed the gas. Ideally this work should be completed by a refrigeration/air-conditioning technician and should include a description of the equipment and the type of refrigerant removed. • a letter or document from the manufacturer or supplier (on their letter head) confirming that the equipment has never been charged with gas. Note: it is unusual for new refrigeration or air-conditioning equipment to be shipped without refrigerant. Where there is a high risk of non-compliance (such as for large commercial consignments) please contact the Department of the Environment and Energy’s Import Operations Team on +61 2 6274 1373 or email: ozone@environment.gov.au.
EQUIPMENT OPERATES ON A SUBSTANCE THAT IS NOT CONTROLLED UNDER THE ACT	Licence requirements do not apply to equipment which contains a refrigerant that is not a scheduled substance. Other refrigerants include (but are not limited to): R170 (Ethane), R290 (Propane), R600 (Butane), R600A (Isobutane), R717 (Ammonia), R744 (CO ₂), R1270 (Propylene), R1234yf	<p>Importers may be asked to provide evidence that equipment does not contain a scheduled substance. Suitable documentation could include product specifications or a letter from the manufacturer or supplier (on their letter head) specifying the type of gas the equipment operates on.</p> <p>Note: Most new domestic fridges and freezers operate on R600A.</p>

Circumstance when licence is not required	Details	Types of evidence that may be required
PERSONAL USE IMPORTS	<p>An equipment licence is not required for equipment that has been:</p> <ul style="list-style-type: none"> - owned for more than 12 months, wholly or principally for private or domestic use, before importation; and - is imported wholly or principally for private or domestic use in Australia. <p>This can apply to refrigeration/air-conditioning equipment or fire suppression equipment either on its own or contained within motor vehicles, caravans, boats etc.</p> <p>This exemption is <u>not</u> available for commercial imports (ie, where the goods are owned by a business).</p>	<p>Importers may be asked to provide evidence that equipment is for personal use. Evidence of private ownership for more than 12 months can include:</p> <ul style="list-style-type: none"> • For vehicles - vehicle registration papers and/or purchase invoice, insurance papers. • For caravans/camper trailers and vessels - purchase invoice, registration or insurance papers. • For domestic refrigerators and air conditioning units – purchase invoice, warranty documents or a statutory declaration by the importer.
TEMPORARY IMPORTS, RETURNING AUSTRALIAN GOODS, OR GOODS COVERED BY SOFA	<p>An equipment licence is not required for equipment which qualifies as a temporary import (e.g. imported under carnet or under security), is returning Australian goods, or goods covered by a Status of Forces Agreement (SOFA).</p>	<p>Importers may be asked to provide evidence that the imports meet the requirements.</p> <p>For temporary imports - evidence satisfying the Australian Border Force requirements for a temporary import. Such evidence can include documentation that shows:</p> <ul style="list-style-type: none"> • the goods are under a carnet, or • the goods are under a security paid to Australian Border Force, or • the goods are under a TRADEX, or • the goods are under a Customs Control Permit. <p>For returning goods - evidence that the same controlled substances were exported (both type and quantity) - eg, export declaration, export bill of lading, carnet issued in Australia.</p> <p>For goods that are covered under a Status of Forces Agreement - evidence that the SOFA applies to the goods.</p>

Table 2. Other exclusions and exemptions – not for broker assessment

Circumstance allowing for exemption	Details	Please refer to the Department of the Environment and Energy
<p>SGG EQUIPMENT DEFINED AS MEDICINE, MEDICAL DEVICES, VETERINARY MEDICINES OR VETERINARY MEDICAL DEVICES</p>	<p>An equipment licence is not required for equipment containing a scheduled substance that is a medical device/medicine or a veterinary device/medicine. These terms are defined in legislation (for example 'medical device' is defined under the <i>Therapeutic Goods Act 1989</i>).</p> <p>Examples of medical devices include metered dose inhalers (e.g. asthma puffers), medical spray adhesive, and tamponade for eye surgery. In most cases medical devices will be listed on the Australian Register of Therapeutic Goods http://www.tga.gov.au/industry/artg-searching.htm</p>	<p>Please refer all claims for this exemption to the Department of the Environment and Energy's Import Operations Team on +61 2 6274 1373 or email: ozone@environment.gov.au.</p>

Circumstance allowing for exemption	Details	Please refer to the Department of the Environment and Energy
EQUIPMENT CHARGED WITH OR DESIGNED TO OPERATE ONLY ON HCFC, CFC OR HALON	<p>The Act bans the manufacture or import of equipment charged with or designed to operate only on an ozone depleting substance (CFC, HCFC or halon).</p> <p>An equipment licence may be granted in limited circumstances to import equipment using ozone depleting substances. This equipment may be brought in under a personal use exemption, if applicable.</p> <p>A licence may be granted to import HCFC equipment under the following circumstances:</p> <ul style="list-style-type: none"> • if the equipment is replacement parts for existing HCFC refrigeration or air conditioning equipment (this does not include a complete or substantially complete indoor or outdoor unit of a split system air conditioner). • if the equipment is insulated with foam manufactured with HCFC. • If it would be impracticable to comply with the ban and remove or retrofit the equipment because it is incidental to the main import (for example equipment incorporated into a large boat or drilling rig). • If the equipment is for test, monitoring, or laboratory and analytical use where there is no practical and effective alternative to that equipment. <p>A licence may be granted to import CFC, halon or HCFC equipment under the following circumstances:</p> <ul style="list-style-type: none"> • If the equipment is essential for medical, veterinary, defence, industrial safety or public safety purposes, and no practical and effective alternative exists. • If the equipment is for use in conjunction with the calibration of scientific, measuring or safety equipment. 	Contact the Department of the Environment and Energy's Import Operations Team on +61 2 6274 1373 or email: ozone@environment.gov.au .

Circumstance when permit is not required	Explanation	Please refer to the Department of the Environment and Energy
SGGs USED AND DESTROYED IN MANUFACTURING	The Minister may grant a licensing exemption for imports of bulk synthetic greenhouse gas if the gas will be destroyed as part of a manufacturing process.	This exemption is granted by the Minister for the Environment and Energy (a written notice is issued but no licence number is allocated). Please refer all claims for this exemption to the Department of the Environment and Energy's Import Operations Team on +61 2 6274 1373 or email: ozone@environment.gov.au .
SGGs USED IN PRODUCTION OR CASTING OF MAGNESIUM	The Minister may grant a permit for a specific quantity of a specified SGG to be imported for use in the production or casting of magnesium.	Please refer all claims for this exemption to the Department of the Environment and Energy's Import Operations Team on +61 2 6274 1373 or email: ozone@environment.gov.au .
SCHEDULED SUBSTANCES FOR USE AS A FEEDSTOCK	A feedstock is an intermediate substance which is used to manufacture other chemicals. A scheduled substance may be imported without a licence if it is exclusively for use as a feedstock.	Reporting requirements still apply. Please refer all claims for this exemption to the Department of the Environment and Energy's Import Operations Team on +61 2 6274 1373 or email: ozone@environment.gov.au .