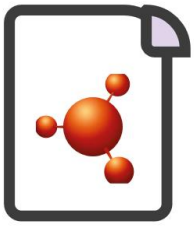
THIS WEEK IN HELPDESK

Submitting PCNs before compliance date

October 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 if you are not covered by the transition period, then national obligations continue to apply until 1 January 2021.



Background

Annex VIII sets specific compliance dates according to the end use of the mixture and obligations will 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 has already been submitted before the relevant compliance date. National obligations continue to apply before these compliance dates and 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 connected to receive notifications, the notification will not meet regulatory compliance with respect to Article 45. Once you receive indication from the submission report that the notification has been received by the Member State, you will still need, in the lead up to January 2021, to check the Overview of Member States table to see if the Member State is 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 transition period?

The Portal only accepts the harmonised format and will fail the validation rule checks if not adhered to. However, if you have already submitted information via the Portal to accepting Member States before the relevant compliance date, you are legally covered by the transition period. That said, the only foreseeable benefit for industry in such cases is the postponement of the relabelling of the mixtures. Note though that the UFI would be expected to be on the label in case of changes to the mixture, where an update according to Annex VIII is required.

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, then 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, or in case of doubt, contact the relevant Appointed Body https://poisoncentres.echa.europa.eu/appointed-bodies.