

Subject: Obligations for labelling and packaging for Pre-filled cans

Dear Customer,

Pre-filled cans are aerosols filled with solvent and propellant or only propellant.

Chemicar Europe sells these pre-filled cans to resellers. Down the delivery chain there are 3 options:

- 1) The reseller adds paint to the pre-fill and sells it to the end-user.
- 2) The reseller sells the pre-fill to a reseller who adds paint and sells to end-user.
- 3) The reseller sells the pre-fill to a reseller and repetition of 1) or 2).

With the addition of the paint from another supplier the properties, including the hazardous, could significantly change. Therefore for a reseller who purchases and processes these cans there are some legal responsibilities to consider when adding paint. These responsibilities consider labelling, SDS and UFI-notifications to poison centre(s).

Manufacturer (Chemicar Europe):

As manufacturer of the pre-filled cans, Chemicar Europe assesses the hazardous properties of the mixture according EU CLP Regulation (EC) 1272/2008.

Based on these hazardous properties an SDS and label is created and the mixture is notified to the required and appropriate poison centre(s).

In the transition to the reseller the SDS is provided and product is labelled, packed and transported to reseller.

Reseller:

The reseller receives the cans and adds paint to it! This addition changes the properties of the mixture and a new assessment of the hazardous properties has to be performed, including recalculation of VOC content for car refinishing applications. (Article 15 of the EU CLP Regulation (EC) 1272/2008 describes the obligation to re-assess the hazards)

In the transition to the end-user the reseller is responsible for:

- UFI-Notification – The reseller has to notify the new mixture and its components to the appropriate poison centre(s). This can be done by using the registration numbers from the manufacturers of the pre-filled can and of the paint manufacturer when available. If the UFI of pre-fill can and paint are available, a notification according to the mixture-in-mixture principle can be done (For details see <https://poisoncentres.echa.europa.eu>).

- SDS – The reseller is not obligated to provide a SDS to the end user, but if requested he must have this available. Therefore a SDS based on the new mixture has to be realized.

- Labelling – A new label with the name, address and contact information from the reseller needs to be created including the hazardous properties of the new mixture and new UFI-code. This new label has to replace the hazard label of the 'old' pre-fill mixture before selling it to the end-user.

For label details see Guidance on labelling and packaging in accordance with Regulation (EC) 1272/2008, <https://echa.europa.eu/-/guidance-on-labelling-and-packaging-panel>.

There is an exemption with regards to the UFI-codes on the label, in the CLP, Annex VIII - Version 4.0, for 'bespoke paints'. In the definition of bespoke paints there is the pre-requisite that the final paint is formulated at the point of sale. (This might apply to option 2)

For bespoke paints there is an option to put 2 UFI-codes on the label (from the pre-fill and from the paint) These have to be located together and listed in descending order of the mixtures concentration in the bespoke paint.

Chemical Europe expects from their resellers that they take their responsibility and generate their own UFI-code for the product they deliver, notify in the countries where they deliver and inform their customers further down the delivery chain.

Important points for relabelling:

- o Name, address, location and contact information of reseller should be on the label.
- o Changes on hazardous properties should be addressed on new-label.
- o The volume of the can has changed and should be changed on the label accordingly.
- o VOC change should be mentioned on SDS and on label (mandatory for car-refinishing applications).

If your products are registered with local poison centres in the countries where you sell your products, you are exempt from UFI notification until 1 January 2025.

If you have difficulties in technically performing these obligations we want to mention that there are several consultancy bureaus that are specialized.

*The information in this document is based on the information and knowledge available as of December 2021.