



W&H Group  
Material Compliance Directive

Valid Material Compliance Directive for the W&H Group

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## 1. Scope of validity

The organizational units listed in the following are collectively referred to as the W&H Group.

- Windmüller & Hölscher KG
- Windmüller & Hölscher Machinery
- Garant Maschinenhandel GmbH

## 2. Purpose

The W&H Group Material Compliance Directive is intended to ensure that W&H Group products and materials are handled safely.

This Material Compliance Directive is obligatory, and also mandatory for all suppliers. It describes the requirements of the W&H Group with regard to all substances which are used that are prohibited, regulated and need to be declared.

The W&H Group Material Compliance Directive is a compilation of the requirements in the regulatory environment. Laws or directives which are not listed do not release the supplier from their obligation to comply with them. The supplier is obliged to obtain the latest versions of the laws and directives and to ensure that the products which are brought to the market by the company are compliant.

The material requirements are a technical product characteristic of all W&H Group products which must be adhered to.

## 3. Definitions

### **Substance**

Chemical element and its compounds in natural form or obtained using a manufacturing process, including the additives which are needed to ensure the stability thereof and the contamination resulting from the process that is used, but excluding solvents which can be separated from the substance without affecting its stability or modifying its composition.

### **Mixture**

Mixture or solution consisting of two or more substances.

### **Product**

An object which acquires a particular shape, finish or design during manufacture which has a greater effect on its functionality than its chemical composition.

**Prohibited substances**

Substances which must not be present in the product, parts, materials as well as auxiliary and operating materials above the defined limit value.

**Declarable substances**

Substances which must be disclosed to the customer if they exceed the specified limit value.

**Manufacturer**

For the purposes of the REACH regulation, any natural or legal entity based in the European Union who manufactures a substance.

**Importer**

For the purposes of the REACH regulation, any natural or legal entity based in the European Union who is responsible for importing a substance.

**Downstream user**

For the purposes of the REACH regulation, any natural or legal entity based in the European Union who uses a substance or uses it in a mixture within the scope of their industrial or commercial activity. It is also often referred to using the English term "downstream user". Any companies that use substances and mixtures in any form can therefore be designated as downstream users.

**SVHC**

Substances of very high concern. These are demonstrably or very likely to be hazardous to health and/or the environment. They have been classified as such by the ECHA (European Chemicals Agency). The list of substances of very high concern can be found on the website of the European Chemicals Agency.

## 4. General W&H material requirements

The material requirements are a technical product characteristic of all W&H Group products which must be adhered to.

In any case, the supplier is obliged to provide the customer with a complete list of substances of very high concern if they are contained with at least 0.1% by weight in the smallest part to be removed in a non-destructive manner. The W&H Group reserves the right to carry out a laboratory analysis of the product whenever required.

In the event of a registration or approval obligation for the customer, the supplier is obliged to provide the customer with a full declaration of the product up to the substance level. This may be the case from a certain reference volume when importing from non-EU countries.



Only materials may be used in the delivered products that are known to the supplier and a technical data sheet is available.

The supplier is obliged to adhere to the legal specifications, and must also check them. The material information must be made available to the W&H Group free of charge.

The supplier is obliged to check at regular intervals whether the W&H Group Material Compliance Directive is available in an updated form. A modified version of the directive replaces the previous version and comes into force with immediate effect. It will be checked to ensure it's up-to-date and, if required, updated every six months. The W&H Group will not notify the supplier of any modifications to the Material Compliance Directive.

## 5. Specific W&H requirements for controlled substances

### 5.1 Controlled and prohibited substances – Relevant for all products

Compliance with the following regulations is mandatory for all products delivered to the W&H Group. Legal requirements which are not listed here must be met irrespective of this.

#### *5.1.1 Regulation (EC) No. 1907/2006 REACH*

The REACH regulation is the European Chemicals Regulation for registering, evaluating, approving and restricting chemical substances. The purpose of the regulation is to ensure that humans and the environment have a high degree of protection against inadvertent exposure to chemical substances. Manufacturers, importers and downstream users must ensure that they manufacture, circulate and use substances that are not harmful to humans and the environment.

Current version of the REACH regulation:

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02006R1907-20230528>

Current version of Annex XIV (substances subject to authorization) of the REACH regulation:

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

Current version of Annex XVII (prohibited substances) of the REACH regulation:

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

Current version of the Substance of Very High Concern candidate list (reporting obligation under Article 33 of the REACH regulation):

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



### *5.1.2 German Chemicals Act*

The Chemicals Act implements various EU directives in Germany. It regulates the protection of people and the environment from the harmful effects of hazardous substances and mixtures, particularly by making them recognizable, avoiding them and preventing the creation thereof.

Current version of the German Chemical Act

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

### *5.1.3 Regulation (EC) No. 850/2004 on persistent organic pollutants*

The persistent organic pollutants regulation prohibits, describes stopping production as soon as possible or restricts production, bringing into circulation and use of persistent organic pollutants. The purpose of the regulation is to protect human health and the environment from persistent organic pollutants. The substances concerned are listed in the appendixes to the regulation.

Current version of the Persistent Organic Pollutants regulation:

<https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX:32019R1021&from=DE>

### *5.1.4 Regulation (EC) No. 1272/2008 CLP regulation*

The CLP regulation is intended to ensure that a high degree of protection is provided for human health and the environment to achieve the goal of sustainable development. Substances are classified in accordance with their endangerment potential, and labelling requirements and safe handling are regulated.

Current version of the CLP regulation

<https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX:02008R1272-20201114&from=GA>

### *5.1.5 RoHS Directive 2011/65/EU*

Directive 2011/65/EU (RoHS II directive) regulates the restriction of the use of certain hazardous substances in electrical and electronic equipment, and is implemented in Germany by the German Electrical and Electronic Equipment Substance Regulation (ElektroStoffV).

Current version of the RoHS directive:

<https://eur-lex.europa.eu/legal-content/DE/TXT/?uri=celex%3A32011L0065>



### *5.1.6 German Electrical and Electronic Equipment Substance Regulation*

The Electrical and Electronic Equipment Substance Ordinance in Germany implements directive 2011/65/EU for restricting the use of certain hazardous substances in electrical and electronic equipment.

Current version of the German Electrical and Electronic Equipment Substance Regulation:

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

### *5.1.7 Packaging Directive 94/62/EC*

The European Packaging and Packaging Waste Directive deals with the issues of packaging waste and heavy metal content that is currently permissible in packaging.

Current version of the packaging directive:

<https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX:31994L0062>

### *5.1.8 Regulation (EU) No. 2017/821 Conflict Minerals*

This European Union (EU) regulation is intended to ensure that EU importers of tin, tungsten, tantalum and gold (3TG) comply with the international procurement standards of the Organization for Economic Cooperation and Development (OECD) and procure 3TG from global and European smelters and refineries\* in a responsible manner. It is intended to help to break the link between conflicts and illegal mineral mining, to make a contribution toward ending exploitation and abuse of local communities, including miners, and to support local development.

Current version of the Conflict Minerals Regulation

<https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX:32017R0821H>

## **5.2 Controlled and prohibited substances – Relevant to the product in certain application cases in accordance with the order**

The following regulations are mandatory for products that are delivered to the W&H Group, and must meet special requirements. An example of special requirements is suitability for use with food contact.

Contractually agreed requirements which are not listed here must be met irrespective of this.





### 5.2.1 Regulation (EC) No. 1935/2004 - Food contact materials

Current version of the Food Contact Materials Regulation

<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:338:0004:0017:de:PDF>

## Appendix 6

### A: CDX Portal

Web page

<https://public.cdssystem.com/de/web/cdx/home>

CDX manual

<https://public.cdssystem.com/documents/d/cdx/cdx-user-manual-de-pdf>

First steps

<https://public.cdssystem.com/de/web/cdx/einstieg>

Material reporting

<https://public.cdssystem.com/de/web/cdx/werkstoff-reporting>

Note: If you use the CDX exclusively for responding to inquiries from us or other customers, there will be no costs incurred for you. The cost model listed on the site only applies if you wish to receive data from your suppliers yourself or would like to connect your system to the SCIP database via an S2S interface.

### B: Extract from the supplier self-disclosure FAQ material for further backgrounds

Explanation of the “SVHC and PFAS” section

**What is it about? Which laws/directives is the query based on?**

With regard to material compliance, there are various applicable laws and directives which are all aimed at protecting health and the environment from the unnecessary use of potentially hazardous chemicals in products, regardless of the form they are in. Article 33 (1) of the REACH regulation is crucial for our query in relation to REACH. This article obliges suppliers to provide certain information on SVHCs to commercial customers directly. This article applies without exceptions to all supplier / customer connections, meaning that the information must pass through the entire European supply chain.

**What is the purpose of the query?**

The purpose of the query is to collect the material information that is relevant to us so that we can meet our obligations under national and European legislation.



**Why does it affect me as a supplier? I don't supply any chemicals. It doesn't affect me.**

REACH regulates the entire product life cycle and every economic player in the supply chains. Only the end user and waste management companies have no obligations to meet for the purposes of REACH. This means that it is not just the chemical substances and mixtures which are subject to the regulation, but also the products that they are used to make. If your company operates exclusively as a distributor, the scope of the required information can be reduced. All you need to do is specify the SVHC substances contained within the product and provide the SCIP number of the delivered materials with which your company has reported the products containing SVHCs to ECHA.

**In which materials can relevant chemicals be found?**

Primarily in:

- Metals (e.g. alloys with lead)
- Plastics (e.g. with added adhesives, plasticizers)
- Rubbers (e.g. plasticizers, additives for aging protection)
- Additives (e.g. adhesives, solvents, lubricants, sealing compounds)
- Surface treatments (e.g. varnishes, chemical surface treatments such as chrome plating, inks)
- Packaging materials (e.g. adhesives used, non-natural materials, sealing materials)
- Electrical units and accessories (e.g. cable sheathing, soldering materials)

**What do I need to do?**

If you have not already done so, check that the materials you supply to us do not contain SVHCs. The relevant substances are the ones that are listed in the candidate list and the annexes of the REACH Regulation. The lists that are currently valid can be found on the homepage of the European Chemicals Agency. If you are not a manufacturer of substances and mixtures, you should be able to obtain this information from your suppliers.

Then provide us with the information that is requested in the self-disclosure. If you need more time, please notify us accordingly, and specify the anticipated time frame.

**Where can I find more information?**

- On the ECHA homepage (multilingual): [echa.europa.eu](https://echa.europa.eu)
- REACH helpdesk (multilingual): [echa.europa.eu/en/support/helpdesks](https://echa.europa.eu/en/support/helpdesks)
- The REACH information portal of the Landesanstalt für Umwelt Baden-Württemberg (Baden-Württemberg State Institute for the Environment (German):  
<https://www.reach.baden-wuerttemberg.de/>

**Who can answer specific questions for me?**

If you have any general questions, you can contact the REACH helpdesk. This is the support service of the European Chemicals Agency. On the other hand, there are various service providers who specialize in consulting with regard to REACH and other material compliance areas. If you have specific questions regarding our query, you can direct your queries to [contact.mc@wuh-group.com](mailto:contact.mc@wuh-group.com). Your query will then be forwarded to the specialist department, and we will contact you in due course.

**What is the meaning of the REACH annexes?**

There are 17 annexes. Some of them specify the provisions of the REACH regulation in general, whereas the others deal with specific substances. The substance-specific annexes XIV and XVII, which list the banned substances and the restrictions on permitted uses, are particularly relevant for downstream users, i.e. companies that do not manufacture chemical substances. These restrictions must be complied with.

Appendix I regulates the structure and content of safety data sheets; this appendix is also particularly important with regard to hazardous substances.

**What are safe-use instructions?**

Safe-use instructions are the instructions that must be followed to use a material safely. It should be noted that these must take the entire product life cycle into consideration, from manufacturing, to use, as well as disposal. We must be provided with safe-use instructions if people and/or the environment may come into contact with anything containing SVHCs under foreseeable conditions, and special behavioral measures are needed in this case. They must be appropriate with regard to the potential hazards posed by the substance(s) and the different contact possibilities (e.g. skin contact, inhalation, intake via food, dissolution in water, accumulation in soil, etc.) must have been taken into consideration.

**How do I transmit the information correctly? Can I also use my own forms?**

We would prefer you to use the questionnaires or input screens which we have provided. If you cannot do this due to the amount of data, and you can provide us with the requested information in a different form, please send it to us in your chosen form to the contact address specified in the query. In this case, it is essential to specify a point of contact who can provide information in case of further queries. If your data preparation raises questions during our processing, we must be able to address these without delay. In any case, we must be able to establish an unambiguous article reference and to know which version of the candidate list was used.

### **Why am I getting this request just now?**

There might be various reasons for this:

- The article which has been queried was ordered by us from you for the first time since the targeted supplier query on material information was implemented.
- You were selected as part of our data quality assurance measures and are being contacted as part of a campaign.
- We have not been able to satisfactorily respond to inquiries which have been sent to us with the existing data, and require your cooperation.

### **We have already responded to queries, so why do I have to provide information again?**

The previous queries referred to other material numbers which you supplied, or the candidate list has been extended/changed in such a way that the existing material data needs to be updated.

If we have inadvertently inquired several times about the same situation, please let us know so that we can clarify the matter and optimize our processes, if required.

### **How can I keep the amount of work to a minimum?**

If you have already registered the relevant materials that you supply to us in the SCIP database, you just need to provide us with the SCIP number. The information on the SVHC that is contained and the safe-use instructions can then be retrieved directly from the database.

### **I do not want to provide any information because I am worried that there will be a loss of expertise.**

Our request is limited to the information that is absolutely necessary. You do not have to disclose the exact chemical composition of your product, with the exception of suppliers outside Europe (see next section). You can limit the information to the SVHCs listed in the candidate list. In terms of the concentration content, concentration ranges (e.g. 0.1-4.0%) can be specified. Please note that this must indicate whether the specified concentration ranges are also complied with in the case of prescribed restrictions.

### **Does the REACH Regulation also affect suppliers outside Europe? It is a European law, after all.**

The REACH Regulation regulates substances that are used in the European market. If a supplier exports to Europe, its product is subject to the REACH regulation. If there are registration or reporting obligations with regard to the material because candidate substances



are included, these can only be met by companies based in the EU. On the one hand, this is time-consuming and expensive; on the other, detailed information about chemical composition is required and expertise must be disclosed. This is expected to have an impact on competitiveness and the protection of intellectual property. Non-European suppliers (including Switzerland and the UK!) should therefore have a representative in Europe who functions as an importer, complies with the registration and reporting obligations and acts as a business partner for customers in Europe. This allows the supplier to protect its expertise and reduces the burden on its customers, which in turn prevents the supplier from becoming uncompetitive.

**Which consequences can I expect if I do not provide the information?**

The extent of the potential consequences depends on the nature of our business relationship and the materials involved.

If we have clear indications that the products you supply contain relevant SVHCs: Generally, it will lead to complaints about the delivered products, since the regulatory relevant documentation is a constituent of the product. This will have an impact on the supplier performance evaluation. If we have to take action, chemical analyses of your products may subsequently be carried out and, with regard to our business relationship, the purchased product range may be restricted, even as far as purchases being blocked completely. If the refusal to provide information leads to a breach of contract, we reserve the right to take appropriate legal action.

We value partnerships with our suppliers, and in the event of problems, rely on your openness and willingness to communicate to solve the problem together, so that we can avoid using all of the options that we have described.