

Material Compliance Guideline

Berghof Products + Instruments GmbH

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1 Introduction

The purpose of this guideline is to ensure the environmentally compatible and occupationally safe handling of substances and products in the development and production, use, recycling and disposal of the resulting intermediate and end products. It describes the requirements of Berghof Products + Instruments GmbH regarding all known prohibited, regulated and declarable substances in current form.

The material compliance requirements are equivalent to the other product requirements.

The necessity of procuring the respective current laws, standards and directives remains unaffected by this and continues to apply as the supplier's duty to collect. The supplier's obligation to comply with legal requirements (e.g. national laws) is not affected by this guideline. Where there is a difference between this guideline and other legal, normative, customer-specific or other requirements, the stricter specification shall always be applied.

Berghof Products + Instruments GmbH requires that all products or product parts, product packaging and transport materials supplied to it comply with the requirements of this directive.

Each supplier undertakes to comply with this guideline. Compliance with these requirements is the responsibility of the supplier. Suppliers are also obliged to provide, free of charge, the material information required to verify compliance with the legal requirements and these guidelines.

Berghof Products + Instruments GmbH makes the guideline available for download on its website.

www.berghof-instruments.com

The supplier is obliged to regularly check whether the guideline is available in an updated form. With the amendment of the guideline, it replaces the previous version and is valid with immediate effect. Berghof Products + Instruments GmbH will not notify the supplier of any changes to the guideline.

2 Terms and Abbreviations

Substance:

A chemical element and its compounds in natural form or obtained by a manufacturing process, including additives necessary to maintain its stability and impurities resulting from the process used, but excluding solvents which can be separated from the substance without affecting its stability or changing its composition (cf. REACH Art. 3(1)).

Examples of chemical compounds

organic: water, formaldehyde, ethanol

metallic: iron, copper, tin

mineral: iron sulphide, sodium chloride, silicic acid

Preparation:

Mixtures or solutions of two or more substances (mixture and preparation are synonymous).

Examples of preparations:

Mixture: Sand, Air

Solution: octane in petrol

Homogeneous material:

a material of uniform composition throughout or a material consisting of different materials which cannot be broken down or separated into individual materials by mechanical processes such as unscrewing, cutting, crushing, grinding and sanding (cf. RoHS Art. 3 Para. 20). Examples of homogeneous materials are individual types of plastics, ceramics, glasses, metals, alloys, synthetic resins and coating.

Article:

Object which, during manufacture, is given a specific shape, surface or design which determines its function to a greater extent than its chemical composition;

Intentionally added:

Generally known as the intentional use of a substance contained in an article to produce a particular property, appearance or quality.

Battery or accumulator:

A source of electrical energy consisting of one or more (non-rechargeable) primary cells or of one or more (rechargeable) secondary cells obtained by direct conversion of chemical energy.

Packaging:

products made of any material to contain for protection, handling, delivery and presentation of goods, which may range from raw material to processed product and are passed on by the producer to the user or consumer. All "disposable articles" used for the same purpose are also to be regarded as packaging (cf. EU Packaging Directive Art. 3 para. 1).

Packaging components:

Parts of the packaging which can be separated by hand or by simple mechanical operations. Additional elements directly attached or attached to a product and fulfilling a packaging function are considered to be packaging unless they are an integral part of the product.

Prohibited substances:

Prohibited substances must not be contained in articles, components, materials, preparations and auxiliary and operating materials above the limit values specified in this document. These substances may only be present as naturally occurring impurities; they may not be added intentionally. Impurities with these substances shall be qualitatively indicated.

Substances subject to declaration:

Substances classified as declarable are not desirable in some applications and must be declared above the specified limits. The listed substances must be specified for each product, component, material, substance preparation, auxiliary or operating material. Content limits are specified in the document for the individual substances. Below these limits, the declaration is not required.

Latest application date

According to the REACH Regulation, an application for authorisation must be submitted by this date (date is at least 18 months before the Sunset date) so that the substance can continue to be used. (Deadline)

Information on the authorization application and the formal procedure of an authorization application can be found at:

<https://echa.europa.eu/applications-for-authorisation-consultation>

Sunset date:

After this date, the placing on the market and use of a substance listed in Annex XIV of the REACH Regulation is prohibited unless an authorisation has been granted.

CAS Number:

The CAS number (also CAS Registry Number, CAS = Chemical Abstracts Service) is an international designation standard for chemical substances. There is a unique CAS number for each chemical substance (including biosequences, alloys, polymers) registered in the CAS database.

SVHC:

(*Substances of Very High Concern, dt.: „besonders besorgniserregende Stoffe“*) Are chemical compounds (or part of a group of chemical compounds) that have been identified under the REACH Regulation as having particularly hazardous properties. These substances can have serious effects on human health or on the environment. The listing of a substance as SVHC by the European Chemicals Agency (ECHA) is the first step for the restriction of the chemical.

SCIP database:

(*Substances of Concern in Products, dt.: „Besorgniserregende Stoffe in Artikeln“*) Database to supplement the notification and reporting obligations under the REACH Regulation.

CMRT: (*Conflict Minerals Reporting Template, dt.: „Berichtsvorlage Konfliktmineralien“*) Free, standardised reporting template for the transmission of information on the origin of potential conflict minerals within the supply chain.

3 Regulated substances

3.1 RoHS Directive 2011/65/EU

Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS Directive) entered into force on 2 January 2013. It was most recently updated by the delegated directive 2015/863 (RoHS3).

The RoHS substance regulations refer to the maximum concentrations in the homogeneous material of each article.

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Substance groups:	
Cadmium and Cadmium compounds	< 0,01 %
Hexavalent Chromium (Cr ⁶⁺) and Cr ⁶⁺ -compounds	< 0,1 %
Lead and lead compounds	
Quecksilber und Quecksilberverbindungen	
Polybrominated Diphenylethers (PBDE)	
Polybrominated Biphenyles (PBB)	
Di(2-ethylhexyl)phthalate (DEHP)	
Butylbenzylphthalate (BBP)	
Dibutylphthalate (DBP)	
Diisobutylphthalate (DIBP)	

If exemptions have been applied to delivered goods, this must be communicated to Berghof Products + Instruments GmbH in writing and the concentration of the pollutants used must be stated!

The currently valid exemptions can be found in Annexes III and IV of Directive 2011/65/EU..

<https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX:32011L0065&from=DE>

3.2 REACH Regulation EC No. 1907/2006

The substances listed in Annex XVII of the REACH Regulation are subject to restrictions on manufacture, placing on the market and use. A consolidated version can be found at:

<http://www.reach-clp-biozid-helpdesk.de/de/REACH/Zulassung-Beschraenkung/Beschraenkung/Anhang-XVII/Anhang17.html>

3.3 Packaging Directive

The European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste on packaging and packaging waste limits the concentration of heavy metals in packaging.

Table 2: Substance restriction packaging Pure substances and substance groups	Maximum concentration in packaging or packaging components in ppm by weight
Lead, Cadmium, Mercury and Chromium VI	< 100 ppm*

* cumulative

3.4 Regulation (EU) 2019/1021 - Persistent Organic Pollutants (POPs)

This EU Regulation implements, among others, the Stockholm Convention on Persistent Organic Pollutants. The Stockholm Convention, also known as the POP Convention, is an international agreement on binding prohibition and restriction measures for certain persistent organic pollutants. Currently, the Convention bans or restricts the production, use and trade of 22 hazardous chemicals.

Further information on the Stockholm Convention can be found on the official website at:

<http://chm.pops.int/>

3.5 Dodd-Frank-Act (Sec. 1502) - Conflict Minerals

Under the US Dodd Frank Act, Section 1502, companies in the manufacturing industry must disclose to the Securities and Exchange Commission (SEC) the origin of 3TG minerals (tin, tantalum, tungsten and gold) in their products if they originate from the war zone in and around the Democratic Republic of Congo (DRC).

The five critical requirements of the conflict minerals reporting process are:

1. determine applicability: are 3TG minerals present in products or components?
2. appropriate country of origin verification: do the 3TG minerals originate from a conflict region?
3. due diligence: for 3TG minerals from the region around the Democratic Republic of Congo, due diligence must be conducted throughout the chain of responsibility
 1. Determine status: Determine conflict mineral status at supplier, component and product level.
 4. reporting: meeting reporting requirements to SEC and customers.

Suppliers are therefore required to declare whether and, if so, which of the specified 3TG minerals are contained in their supplied goods and, if so, to indicate their origin. These declarations can be made informally or with the help of the CMRT. For cobalt and mica, please use the EMRT accordingly. The templates can be downloaded here:

<https://www.responsiblemineralsinitiative.org/reporting-templates/cmrt/>

<https://www.responsiblemineralsinitiative.org/reporting-templates/emrt/>

4 Substances subject to authorisation

The inclusion of a substance from the list of substances of very high concern in Annex XIV of the REACH Regulation leads to an authorization requirement for this substance at the end of the procedure. After a transitional period, the substance may only be used with a corresponding authorisation or its use is banned.

The complete list can be found at:

<https://echa.europa.eu/de/authorisation-list>

5 Declarable substance

Article 33 of the REACH Regulation requires each supplier to do the following:

(1) Any supplier of an article containing a substance meeting the criteria of Article 57 and identified in accordance with Article 59(1) in a concentration higher than 0.1% by mass (w/w) shall provide the recipient of the article with the information available to him which is sufficient for the safe use of the article, but shall at least indicate the name of the substance concerned.

The official, current SVHC candidate list according to REACH can be found online at:

<https://echa.europa.eu/candidate-list-table>

This applies to ingredients of very high concern (SVHC candidate list) in

- components
- spare parts
- accessories
- packaging

As far as the delivered articles contain substances of very high concern (SVHC) in a proportion of more than 0.1% by weight, which are published in the so-called candidate list according to Art. 59 para. 1 of the Regulation 1907/2006/EC, the contractor is obliged to provide all information according to Art. 33 para. 1 of the Regulation 1907/2006/EC together with the delivery without being asked. This also applies if such a substance is only included in the candidate list during the ongoing supply relationship.

According to the decision of the European Court of Justice, the concept of "once an article, always an article" applies. As soon as an article exceeds the concentration limit of 0.1%, the presence of this SVHC candidate substance must be communicated throughout the supply chain..

Since 2021 it is obligatory for European companies to register articles with SVHC candidates in the SCIP database of the European Chemicals Agency (ECHA) in addition to the Article 33 (1) and (2) communication. We recommend every company to communicate the SCIP IDs for the registered articles with the European customers. (see chapter "Material data communication according to IEC 62474").

6 Material data communication according to IEC 62474

With the amendment of the Waste Framework Directive 2008/98/EC, ECHA was tasked with establishing an EU-wide database for information on substances of very high concern (SVHC). From 5 January 2021, manufacturers and importers are obliged to maintain the so-called SCIP database with information on SVHC in their products.

The required information concerns the safe use of articles with a certain SVHC content. At least the name, concentration and localisation of the SVHC have to be indicated.

More information under:

<https://echa.europa.eu/de/scip-database>

In order to be able to fulfil these legal obligations, comprehensive material declarations from our suppliers are essential. The international standard IEC 62474 has been established as the standard for the transmission of such data. Please use this format for material declarations as far as possible.

Info under:

<http://std.iec.ch/iec62474>

7 Batteries

If delivered products contain batteries or accumulators, the manufacturer and type must be indicated and corresponding data sheets must be made available. Labelling, information and notification obligations in accordance with the Battery Act remain unaffected by this.

8 Packaging Act (German: Verpackungsgesetz– VerpackG)

The Packaging Act is intended to ensure that those who put packaging into circulation for the first time that accumulates as waste at the private end consumer fully participate in the costs of collection, sorting and recycling.

Thus, the new Packaging Act affects not only manufacturers but also (online) traders, online shops and importers.

You can find the complete text of the law under the following link:

<https://www.gesetze-im-internet.de/verpackg/>