

ICS 13.300

For information purposes, this supplementary sheet contains an overview of the international directives and regulations for prohibited and declarable substances, which SMS group must apply at least.

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1 Prohibited substances

1.1 Overview

The following sections list the legal regulations that prohibit substances, and substance prohibitions by SMS group and their customers. These substance prohibitions must be strictly observed for all product deliveries to SMS group, and for all relevant products of SMS group.

For assistance and if known, links to the respective source of supply of the current version of the standards, codes and regulations have been added, if these deviate from <https://eur-lex.europa.eu/> (SN 373:2022-08 Annex A).

1.2 Regulation (EC) No. 1907/2006 (REACH)

1.2.1 Reasoning of the REACH regulation

The REACH regulation is intended to ensure a high level of protection of the human health and the environment. According to REACH, manufacturers, importers and downstream users must register their chemicals and are responsible themselves for using them safely (European Chemicals Agency – <https://echa.europa.eu/en>).

1.2.2 Annex XIV – List of substances subject to authorization

Annex XIV of the REACH regulation lists substances that are basically prohibited and subject to authorisation (Chapter 6.6) for further use. The publication specifies for each substance a specific "sunset date" (transitional arrangement date) from which the substance may no longer be placed on the market, or only within the framework of the authorisation. The substances were previously published and continue to remain in the candidate list of SVHC (SN 373:2022-08 Section 3.8).

Note on the source of supply:

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

1.2.3 Annex XVII – List of restricted substances

Annex XVII of the REACH regulation regulates restrictions on the placing on the market and use of dangerous substances.

Note on the source of supply:

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

1.2.4 Plants 1 to 6, 8 and 9 – CMR substances and azocolourants

Substances classified as carcinogenic, mutagenic and/or toxic for reproduction (CMR substances) and azocolourants are prohibited and listed in Annexes 1 to 6 and 8 + 9 of the REACH regulation.

Note on the source of supply:

The annexes are not mentioned as a separate link on the ECHA page but are directly attached to the regulation.

1.3 Directive 2011/65/EU (RoHS)

The so-called RoHS directive limits the use of certain hazardous substances in electrical and electronic equipment. It was incorporated into national law in all EU countries and came into force in Germany on 2 January 2013 by the Ordinance on the restriction of the use of certain hazardous substances in electrical and electronic equipment. (ElektroStoffV).

The substance prohibitions and exceptions specified therein refer to the maximum concentration values in homogeneous materials (SN 373:2022-08 Section 3.9) of each product, and can be found in the currently applicable version of the directive.

1.4 Directive 94/62/EG (Packaging)

Directive 94/62/EC on packaging (SN 373:2022-08 Section 3.10) and packaging waste restricts the heavy metal concentration level in packaging (Article 11).

1.5 Regulation (EU) No. 528/2012 (Biocides)

Regulation (EU) No. 528/2012 governs the approval of biocides in the European Union and thereby standardizes the provision and use of biocidal products on the European market. Approval takes place using a tiered approach.

Each supplier of SMS group is obliged to meet the specifications and obligations for biocidal products and treated goods in full if their product falls under the scope of the regulation. Furthermore, the information obligation must be complied with if a product is treated with a biocide and a

corresponding identification is required according to the regulation.

Products may only be used if they

- were not treated with biocides, or
- were treated with a biocidal product approved in the EU

1.6 Chemicals Prohibition Ordinance (ChemVerbotsV)

The Chemicals Prohibition Ordinance regulates restrictions and bans on placing on the market of certain hazardous substances and mixtures as well as certain products that can release or contain such hazardous substances, according to the Chemicals Act (ChemG). In addition to the REACH regulation, it governs further substances, mixtures and products whose placing on the market in Germany is prohibited in order to protect man and the environment from the harmful effects of hazardous substances.

These include:

1. Prohibitions and restrictions on the placing on the market of certain dangerous substances and mixtures as well as certain products which may release or contain them,
2. Requirements to be met with regard to the supply of certain hazardous substances and mixtures.

1.7 Hazardous substances ordinance (GefStoffV)

The hazardous substances ordinance (GefStoffV) is a regulation of the German Occupational Safety and Health Act and is intended to safeguard man and the environment against dangerous substances within the framework of the employees work activities. In particular, the requirements of Annex II (regarding §16, (2)) "Special restrictions on production and use of certain substances, preparations and products" must be observed.

1.8 Regulation (EC) No. 850/2004 (POPs)

Regulation (EC) No. 850/2004 aims at protecting human health and the environment against persistent organic pollutants. This is implemented by prohibiting or restricting the production, the placing on the market and the use of persistent organic

substances. The listed substances are contained in the annexes to the regulation and to Regulation (EU) No. 757/2010, which contain amendments and supplements.

1.9 Regulation (EU) No. 517/2014 (Greenhouse gases)

Regulation (EU) No. 517/2014 aims to protect the environment by reducing the emissions of fluorinated greenhouse gases and replaces the previously applicable Regulation (EC) No. 842/2006 (F-gases). It is used to meet the binding requirements and objectives set out in the international environmental agreements (the Kyoto and Montreal Protocols). A list of the prohibitions and restrictions can be found in the associated annexes to the regulation.

1.10 Clean Air Act (42 U.S. C Title 42 Chapter 85 Subchapter VI)

The Clean Air Act (USC Title 42 Chapter 85 Subchapter VI) is a US federal law on protecting and improving the air quality with the further aim of protecting the stratospheric ozone layer by reducing the emissions of greenhouse gases – similar to the EU regulation on greenhouse gases, No. 517/2014 (Chapter 1.9).

Note on the source of supply

<https://www.epa.gov/clean-air-act-overview/clean-air-act-text>

<https://www.epa.gov/clean-air-act-overview/title-vi-stratospheric-ozone-protection>

1.11 Regulation (EC) No. 1005/2009 (Ozone)

Regulation (EC) No. 1005/2009 on substances that deplete the ozone layer governs the production, import, export, placing on the market, use, recovery, recycling, reclamation and destruction substances that deplete the ozone layer. The substances regulated here are mentioned in the associated annexes to the regulation.

1.12 Directive 2006/66/EC (Batteries and accumulators)

Directive 2006/66/EC on batteries and accumulators as well as waste batteries and accumulators regulates the placing on the market of batteries and accumulators (SN 373:2022-08 Section 3.12). In particular, it is prohibited to place on the market batteries and accumulators that contain dangerous substances such as mercury and cadmium.

1.13 Polycyclic aromatic hydrocarbons (PAHs) - GS mark

The information issued by the German Product Safety Commission (AFPS) in the GS specification contains material limit values for the testing, evaluation and specification of polycyclic aromatic hydrocarbons (PAHs) in the GS-mark certification. The material limit values differ from those in the REACH Annex XVII (Chapter 7.1) and must therefore be considered separately.

Note on the source of supply:

Federal Institute for Occupational Safety and Health (BAuA):

https://www.baua.de/EN/Tasks/Committee-administration/AfPS/AfPS_node.html

1.14 Administrative Measures for the Restriction of the Use of Hazardous Substances in Electrical and Electronic Products (“EUP”) (China-RoHS 2)

The so-called China-RoHS 2 directive limits the use of certain hazardous substances in electrical and electronic equipment. It came into force on July 1, 2016.

The China-RoHS 2 directive has an open scope with few exceptions. The scope includes electrical and electronic products with a nominal voltage of up to 1,500 Volt DC and up to 1,000 Volt AC. With the excluded plants for power generation, transmission and distribution, far fewer exceptions are foreseen as it is the case with the EU-RoHS directive. In concrete terms, this means that products which do not fall within the scope of EU-RoHS or which are excluded from it can now be within the scope of China-RoHS 2. This is relevant for products produced in China or exported to China. An exception for products exported from China no longer exists. The prohibitions on substances and exceptions specified in the China-RoHS 2 refer to the maximum concentration values in homogeneous materials (SN 373:2022-08 Section 3.9) of each product, and can be found in the currently applicable version of the directive.

Note on the source of supply:

The directive is only available in Chinese. Therefore, no link is required.

1.15 UK Registration, Evaluation, Authorisation & restriction of Chemicals (REACH) (UK REACH)

The so-called UK REACH mainly corresponds to the EU REACH regulation (Regulation (EC) No. 1907/2006). As of today, only validity formulations have been adapted and, if required, additional substance registrations may be necessary if it is to be delivered to the UK. However, it cannot be ruled out that the provisions will differ over time.

Note on the source of supply:

<https://www.hse.gov.uk/reach/>

2 Substances subject to declaration

2.1 Overview

The following sections list the standards, codes and regulations which impose a declaration obligation. For assistance and if known, links to the respective source of supply of the current version of the standards, codes and regulations have been added, if these deviate from <https://eur-lex.europa.eu/> (SN 373:2022-08 Annex A).

2.2 SVHC Candidate List of Regulation (EC) No. 1907/2006 (REACH)

The SVHC Candidate List lists substances which are considered to be of particular concern (SN 373:2022-08 Section 3.8). Published for the first time in October 2008, the European Chemicals Agency (ECHA) supplements this list several times per year, if required. SMS group does not generally accept the substances listed in the Candidate List. In justified exceptional cases, approval may be granted. For this purpose, the supplier must explain why this substance cannot be replaced by a substance not listed on the list.

If a substance approved by SMS group, which is listed in the Candidate List Art. 59 (1, 10) of the REACH Regulation EC No. 1907/2006, is contained in a product in a concentration of more than 0.1 % by mass, the supplier shall be obliged to provide sufficient information for the safe use of this product (obligation to declare).

With the delivery of the product this information shall be made available to the SMS group Purchasing department without request in accordance with Article 33 of the REACH Regulation. This also applies if such a substance is included in the Candidate List only during the ongoing supply relationship.

According to the decision of the European Court of Justice, the principle "once product, always a product" applies. The obligation to provide information must therefore already be applied to partial products.

Note on the source of supply
Official current SVHC Candidate List according to REACH:
<https://echa.europa.eu/en/candidate-list-table>

2.3 Conflict Minerals – Dodd-Frank Act

The Dodd-Frank Act is a US regulation signed in July 2010, which requires companies listed on the US stock exchange to refrain from raw materials from conflict regions. Since then, companies using a conflict mineral must submit a separate report on the origin. Gold, Coltan, Wolframite and tin stone shall be considered as conflict mineral within the meaning of the law, from which the following four metals, known as 3GT, are produced:

Gold
Tantalum
Tungsten
Tin

Should the SMS group receive inquiries from your 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>

2.4 Directive 2012/19/EU (Waste electrical and electronic equipment - WEEE)

The Directive 2012/19/EU on waste electrical and electronic equipment regulates the waste identification and disposal of electrical and electronic equipment. The product groups and products concerned are defined in the annexes to the directive.

Bibliography

Regulation (EC) No. 1907/2006 (REACH)
Directive 2011/65/EU (RoHS)
Directive 94/62/EC (Packaging)
Regulation (EU) No. 528/2012 (Biocides)
Hazardous substances ordinance (GefStoffV)
Regulation (EC) No. 850/2004 (POPs)
Regulation (EU) No. 517/2014 (Greenhouse gases)
Clean Air Act (42 U.S.C Title 42 Chapter 85 Subchapter VI)
Regulation (EC) No. 1005/2009 (Ozone)
Directive 2006/66/EC (Batteries and accumulators)
GS specification
China-RoHS 2
UK REACH
Dodd-Frank Act
Directive 2012/19/EU (Waste electrical and electronic equipment - WEEE)

Changes

Amendments made in comparison with SN 373SupSh.1: 2021-09:

- a) Updating of links to external sites

Previous editions

SN 373SupSh.1:2021-09