



Downstream Users of Chemicals Co-ordination group

## Information in the supply chain - Art 31.4

### ***Classified mixtures bought by professionals in a supermarket***

#### **Background:**

In a number of sectors, products (mixtures) sold to end-users via retail shops (e. g. supermarket) are meant to be purchased and used by private consumers, but may be purchased by professional users as well. According to the REACH regulation, when a product is offered or sold to the general public but is used professionally, the professional user is considered as a downstream user (DU)<sup>1</sup>.

#### **Scope:**

This paper focuses on the obligations of the different market players (downstream user<sup>2</sup>, distributor) when products (mixtures) (e.g. cleaning products, paints, glues,...) are sold in supermarkets and used by professional users.

#### **Case of professional Downstream User:**

In general, only for products which meet the criteria for classification as “hazardous”, a Safety Data Sheet (SDS) needs to be supplied. In case of consumer products only distributors or retail shops selling the product need to be provided with an SDS by the formulator on request. Distributors, retailers nor formulators have the obligation to provide an SDS to a consumer. Labeling on pack is the appropriate way to communicate to consumers.

In case a product meeting the criteria for classification as hazardous is purchased by a professional user in a supermarket, the professional user should ask for an SDS.

In the case a professional user concludes from the SDS or the labeling of a consumer product that professional use of the product is not covered, the formulator of the product cannot be held responsible for such use of his product. Any such use is not intended.

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<sup>1</sup> Art 31.1: The supplier of a mixture shall provide the recipient of the mixture with a safety data sheet where it meets the criteria for classification as dangerous in accordance with Directive 1999/45/EC. Art 31.4: The safety data sheet of a mixture which is offered or sold to the general public need not be supplied if the mixture is provided with sufficient information to enable users to take the necessary measures as regards the protection of human health, safety and the environment, unless requested by a downstream user or distributor.

<sup>2</sup>Art 3.13: Downstream user: any natural or legal person established within the Community, other than the manufacturer or the importer, who uses a substance, either on its own or in a mixture, in the course of his industrial or professional activities. A distributor or a consumer is not a downstream user.