

MATERIAL COMPLIANCE NORM 1.0.1

Status: October 2022

1 – Introduction

The responsible, sustainable and environmentally sound handling of substances and products is a central aspect in the development, manufacture and use of the products of Süddeutsche Bürsten- und Kunststoffabrik Eugen Gutmann GmbH (hereinafter: Gutmann).

This standard supports the achievement of the highest possible level of protection for the environment and human health and, taking into account normative as well as customer-contractual requirements, serves to ensure all relevant material compliance requirements for the products of Gutmann, which, due to our own quality standards and the quality standards of our customers, in part exceed legal requirements.

2 – Scope and area of application

The following requirements cover prohibited or restricted and declarable materials and substances in products (in accordance with definition 4.1) as well as information obligations of the supplier towards Gutmann. The standard applies to all contractual agreements between Gutmann and the contractual partner in relation to the supply of goods and products to Gutmann. Compliance with the material compliance requirements of this standard constitutes an essential characteristic of the goods and products and is accordingly an essential part of the contractual agreement between the parties. The Material Compliance Standard is part of the General Terms and Conditions of Purchase of Gutmann.

3 – Obligations of the supplier

Suppliers are obliged to comply with the provisions of this standard and to inform themselves at least every six months about changes to the standard as well as the corresponding legal basis. Gutmann does not make a separate reference to an update of the standard. Suppliers can obtain the current version of the standard on the website of Gutmann or on request from the purchasing department of Gutmann.

A legal change does not necessarily entail an adaptation of this standard – the legal requirements must always be complied with as a matter of priority.

Compliance with the standardised requirements set out here is the sole responsibility of the supplier; materials and substances of unknown origin or insufficiently known composition must not be used and are assumed not to meet the requirements of this standard until proven otherwise. A deviation from the requirements reproduced here is only permissible in individual cases and after consultation and with the explicit consent of Gutmann. If the supplier submits a declaration to Gutmann in relation to compliance with this standard, this declaration must be up-to-date and plausible and must be provided to Gutmann free of charge.

4 – Definitions and terms

The following list serves to clarify and classify terms used in this Material Compliance Standard. If additional terms are used, these are to be understood in accordance with the respective legally standardised definition.

4.1 Products

Products include all deliverables (products, substances and mixtures in the sense of the legal definition of Article 3 of Regulation (EC) 1907/2006) regardless of whether they remain on the product placed on the market by Gutmann or are placed on the market together with it. Packaging is also a product within the meaning of this standard. Furthermore, products may include fully functional units, components or materials, as well as auxiliary and operating materials.

4.2 Prohibited substances

Prohibited substances may either not be contained in products at all or only contained – if explicitly mentioned in this standard – within the limit values specified in this document. Prohibited substances – if present in the product – may not be contained due to intentional use, but invariably only as part of natural contamination. If a prohibited substance is contained in the product, a corresponding notification from the supplier is always required.

4.3 Declarable substances

Declarable substances may in principle be contained in the product (in some cases restrictions may apply), but in these cases the supplier is obliged to inform Gutmann accordingly.

4.4 SVHC

So-called SVHC (abbreviation for Substances of Very High Concern), also called candidate substances, are published by the European Chemicals Agency ECHA as a list under the following link <https://www.echa.europa.eu/candidate-list-table> and regularly extended to include further substances. These substances may in principle be contained in a product (unless a restriction or ban applies elsewhere), but if present this then triggers various information obligations on the part of the supplier towards Gutmann.

4.5 CAS number

CAS stands for Chemical Abstract Service and refers to a register of chemical substances in the form of a database of the American Chemical Society. Each substance listed in the database is assigned an individual number, which is used to allocate the substance. For polymers, clear assignment to a CAS number is often not possible due to differing molecular weights.

5 – Prohibited and restricted substances

5.1 REACH Regulation (EC) 1907/2006 – amended – Annex XIV and Annex XVII

Regulation (EC) No. 1907/2006 on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), serves to protect human health and the environment.

Suppliers of substances on their own or of substances contained in mixtures must ensure that these are only substances for which either no registration is required under Article 6 of the Regulation or for which the required registration already exists and that are also either not subject to authorisation under Article 56 of the Regulation or for which a corresponding authorisation already exists. Substances on their own or substances in mixtures that do not meet these requirements shall not be supplied to Gutmann.

5.2 POPs Regulation (EU) 2019/2021 – amended – Annex I

The Persistent Organic Pollutants (POPs) Regulation (EU) 2019/1021 implements the Stockholm Convention and is directly applicable in all EU member states. To protect humans and the environment, the POPs Regulation regulates the production, placing on the market and use of certain substances in the EU.

The POPs Regulation prohibits or restricts the production, placing on the market and use of substances listed in the annexes to the regulation. These prohibitions cover not only the substances on their own, but also mixtures or products containing the listed substances.

Products supplied by the supplier to Gutmann must not contain a substance listed in Annex I of the Regulation unless an exemption listed in Annex I of the Regulation applies accordingly to the specific use. In this case the supplier must inform Gutmann accordingly about the use of the substance under the exemption.

5.3 Packaging Directive 94/62/EC – amended –

Directive 94/62/EC on packaging and packaging waste restricts the concentration of heavy metals in packaging.

The substance prohibitions and limit values standardised therein must be complied with for all products supplied to Gutmann (regardless of the scope of the Packaging Directive).

5.4 F Gas Regulation (EU) 517/2014 – amended –

Regulation (EU) 517/2014 serves to protect the environment by reducing emissions of fluorinated greenhouse gases. It serves to fulfil the binding targets and objectives set out in the international environmental agreements of the Kyoto and Montreal Protocols. Suppliers are obliged to comply with the prohibitions and restrictions standardised in the annexes to the regulation.

5.5 Ozone Regulation (EC) 1005/2009 – amended –

Regulation (EC) 1005/2009 on substances that deplete the ozone layer regulates the production, import, export, placing on the market, use, recovery, recycling, reclamation and destruction of ozone-depleting substances. This serves – as does the F-Gas Regulation – to fulfil international agreements (Montreal Protocol). Products supplied to Gutmann must not contain the substances standardised in the annexes to the regulation. If products do contain these substances, the supplier must inform Gutmann prior to delivery of the relevant exemption in accordance with the regulation – in such a case, delivery is nevertheless only permitted after explicit written confirmation of the exemption on the part of Gutmann.

5.6 Polycyclic aromatic hydrocarbons (PAHs)

PAHs are regulated in Annex XVII of the REACH Regulation – for products supplied to Gutmann, however, the substance limits for the testing and assessment of polycyclic aromatic hydrocarbons (PAHs) issued by the Committee for Product Safety (AfPS) in the GS specification must be complied with in the course of awarding the GS mark, which stipulates a stricter substance limit value than the value standardised in the REACH Regulation.

Suppliers shall not supply products to Gutmann in which the limit values of the GS specifications (current version AfPS GS 2019:01 PAH) are exceeded – this requirement applies to all products regardless of the scope standardised in the GS specification.

6 – Declarable substances

6.1 RoHS Directive 2011/65/EU – amended –

Suppliers are obliged to provide Gutmann with information on the presence of the substance restrictions standardised in Annex II of the RoHS Directive in the respective homogeneous material within the meaning of Article 3 of the RoHS Directive). The information is required regardless of whether the supplied product itself is an electrical or electronic device, a component or a mixture and must include at least the information specified in Annex 1 of this standard.

6.2 SVHC (REACH Regulation (EC) 1907/2006 – amended – Article 57)

Suppliers of products are obliged to provide Gutmann with information in accordance with Article 33 of the REACH Regulation on whether and which SVHC are present in the products as well as their packaging in an individual concentration of more than 0.1% by mass, in relation to the individual product as interpreted within the meaning of the ECJ decision, ref: C-106/14. In addition to the name and the clear identification of the candidate substance (e.g. CAS number), the obligation to provide information also includes, if applicable, necessary information for the safe use of the product in question. If one or more candidate substances are contained in the product supplied to Gutmann, there are additional obligations under the Waste Framework Directive in relation to the SCIP database (see 6.3).

6.3 Waste Framework Directive 2008/98/EC – amended –

Directive 2008/98/EC on waste serves to minimise the adverse effects of waste generation and management on human health and the environment and to reduce the use of resources. Suppliers of products based in the EU are obliged to provide Gutmann with the relevant SCIP IDs for the product in addition to the information required under Article 33 of the REACH Regulation. Suppliers of products based outside of the EU are obliged to provide Gutmann with the information and classifications listed in Annex 2 of this standard in English for those products containing one or more candidate substances in an individual concentration of > 0.1% by mass.

6.4 REACH Regulation (EC) 1907/2006 – amended – Articles 31 and 32

Suppliers of substances and/or mixtures are obliged to provide safety data sheets for all substances and/or mixtures in German in paper or digital form with the first delivery of the corresponding substance and/or mixture if the requirements of Articles 31 and 32 of the REACH Regulation are met, and to provide adapted safety data sheets without request and without delay in the event of changes.

6.5 Toxic Substances Control Act

On 6 January 2021, the US EPA (Environmental Protection Agency) published new requirements under Section 6(h) of the Toxic Substances Control Act (as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act) restricting both the import and use of substances, whether on their own or substances contained in products.

Suppliers are obliged to inform Gutmann immediately if products supplied to Gutmann contain one or more of the following substances:

- PIP (3:1) (Phenol, isopropylated phosphate (3:1), CAS No. 68937-41-7)
- DecaBDE (decabromodiphenyl ether, CAS No. 1163-19-5)
- 2,4,6 TTBP (2,4,6-tris(tert-butyl)phenol, CAS No. 732-26-3)
- HCBd (hexachlorobutadiene, CAS No. 87-68-3) as well as
- PCTP (pentachlorothiophenol, CAS No. 133-49-3).

6.6 Dodd-Frank Act (US conflict minerals)

The Dodd-Frank Wall Street Reform and Consumer Protection Act (abbr: Dodd-Frank Act) requires US-listed companies to disclose the use of certain raw materials from the Democratic Republic of Congo and its neighbouring countries. Although Gutmann itself is not directly affected by these disclosure and reporting obligations, it is in Gutmann's own interest, in addition to that of correspondingly obligated customers, to monitor and control the use and origin of gold, tin, tantalum and tungsten in products.

Suppliers are obliged to submit an annual CMRT (Conflict Minerals Reporting Template) with the relevant information to Gutmann in the most recent version by 31 December of each year at the latest. The template of the current CMRT is provided online free of charge in Excel format by the Responsible Minerals Initiative.

7 – Notes

7.1 Sources of reference

Note on sources of reference for the aforementioned laws, ordinances and directives:

A large number of the aforementioned regulations can be found in the currently valid versions freely accessible at the following sources on the Internet.

- European regulations: www.eur-lex.europa.eu
- German regulations: www.gesetze-im-internet.de

The current version of Gutmann Material Compliance Standard can be found on the Internet at

- www.egutmann.de/en/download

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Annex 1

RoHS information (example):

- None of the products contain one or more of the above substances in a higher concentration than indicated above in relation to the respective homogeneous materials.
- One or more of the products contain one or more of the above substances in a higher concentration than indicated above. The products are labelled accordingly in the annex and provided with further information on the planned substitution and/or exemptions claimed.

Product/material:	RoHS concentration value not exceeded	RoHS concentration value exceeded according to exemption (annex & point!):	RoHS concentration value exceeded (indication of concentration!) without exemption -- substitution planned by...
123456789	X		
987654321		Annex III, point 6c	
AB12CD34			Lead in alloy >4% <5%, substitution not planned

Annex 2

SCIP information (example – please note that SCIP information is required in English):

company internal ID	Dataset for...
material number	article as such (AAS) or complex object (CO)
EXAMPLE 123ABC	CO
	AAS

Article-related Information						
Article name	ID type	other:	responding ID No.	production in EU	Category	safe use instructions
Sprinkler	EAN (European Article Number)		101010abc	yes	7418529630	no need
O-ring	EAN (European Article Number)		98765432	yes	3900000000	no need

SVHC-related Information					
SVHC (name)	SVHC CAS No.	Concentration	Category	Cat. No. Material	Cat. No. Mixture
dibutyltin bis(2,4-pentanedionate)	22673-19-4	> 0.1% w/w and < 0.3% w/w	material	plastic (and polymers) > polyethylene, high density (HDPE)	

for Complex object-dataset only		evidence
Linked article	Number of units	evidence documents
Sprinkler	2	Analytical test report

Status of the standard:	Applicable from:	Approved by:
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