Topic:	CLP	Scope:	Poison Centres	Chapter:	Compliance dates and transition pe…

Question:

Can mixtures, subject to Annex VIII to CLP, and already placed on the market before the 1st January 2025, remain on the shelves after that date for further supply without a UFI?

Answer:

Yes, they can, if duty holders already submitted information based on national requirements benefitting f rom the transitional period until 1 January 2025 and did not create a UFI when they labelled the mixture.

A duty holder (downstream user/importer) having submitted notifications before the respective compliance dates following the national requirements that by virtue of national law are not in accordance with the Annex VIII requirements, can benefit from the transitional period until 2025 and does **not** have to affix the UFI before the date when they submit an Annex VIII-compliant notification, at the latest 1 January 2025.

A mixture for which the duty holder benefits from the transitional period until 1 January 2025 at the latest, will still be compliant with the CLP if distributed without a UFI after the date when the duty holder stops benefitting from the transitional period. That is because, pursuant to Article 25(7) of CLP, mixtures only have to be labelled with a UFI "where under Annex VIII the submitter creates a unique formula identifier". If, before 1 January 2025, the downstream user or importer had not created a UFI at the time of labelling the mixture, the mixture therefore complies with the CLP Regulation even if it is subsequently distributed without a UFI affixed on the label.

Retailers (distributors) who have received a hazardous mixture benefitting from the transitional period, can still place it on the market without a UFI on the label, because the duty holders did not need to create a UFI by then. Note that in cases where distributors' activities lead to submission obligations according to Article 4(10) of CLP, these submission obligations apply, and the mixture cannot be placed on the market without a UFI on the label (see section 3.1.2 of ECHA's Annex VIII-guidance).

The downstream user or importer will only have the obligation to create the UFI as of the date when they stop benefitting f rom the transitional period (A.1.4. of Annex VIII). This may eventually require relabelling the products already in their warehouses and shelves. These operators may decide to add the UFI to existing labels by means of stickers (see Guidance on Labelling and packaging (https://echa.europa.eu/documents/10162/2324906/clp_labelling_en.pdf) for more information on placement of the UFI on the label). This option is allowed and will avoid the need to re-print the labels and replace them.

Section 3.1 of the **Guidance on harmonised information relating to emergency health response** (https://echa.europa.eu/documents/10162/13643/guidance_on_annex_viii_to_clp_en.pdf/412c5874-f8ec-cf52-fe1e-2fbe08fe2d11)explains which activities lead to the obligation to notify and will help a specific operator to identify their duties. This section needs to be read along the *Note to the reader* at the beginning of the Guidance document itself , stating the dissenting view of few Member States with regards to the interpretation of duty holder under Article 45.

ID:	1727	Version:	5.0	Modification Date:	19/03/2024

This answer has been agreed with national helpdesks.