

Material Compliance Requirements for Suppliers

1. Introduction

Requirements for business relations with Kesseböhmer Holding (hereinafter referred to together with the affiliated companies as KESSEBÖHMER) are defined in this Agreement. The aim of this Agreement is to avoid quality defects and supply problems and to ensure compliance with relevant statutory provisions in the supply chain.

When accepting contracts from KESSEBÖHMER, the supplier must ensure that these requirements are reviewed, understood and met. The supplier shall have their own documentation available, which proves their compliance with these requirements and can be produced on request.

2. Requirements for Product Qualification

KESSEBÖHMER expects suppliers to know the composition of the products they supply with respect to statutory requirements and to make certain of them in the upstream supply chain. If suppliers make use of any exemptions with regard to specific obligations, these must be passed on to KESSEBÖHMER.

The key product-related requirements are:

2.1 REACH

The supplier expressly undertakes to only supply products that meet all of the requirements of European Regulations (EC) No 1907/2006 ("REACH") and (EC) No 1272/2008 ("CLP"), both as amended. This shall apply even if the supplier itself is not based in the EU. This includes in particular, but not limited to, the registration and information obligations under REACH as well as the obligation to classify, label and package in accordance with CLP where applicable. The supplier shall provide safety data sheets and technical information for substances and composites. Safety data sheets should likewise be supplied for unclassified composites which contain substances on the candidate list.

In particular, it is imperative that the supplier complies with the requirements arising out of Art. 56 and 67 of the REACH Regulation in conjunction with Annexes XIV and XVII on restricted substances and those requiring authorisation. The supplier shall notify us without delay if substances that are subject to authorisation or restriction are contained in the chemicals they supply. The supplier shall also obtain information and data from their upstream supply chain in this regard without being specifically asked to do so.

Substances, which are subject to restrictions, should be stated quoting the name of the substance, CAS number, EC number and concentration in weight percent. The regional, national and international laws should be taken as the basis for this. Please provide a reference to the relevant statutory rules.

If substances requiring authorisation are contained in chemicals or if substances requiring authorisation are used in the production of materials, please inform us without delay whether authorisation is being sought or when a substitution will be made if the substance is included in Annex XIV.

The fulfilment of the registration obligation in particular, but also that of sending up-to-date full safety data sheets which meet the requirements of REACH as amended, in conjunction with CLP if applicable, is regarded as an essential basis of each and every supply.

In the case of supplying products and chemicals in accordance with the definitions of REACH, the supplier shall undertake to notify us directly and in a separate notification if a substance on the so-called candidate list (list of substances eligible for inclusion in Annex XIV of REACH, c.f. <https://echa.europa.eu>) is contained in the supplied product at a weight greater than 0.1% (w/v) – in the case of products: per individual product (pursuant to the European Court of Justice judgement of 10.09.2015 C-106/14).

If substances on the candidate list can form during use as intended, we must be informed without specifically asking. Likewise, a supplier of chemicals shall disclose information as to whether contained substances on the candidate list are partially or completely reduced during use as intended.

2.2. RoHS

The supplier shall undertake to produce and supply the products with due regard to and complying with the most recent update of Directive 2011/65/EU (RoHS) (Restriction of (the use of) certain hazardous substances). On request, the supplier must provide suitable evidence of this (for example, a certificate of analysis).

RoHS International

On request, the supplier shall undertake to determine and disclose the relevant data for international RoHS regulations for their product.

3. Change Management

A change relating to the aforementioned products or chemicals must be analysed by the supplier without any further request to do so and also disclosed (if requiring notification according to REACH or RoHS regulations). We refer to the candidate list published by the ECHA, as amended:

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

Kesseböhmer Group

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