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EG-Sicherheitsdatenblätter

In der EU-REACH-Verordnung 1907/2006 wird zwischen Chemikalien, Zubereitungen und Erzeugnissen unterschieden. Entsprechend dieser Verordnung und der Stellungnahme des Verbandes der Europäischen Schreibgerätehersteller (EWIMA) werden fertige Produkte wie z.B. Marker und Schreibgeräte als Erzeugnisse betrachtet, für die keine Sicherheitsdatenblätter erstellt werden müssen.

Für Chemikalien und Zubereitungen hingegen sind Sicherheitsdatenblätter Pflicht. edding-Tinten an sich gelten in diesem Sinn als Zubereitungen, für die auch Sicherheitsdatenblätter erstellt werden müssen. Die entsprechenden Angaben in den Sicherheitsdatenblättern beziehen sich allerdings auf die lose Tinte in großen Behältern.



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EWIMA Information – “CLP-Labeling” and “SDS” for Products of the Writing Instruments Industry

The EWIMA secretariat has been repeatedly informed that members have received requests from customers to label their products according to European chemicals legislation and/or to deliver safety data sheets (SDS) for their products.

The EWIMA members are aware of the European chemicals legislation, namely *CLP regulation* on "Classification, Labelling and Packaging of Substances and Mixtures" (No. (EU) 1272/2008) and on *REACH regulation* concerning the "Registration, Evaluation, Authorisation and Restriction of Chemicals" (No. (EU) 1907/2006).

“CLP-Labeling” of Products of the Writing Instruments Industry

In general, the *CLP regulation* describes criteria for classification of substances and mixtures with regard to possible dangerous properties and sets rules on labelling and packaging for substances and mixtures identified as hazardous according to the provision.

According to Art. 17, *CLP regulation*, a substance or mixture classified as hazardous and contained in a packaging shall bear a label including the elements described in Art. 17.

In paragraph (39) of the preamble of the *CLP regulation* it is stated, that substances and mixtures classified as hazardous should be labelled and packaged according to their classification to ensure appropriate protection and to provide essential information to their recipients, by drawing their attention to the hazards of the substance or mixture.

According to paragraph (40) of the preamble, the two instruments foreseen by the *CLP regulation* to communicate the hazards of substances and mixtures are **labels** and **safety data sheets** (SDS, requirements laid down in the *REACH regulation*):

- **The label is the only tool for communication to consumers**, but it may also serve to draw the attention of workers to the more comprehensive information on substances or mixtures provided in safety data sheets.
- **Safety data sheets are the main communication tool within the commercial supply chain of substances and mixtures.**

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Certain “mixtures” sold by the writing instruments industry e.g. inks in containers, paints or other fluids as well as modelling materials may require classification, labelling and packaging according to CLP when certain dangerous properties have been identified.

**Labelling according to *CLP regulation* addresses “substances” and “mixtures”.
Labelling of "articles" is not foreseen.**

To distinguish clearly between products of the writing instruments industry considered as “articles” and products considered as “mixtures”, please refer to EWIMA position “Classification of products for manual writing, drawing and painting as „article“ or „mixture“ as defined by the European regulation (EC) 1907/2006 - REACH” (GE-03-2013).

Safety Data Sheets (SDS) for Products of the Writing Instruments Industry

Delivery and requirements of SDS are comprehensively described in the *REACH regulation*:

According to Art. 31, No. 1, the supplier of a substance or a mixture shall provide the recipient of the substance or mixture with a SDS (detailes described in Annex II, *REACH regulation*):

- a. where a substance meets the criteria for classification as hazardous in accordance with *CLP regulation* or a mixture meets the criteria for classification as dangerous in accordance with Directive 1999/45/EC; or
- b. where a substance is persistent, bio accumulative and toxic or very persistent and very bio accumulative in accordance with the criteria (details described in Annex XIII, *REACH regulation*); or
- c. where a substance is included in the list established in accordance with Art. 59(1) (→ SVHC).

According to Art. 31, No. 3, the supplier shall provide the recipient at his request with a SDS, where a mixture does not meet the criteria for classification as dangerous, but contains:

- a. at least one substance posing human health or environmental hazards in an individual concentration of ≥ 1 % by weight for non-gaseous mixtures and $\geq 0,2$ % by volume for gaseous mixtures; or
- b. at least one substance that is persistent, bio accumulative and toxic or very persistent and very bio accumulative or has been included considered as SVHC (Art. 59(1)) in an individual concentration of $\geq 0,1$ % by weight for non-gaseous mixtures; or
- c. a substance for which there are European Community workplace exposure limits.

Issuing a SDS is not compulsory if a substance is not classified as dangerous and if a mixture does not contain any dangerous component or meeting the criteria mentioned above.

Art. 31 clearly addresses “substances” and “mixtures”. “Articles” are not mentioned.

Furthermore additional information may be found

- in the preamble of the *CLP regulation* addressing the communication tools (labelling, SDS) for hazardous substances or hazardous mixtures mentioned above and
- in the ECHA guidance document "Guidance on the compilation of safety data sheets": SDSs do not have to be provided for articles. Although the SDS format may, for a few specific articles, be used to convey safety information down the supply chain, it is not adapted to most articles (1.1, p6).

ECHA offers comprehensive information on SDS:

<http://echa.europa.eu/regulations/clp/safety-data-sheets>

To distinguish clearly between products of the writing instruments industry considered as "articles" and products considered as "mixtures", please refer to EWIMA position "Classification of products for manual writing, drawing and painting as „article“ or „mixture“ as defined by the European regulation (EC) 1907/2006 - REACH" (GE-03-2013).

The technical experts inside EWIMA endorsed EWIMA's long standing policy not to inflate the use of SDS.

EWIMA clearly follows the European legislation on chemicals (REACH), which stipulates mandatory use of SDS for mixtures / substances but not for articles. Finished products like pens and pencils and other writing utensils are considered as articles.

Consequently, EWIMA members are only legally obliged to issue SDS for liquids (inks) for writing, drawing or any colouring purposes sold in containers and classified as dangerous substances / mixtures according to REACH. Only this compliant distribution of SDS should be applied in our industry to act uniformly towards the customers, and the relevant enforcement authorities.