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Material Compliance Standard – 04/2022

Content

Page

1. Introduction 2

2. Definitions and abbreviations 2

2.1 Substance 2
2.2 Preparation 2
2.3 Homogenous material 2
2.4 Intentionally added 2
2.5 Battery or accumulator 2
2.6 Packaging 2
2.7 Packaging components 3
2.8 Restricted substances 3
2.9 Declarable substances 3
2.10 Application 3
2.11 Article 3
2.12 Latest application date 3
2.13 Sunset date 3
2.14 CAS Number 3
2.15 Sources/support 3

3. List of legally regulated substances 3

3.1 Substance regulations and prohibitions – required for all articles 3
3.1.1 Regulation (EC) No. 1907/2006 REACH – Annex XIV – List of substances subject to authorization 3
3.1.2 Regulation (EC) No. 1907/2006 REACH – Annex XVII – List of restricted substances 4
3.1.3 Directive 2011/65/EU - RoHS 4
3.1.4 Chemicals Prohibition Ordinance - ChemVerbotsV 4
3.1.5 Regulation (EC) No. 2019/1021 on persistent organic pollutants (POP) 4
3.1.6 Toxic Substance Control Act (TSCA) 4
3.1.7 Proposition 65 - Safe Drinking Water and Toxic Enforcement Act, 1986 5
3.1.8 Conflict Minerals (CM) – Dodd-Frank Act 5

3.2 Substance regulations and prohibitions – required for products from various scopes of application 5
3.2.1 Directive 2006/66/EG – Battery Directive 5
3.2.2 Directive 94/62/EC – Packaging Directive 5
3.2.3 Trinkwasserverordnung (TrinkwV 2001) 5

3.3 Declarable substances 6
3.3.1 SVHC Candidate List 6

3.4 Auxiliary production materials and supplies 6
3.4.1 Safety data sheets (SDS) 6

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1. Introduction

This material compliance standard is designed to ensure material compliance in the handling of substances and articles in their development, production, distribution and use.

This material compliance standard describes the requirements of the Oventrop GmbH & Co. KG concerning all known legally prohibited, regulated and declarable substances in the current form.

The failure of this standard to map possible legal changes yet does not release the supplier from the need to comply with these legal changes and the latest statutory requirements as amended from time to time.

Suppliers are obliged to procure the latest applicable guidelines, laws and standards for themselves.

The material compliance requirements are as applicable as other product requirements.

The material compliance standard requires all products and their packaging to conform with its specifications to ensure their placement on the market in accordance with the regulations.

Products and raw materials of unknown origin and/or composition or raw materials for which no adequate material data are available must not be used.

Upon request, the Oventrop GmbH & Co. KG needs to be provided with the technical data sheets of all the included raw and auxiliary materials for a first article inspection on a case-by-case basis. The Oventrop GmbH & Co. KG reserves the right to subject materials to tests and laboratory analyses on a case-by-case basis.

The suppliers of the Oventrop GmbH & Co. KG are obliged to provide the material information required to audit their compliance with legal specifications and this standard, free of charge.

The supplier is obliged to store the requested material data information in the DataCross platform.

The Oventrop GmbH & Co. KG makes its material compliance standard available on its website.

Suppliers are required to check the material compliance standard for updates every six months as a minimum. Updated material compliance standards replace their preceding versions and become applicable with immediate effect.

The suppliers of the Oventrop GmbH & Co. KG will not be informed of changes or new versions of this standard.

This material compliance standard was created in cooperation with tec4U - Solutions GmbH, Saar-Lor-Lux-Strasse 13, D-66115 Saarbrücken. The standard can be used and/or copied by Oventrop GmbH & Co. KG and parties involved in the supplier chain. Its use outside the supplier chain in whole or in parts requires permission by the Oventrop GmbH & Co. KG and tec4U – Solutions GmbH.

2. Definitions and abbreviations

2.1 Substance

A chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition (see REACh section 3.1).

Examples for chemical compounds:

- Organic: ethanol, aldehyde
- Metal: iron, copper, tin
- Mineral: clay, loam

2.2 Preparation

A batch, mixture or solution composed of two or more substances (mixture and preparation are synonyms).

Examples for preparations:

- Batch: seeds
- Mixture: alloy
- Solution: octane in gasoline

2.3 Homogenous material

One material of uniform composition throughout or a material, consisting of a combination of materials, which cannot be disjointed or separated into different materials by mechanical actions such as unscrewing, cutting, crushing, grinding and abrasive processes (see RoHS section 3.20). Examples for homogenous materials are individual types of plastic, ceramic, glass, metal, alloy, synthetic resin and coating.

2.4 Intentionally added

Generally known as the intentional use of a substance contained in an article to achieve a specific attribute, appearance or quality.

2.5 Battery or accumulator

A source of electrical energy generated by the direct conversion of chemical energy, consisting of one or several (non-rechargeable) primary cells or one or several (rechargeable) secondary cells.

2.6 Packaging

All products made of any materials of any nature for the containment, protection, handling, delivery and presentation of goods, from raw materials to processed goods, from the producer to the user or the consumer.

‚Non-returnable` items used for the same purposes shall also be considered to constitute packaging (see EU Packaging Directive section 3.1)

2.7 Packaging components

Parts of the packaging that are separable by hand or simple mechanical processes. Additional elements that are directly hanging on or fastened to a product and serve a packaging function are regarded as packaging unless they are an integral part of the product.

2.8 Restricted substances

Prohibited substances must not be contained in products, components, materials, preparations, process materials and operating supplies in excess of the limits detailed in this document. These substances must only be contained as natural impurities and not be added intentionally. Contaminations with these substances need to be qualitatively stated.

2.9 Declarable substances

Substances classified as declarable are undesirable in a number of applications and must be declared above the stated limits. The listed substances must be declared for every product, component, material, substance preparation, process material and operating supply. Content limits for the individual substances are specified in this document. No declaration is required below these limits.

2.10 Application

Means that the substance limit applies to the material or component wherein the substance is contained to achieve a desired functionality.

2.11 Article

Object provided with a specific form, surface or design in the production process that determines its function to a greater extent than its chemical composition.

2.12 Latest application date

Date by which an authorization application must be provided according to the REACH Regulation (at least 18 months before the sunset date) so that the substance can also be used in future (deadline).

Information on the authorization application and formal process of applying for authorizations is available at:

https://echa.europa.eu/de/applying-for-authorisation

2.13 Sunset date

Date after which the placing on the market and use of a substance listed in Annex XIV of the REACH Regulation is prohibited in the absence of an authorization.

2.14 CAS Number

The CAS Number (also CAS Registry Number or CASRN, CAS = Chemical Abstracts Service) is an international identification standard for chemical substances. Every chemical substance (also biosequences, alloys, polymers) registered in the CAS database has a unique CAS Number.

2.15 Sources/support

Platform for European laws, directives and resolutions in all existing versions and official European languages – with the year of publication and publication number needing to be entered in the search mask

http://eur-lex.europa.eu/

Support section of the European Chemicals Agency (ECHA):
https://echa.europa.eu/support/guidance

REACH CLP Biocide Helpdesk – national information center operated by the German federal government:
http://www.reach-clp-biozid-helpdesk.de/de/Startseite.html

REACH Helpdesk – German Federal Environment Agency:
http://www.reach-info.de

REACH@Baden-Württemberg
https://www.reach.baden-wuerttemberg.de/

Platform for German regulations
https://www.gesetze-im-internet.de/

3. List of legally regulated substances

3.1 Substance regulations and prohibitions – required for all articles

The statutory substance requirements detailed in this section 3.1 apply to all substances, mixtures and articles. The application context is detailed precisely in the respective law.

3.1.1 Regulation (EC) No. 1907/2006 REACH – Annex XIV – List of substances subject to authorization

Regulation (EC) No. 1907/2006 (or „REACH" for short) came into effect on 01/06/2007.

The inclusion of a substance from the list of substances of very high concern in Annex XIV of the REACH Regulation makes its use subject to authorization at the end of the procedure. After a transition period, the substance must only be used with an authorization, or its use is prohibited generally.

Please see section 2, Definitions and abbreviations, for

explanations of the terms „latest application date" and „sunset date".

The latest version of Annex XIV to the REACH Regulation is available here:

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

3.1.2 Regulation (EC) No. 1907/2006 REACH – Annex XVII – List of restricted substances

Annex XVII to the REACH Regulation regulates or prohibits specified substances in individual applications/ applications defined by the legislator.

The latest version of Annex XVII to the REACH Regulation is available here:

https://echa.europa.eu/de/substances-restricted-under-reach

3.1.3 Directive 2011/65/EU - RoHS

Directive 2011/65/EU of the European Parliament and of the Council of 08 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS Directive) came into effect on 02 January 2013.

The RoHS substance regulations relate to the maximum concentration in the homogenous material of each article.

Substance groups	Maximum concentration in the homogenous material in percent
Cadmium and cadmium compounds	0,01%
Hexavalent chromium (Cr6+) and Cr6+ compounds	0,10%
Lead and lead compounds	
Mercury and mercury compounds	
Polybrominated diphenyl ethers (PBDE)	
Polybrominated biphenyls (PBB)	
Di(2-ethylhexyl) phthalate (DEHP)	
Butyl benzyl phthalate (BBP)	
Dibutyl phthalate (DBP)	
Diisobutyl phthalate (DIBP)	

3.1.4 Chemicals Prohibition Ordinance - ChemVerbotsV

The Ordinance on Prohibitions and Restrictions of the Marketing of Dangerous Substances, Preparations and Products according to the Chemicals Act is a German law stipulating specific national requirements over and beyond the REACH Directive. As REACH is directly applicable in EU member states as a directive, an amendment of the ChemVerbotsV that combines the requirements of the REACH and CLP Directives with German chemicals law was passed in the year 2016. This serves the additional stipulation of national requirements for the following substances and substance groups:

- Formaldehyde
- Dioxins and furans
- Pentachlorophenol
- Bio-persistent fibers

Please see the wording of the law for the requirements and listed exceptions, which came into force on 01/01/2019.

http://www.gesetze-im-internet.de/chemverbotsv_2017/

3.1.5 Regulation (EC) No. 2019/1021 on persistent organic pollutants (POP)

This EU regulation inter alia implements the Stockholm Convention on Persistent Organic Pollutants. The Stockholm Convention is an agreement of prohibitive and restrictive measures for specific persistent organic pollutants that are binding under international law. The Convention thus restricts and/or prohibits the production, use and trading of hazardous chemicals.

Further information on the Stockholm Convention is available from the official website at the following link:

http://chm.pops.int/

The text of the European implementation can be found on the EU platform:

http://eur-lex.europa.eu/

3.1.6 Toxic Substance Control Act (TSCA)

The United States Environmental Protection Agency (EPA), has now restricted five substances in the Toxic Substances Control Act (TSCA) Section 6 (h).

The sale of chemicals, mixtures and articles containing the restricted substances is regulated in the United States. There are currently many different transition periods and some exemptions depending on the substance.

Bei den Stoffen handelt es sich um:

Substance	CAS Number
Decabromdiphenylether (decaBDE)	1163-19-5
Pentachlorothiophenol (PCTP)	133-49-3

Substance	CAS Number
Hexachlorbutadien (HCBD)	68937-41-7
2,4,6 tris(tert butyl)phenol (2,4,6 TTBP)	732-26-3
Hexachlorbutadien (HCBD)	87-68-3

In addition to the restrictions, communication obligations come into force in the presence of one of the five substances, which are comparable to the obligations under Article 33 of the REACH Regulation.

The requirements which came into force between 01 and 08 March 2021, as well as the listed exceptions, can be found in the legal text.

https://www.epa.gov/chemicals-under-tsca

3.1.7 Proposition 65 - Safe Drinking Water and Toxic Enforcement Act, 1986

The Californian „Safe Drinking Water and Toxic Enforcement Act" of 1986 is often simply referred to as „California Proposition 65" or „CP65" for short. The key message is the requirement:

No person shall knowingly and intentionally expose an individual, in the course of their business, to a chemical known to the State [of California] to be carcinogenic or toxic to reproduction without first providing that individual with a clear and proportionate warning.

The State of California publishes a list of substances meeting these criteria on the following website:

https://oehha.ca.gov/proposition-65/proposition-65-list

Should a substance listed in Proposition 65 be contained in a product and an exposure of its users cannot be excluded, this fact needs to be communicated to Oventrop GmbH & Co. KG.

3.1.8 Conflict Minerals (CM) – Dodd-Frank Act

The Dodd-Frank Act is a U.S. regulation signed in July 2010 that requires companies listed on the U.S. stock exchange to refrain from using raw materials from conflict regions. Since then, companies that use a conflict mineral must submit a separate report on its origin. Conflict minerals within the meaning of the law are tungsten, coltan, wolframite and gold, from which the following four metals - known as 3TG - are produced:

- Gold
- Tin
- Tantalum
- Tungsten

Should Oventrop GmbH & Co. KG receive inquiries from its customers regarding the origin of conflict minerals, it will forward these inquiries to its suppliers.

Reference to further information:

https://www.sec.gov/News/Article/Detail/Article/1365171562058

As declaration medium the Excel document of the http://www.responsiblemineralsinitiative.org/ preferred

3.2 Substance regulations and prohibitions – required for products from various scopes of application

In contrast to the substance regulations in section 3.1, suppliers are here required to check if their products fall under the respective requirement's scope. Should a supplier be unable to clarify this on their own, they will need to consult the Oventrop GmbH & Co. KG.

3.2.1 Directive 2006/66/EG – Battery Directive

Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC restricts the use of mercury and cadmium in batteries and accumulators.

Substances	Maximum concentration in the article in percent	Application restrictions
Mercury and mercury compounds	0,0005%	Batteries and accumulators
Cadmium and cadmium compounds	0,002%	Appliance batteries and accumulators

3.2.2 Directive 94/62/EC – Packaging Directive

Directive 94/62/EC of the European Parliament and the Council of 20 December 1994 on packaging and packaging waste restricts the

Pure substances and substance groups	Maximum concentration in packaging or packaging components in ppm by weight
Lead, cadmium, mercury and chromium VI	100*

3.2.3 Trinkwasserverordnung (TrinkwV 2001)

The Ordinance on the Quality of Water for Human

Consumption (Trinkwasserverordnung - TrinkwV 2001) must be observed. For products that may come into contact with drinking water, the following standards and regulations must be applied:

- DIN 2001-2:2018-01: Drinking water supply from small units and non-stationary plants - Part 2: Non stationary units - Guidelines for drinking water, planning, construction, operation and maintenance of units
- DIN EN 16421:2015-05: Influence of materials on water for human consumption - Enhancement of microbial growth (EMG)
- Technische Regel DVGW Arbeitsblatt W 270 (Deutscher Vereinigung des Gas- und Wasserfaches e.V.).
- Bewertungsgrundlage für Kunststoffe und andere organische Materialien im Kontakt mit Trinkwasser (KTW-BWGL)
- Bewertungsgrundlagen des Umweltbundesamtes für Materialien und Werkstoffe im Kontakt mit Trinkwasser z.B. Bewertungsgrundlage für metallene Werkstoffe

All materials and components intended for contact with drinking water must meet the requirements of the Drinking Water Ordinance and be delivered dry and in a hygienically safe condition.

3.3 Declarable substances

3.3.1 SVHC Candidate List

The latest version of the official SVHC Candidate List as per REACH (Regulation 1907/2006/EC) is always retrievable at the following address:

http://echa.europa.eu/chem_data/authorisation_process/candidate_list_table_en.asp

Article 33 of the REACH Regulation requires every supplier to ensure the following:

(1) Any supplier of an article containing a substance meeting the criteria in Article 57 and identified in accordance with Article 59(1) in a concentration above 0,1 % weight by weight (w/w) shall provide the recipient of the article with sufficient information, available to the supplier, to allow safe use of the article including, as a minimum, the name of that substance.

Substances of very high concern (SVHC Candidate List) contained in

- Components
- Replacement parts
- Accessories
- Packaging

If supplied articles contain SVHCs published in the so-called Candidate List as per section 59.1 of Regulation 1907/2006/EC in proportions exceeding 0.1 % by weight, the supplier is required to include all the information as per section 33.1 of Regulation 1907/2006/EC with the delivery unprompted. This also applies if such a substance has only been included in the Candidate List during the ongoing supply relationship.

Upon request, private consumers need to be supplied with this information within 45 days free of charge.

According to a ruling by 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.

If you supply articles with SVHC candidate substances greater than 0.1% by weight, we expect you to submit your SCIP dossier number in addition to your Article 33 notification.

3.4 Auxiliary production materials and supplies

3.4.1 Safety data sheets (SDS)

The safety data sheet is the central element of the communication in the supply chain for hazardous substances and mixtures. It provides information on the following attributes:

- Identity of the product
- Associated risks
- Safe handling
- Prevention measures
- Emergency measures

The requirements for safety data sheet contents and formats are set out in Article 31 and Annex II of the REACH Regulation (EC) No. 1907/2006.

The supplier of a substance/mixture is responsible for completing the safety data sheet in full and technically correct

The safety data sheet needs to be provided to the Oventrop GmbH & Co. KG free of charge on paper, in electronic form or as a download option no later than on the day of the first delivery.

Suppliers need to immediately update (section 31 (9)) the SDS as soon as

- new information becomes available that is able to affect risk management measures
- an authorization has been granted or rejected
- a restriction has been passed

The corrected version must be provided to clients who have been supplied with deliveries during the last twelve months.

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