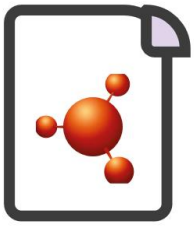
THIS WEEK IN HELPDESK

Submitting PCNs before compliance date

December 2020

With the first Annex VIII compliance date soon here, many companies are rushing to make their poison centre notifications in the ECHA Submission portal now. The Poison Centre Team would like to remind that the compliance date is not a deadline, and that national obligations continue to apply until 1 January 2021.



Background

Annex VIII sets specific compliance dates according to the end use of the mixture. Obligations start applying from 1 January 2021 for **new** mixtures intended for consumer and professional use, and from 1 January 2024 for **new** mixtures intended for industrial use. There is also a transitional period for mixtures where information under Article 45 and not in accordance with Annex VIII has already been submitted before the relevant compliance date. National obligations continue to apply until these compliance dates. Note that some Member States are already now accepting notifications in the harmonised format under their national regimes.

Can I submit a PCN in the ECHA Portal to Member States not yet accepting notifications?

Technically it is possible to submit the notification, but if the Appointed Body is not ready to accept it, the notification will not meet regulatory compliance with respect to Article 45. Even if the submission report indicates that the Member State has received your notification, you will still need to check the Overview of Member States table to see if they are connected and accepting the submitted notifications – see our webpage for more https://poisoncentres.echa.europa.eu/echa-submission-portal.

If I submit to a Member State accepting submissions in the Portal before 1st Jan 2021, can I benefit from the transitional period?[1]

If the submitted information is in accordance with Annex VIII, the transitional period does not apply, and Annex VIII applies in full starting from the relevant compliance date. This means that you are required to include the UFI on the label of mixtures placed on the market after the compliance date. This is the same both in Member States requesting the same information as in Annex VIII via a national system, and in Member States allowing the use of the Portal.

When can I place my product on the market?

In most cases, once you see that the Appointed Body is accepting submissions and the notification has passed the automated validation checks, the product can be placed on market. In other cases, there may be additional requirements e.g. fee payment. See our Member States Overview table for more information. In case of doubt, contact the relevant Appointed Body https://poisoncentres.echa.europa.eu/appointed-bodies.

[1] Corrigendum – the answer to this question has been updated and clarified with the Commission.