

FAQ on SDS provided voluntarily

1 - When a company wishes to provide information for substances and mixtures for which no SDS is required according to article 31 of REACH, should they follow the annex II of REACH format?

Many companies will be providing information on substances and mixtures to customers that do not require an SDS under the legal provisions of Article 31 of REACH. In doing so it is important to the customer that it is clearly stated that such information is provided, for example, in compliance with Article 32 and not Article 31.

Companies may prefer to use the SDS format to facilitate documentation processing, however it is recommended that it is clearly stated that such information is not required to comply with the provisions of Article 31.

Companies may also prefer to use the term Substance and/or Mixture Information Sheet, or another similar wording, in supplying information to customers. Here again it is worthwhile to clearly indicate that such information/documentation provided is not required to comply with the provisions of Article 31.

The [ECHA SDS Guidance](#) states (§3.21):

*“From marketing and/or logistical aspects it may in certain cases be useful for suppliers to have Safety Data Sheets available for all substances and mixtures, including those for which there is no legal obligation to provide an SDS. In such cases it may be desirable to indicate in the document that the substance or mixture does not legally require an SDS to avoid unnecessary compliance and conformity issues arising. It is **not** generally desirable to compile SDSs for **articles**.*

*It may also be useful to supply information required according to Article 32 of REACH concerning the duty to communicate information down the supply chain for substances on their own or in mixtures for which a safety data sheet is not required in the SDS format. However it should be noted that this is **not** required by the REACH Regulation and again in these cases it may be desirable to indicate in the document that the substance or mixture does not legally require an SDS to avoid unnecessary compliance and conformity issues arising. Similarly it may be specifically indicated when such a document is being used to communicate information according to article 32.”*

The REACH requirements applying to SDS (format, provision, revision, update...) do not apply to any information not supplied in accordance with article 31.

The guidance says that to avoid these “unnecessary compliance and conformity issues”, it may be stated in the document that it is not legally required.

Among other possible solutions would be the addition to the relevant SDS of a phrase such as ‘A safety data sheet is not required for this product under Article 31 of REACH. This SDS has been created on a voluntary basis [to pass on relevant information required under Article 32]”

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2 - What can be done when a DU asks for a SDS when it is not required by REACH?

Some DU systematically request a SDS for all substances and mixtures. It may be part of their acceptance procedure.

Such practices are understandable but there is a need to carefully consider them from both sides, especially with REACH provisions increasing the status of the SDS, both for the supplier and the DU.

From the supplier:

The substances and mixtures for which a SDS has to be provided, either no later than the time of first delivery, either on request, are defined in article 31 of REACH. There is no obligation to provide a SDS for a substance or mixture not covered by these provisions.

When a SDS is not legally required by article 31 of REACH:

- The supplier may provide information which may or not be in a similar format to an SDS. When a similar format to an SDS is used, it should be clearly marked that it does not comply with the provisions of Article 31
- or
- He may provide the DU with a confirmation that a SDS is not legally required for the considered substance/mixture.

The DU can include it in its acceptance procedure/documentation and be in a position to show enforcement authorities that he has asked and received guarantees from his supplier.

From the DU:

When information is supplied to a DU, either according to article 31 of REACH (SDS) or to article 32 (information supplied when a SDS is not required), he will need to take it into account (article 37.5. b and c of REACH).

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