

Material Compliance Specification

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Material Compliance Specification - Version 2.0

1. Introduction

The purpose of this Material Compliance Specification is to ensure the legally compliant composition and use of substances, mixtures and products in development, production, trade and use.

This Material Compliance Specification describes the requirements of M&C TechGroup Germany GmbH (hereinafter referred to as M&C TechGroup GmbH) with regard to all legally restricted and declarable substances in their current form.

If any legislative amendments have not yet been incorporated in this Specification, this shall not exempt the supplier from the obligation to take these amendments to the law into account and to comply with the current, applicable legal requirements.

It is the supplier's responsibility to obtain the respective current laws and standards.

The requirements of the Material Compliance Specification shall apply equally to all other product requirements.

This Material Compliance Specification requires that all products and their packaging meet the requirements of current laws and standards to ensure that the products are placed on the market in compliance with regulations.

Substances, mixtures, products and items for which there is insufficient material information must not be used.

Upon request, M&C TechGroup GmbH must be provided with material information on all substances, mixtures, products and items used, as well as packaging, for inspection and reserves the right to carry out laboratory tests in individual cases.

The supplier of M&C TechGroup GmbH is obligated to provide the required material information free of charge.

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

The supplier is obligated to check at least once a year whether the Material Compliance Specification is available in an updated form. Upon amendment of the Material Compliance Specification, it supersedes the previous version and is valid with immediate effect. M&C TechGroup GmbH will not notify suppliers of any changes to the Material Compliance Specification.

M&C TechGroup GmbH provides an online version of the Material Compliance Specification.

This Material Compliance Specification was drawn up by tec4U - Solutions GmbH, Saar-Lor-Lux-Straße 13, D-66115 Saarbrücken.

Use and/or reproduction of the Specification is permitted to the company and the parties involved in the supply chain. For any use of the specification, in whole or in part, outside the supply chain, approval must be obtained from tec4U - Solutions GmbH.

2. Terms, Abbreviations, Sources

Substance:

Chemical element and its compounds in the natural state or obtained by a manufacturing process, including the additives necessary to preserve its stability and the impurities resulting from the process applied, but excluding solvents which can be separated from the substance without affecting its stability and without altering its composition (cf. Regulation (EC) No. 1907/2006 Art. 3 Para. 1).

Examples of substances:

- organic: ethanol, aldehyde
- metallic: iron, copper, tin
- mineral: clay, loam

Mixture:

Batches, mixtures or solutions consisting of two or more substances (cf. Regulation (EC) No. 1907/2006 Art. 3 Para. 2)

Examples of mixtures:

- batch: seeds
- mixture: alloy
- solution: octane in gasoline

Homogeneous Material:

A material of uniform composition throughout or a material consisting of different materials which cannot be broken down or separated into individual materials by mechanical processes such as unscrewing, cutting, crushing, grinding or sanding (cf. EU Directive 2011/65/EU Art. 3 Para. 20).

Examples of homogeneous materials:

- plastic
- ceramics
- glass
- alloy
- coating

Intentionally Added:

Generally known as the intentional use of a substance contained in a product to create a particular property, appearance, function or quality.

Contamination:

The addition or presence of chemicals to or in another substance to such an extent that it becomes unsuitable for its intended purpose.

Battery:

A device that supplies electrical energy generated by direct conversion of chemical energy, has internal or external storage, and consists of one or more non-rechargeable or rechargeable battery cells, modules or sets, and includes a battery that has been prepared for reuse or repurposing or has been repurposed or remanufactured (cf. EU Regulation 2023/1542 Art. 3 Para. 1).

Portable Battery:

A battery that is encapsulated, weighs 5 kg or less, is not specifically designed for industrial use and is not an electric vehicle battery, an LV battery or a starter battery (cf. EU Regulation 2023/1542 Art. 3 Para. 9).

Packaging:

Products made of any material for storing, protecting, handling, transporting and presenting goods, which can range from raw materials to processed products and are passed on by the manufacturer to the user or consumer. All „disposable items“ used for the same purpose are also to be regarded as packaging (cf. EU Directive 94/62/EC Art. 3 Para. 1).

Packaging Components:

Parts of the packaging that can be separated manually or by simple mechanical procedures. Additional elements, directly affixed or attached to a product and fulfilling a packaging function, are considered to be packaging, unless they are an integral part of the product.

Restricted Substances:

Restricted substances must not be contained as substances in mixtures and products above the applicable limit values.

Declarable Substances:

The substances classified as declarable are not desired in some applications and must be declared above the specified limit values. The listed substances must be specified for each

product, component, material, substance preparation, auxiliary or operating material. The declaration obligation does not apply below these limit values.

Product:

An object which, during manufacture, is given a specific shape, surface or design which determines its function to a greater extent than its chemical composition (cf. EC Regulation No. 1907/2006 Art. 3 Para. 3).

Latest Application Date:

According to EC Regulation No. 1907/2006, an application for authorization must be submitted by this date (the date is at least 18 months before the sunset date) so that the substance can continue to be used (deadline).

Information on the application for authorization and the formal procedure for an application for authorization can be found at:

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

Sunset Date:

After this date, the placing on the market and use of a substance listed in Annex XIV to EC Regulation No. 1907/2006 is prohibited unless an authorization has been granted.

Endocrine Disruptors:

Endocrine disruptors (ED) are chemicals or mixtures of chemicals that disrupt the natural biochemical mode of action of hormones and thus cause harmful effects (e.g. disruption of growth and development, negative influence on reproduction or increased susceptibility to specific diseases). (<https://www.umweltbundesamt.de/endokrine-disruptoren#1-bis-2>)

Persistence (Chemistry):

In biology and environmental chemistry, persistence refers to the resistance of mostly organic chemical compounds to chemical-physical and biological degradation.

Sources of Supply/Assistance:

Platform for European regulations, directives and decisions in all existing versions and official European languages. The year of publication and the publication number must 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 of the German Federal Government:

<https://www.reach-clp-biozid-helpdesk.de/>

REACH Helpdesk – German Federal Environmental Agency:

<http://www.reach-info.de>

REACH@Baden-Wuerttemberg:

<https://www.reach.baden-wuerttemberg.de/>

Platform for German laws:

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

3. M&C TechGroup GmbH – List of Legally Restricted Substances

3.1 Substance Restrictions – Relevant for all Products

The legal substance requirements described in this section apply to all substances, mixtures and products.

3.1.1 Regulation (EC) No. 1907/2006 REACH – Annex XIV – List of Substances Subject to Authorization

The inclusion of a substance from the list of substances of very high concern in Annex XIV to the REACH Regulation leads to an authorization requirement for this substance at the end of the process. After a transitional period, the substance may only be used with an authorization; otherwise its use is restricted.

Explanations regarding the terms “Latest Application Date” and “Sunset Date” can be found under item 2 “Definitions, Abbreviations and Sources”.

You can access the current Annex XIV to the REACH Regulation via the following link:

<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 lists substances that are restricted by law in defined applications.

You can access the current Annex XVII to the REACH Regulation via the following link:

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

3.1.3 Regulation (EC) No. 1907/2006 REACH – SVHC Candidate List (Declarable)

The current version of the official SVHC candidate list according to Regulation (EC) 1907/2006 can be found at the following address:

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

According to Article 33 of the REACH Regulation, each supplier is required to do the following:

(1) Any supplier of a product containing a substance meeting the criteria of Article 57 and identified in accordance with Article 59(1) in a concentration greater than 0.1 per cent by mass (w/w) shall provide the purchaser of the product with the information available to him

that is sufficient for the safe use of the product but shall provide at least the name of the substance concerned.

Ingredients of very high concern (SVHC candidate list) in

- components
- spare parts
- accessories
- packaging

Insofar as the delivered products contain substances of very high concern in a proportion of more than 0.1 % by weight, which are published in the so-called candidate list in accordance with Art. 59 Para. 1 of Regulation 1907/2006/EC, the contractor is obligated to provide all information in accordance with Art. 33 Para. 1 of Regulation 1907/2006/EC at the time of delivery without being requested to do so. This also applies if such a substance is only included in the candidate list during the ongoing supply relationship.

Private consumers must be provided with this information free of charge within 45 days upon request.

According to the decision of the European Court of Justice, the principle of “once a product, always a product” applies. As soon as a (partial) product exceeds the concentration limit of 0.1 %, the presence of this SVHC candidate substance must be communicated.

If you supply products 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.

3.1.4 Directive 2011/65/EU – RoHS

Directive 2011/65/EU of the European Parliament and of the Council regulates the restriction of the use of certain hazardous substances in electrical and electronic equipment.

The substance restrictions of Directive 2011/65/EU refer to the maximum concentrations in the homogeneous material.

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Table 1: Substance Restrictions of Directive 2011/65/EU

Substance Groups / Substances	Maximum concentration in the homogeneous material as a percentage
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)	

3.1.5 Regulation (EC) No. 2019/1021 – POP

This EU regulation implements the Stockholm Convention on Persistent Organic Pollutants. The Stockholm Convention is an agreement on prohibition and restriction measures for certain persistent organic pollutants that are binding under international law. Thus, the Convention bans or restricts the production, use, and trade of hazardous substances, mixtures and products.

Further information on the Stockholm Convention can be found on the official Internet site at the following link:

<http://chm.pops.int/>

3.1.6 Toxic Substance Control Act (TSCA)

The United States Environmental Protection Agency (EPA) has now imposed a ban or a restriction on five substances in the Toxic Substances Control Act (TSCA) Section 6 (h).

The sale of chemicals, mixtures and products containing the prohibited/restricted substances is regulated in the USA. Depending on the substance, there are currently many different transition periods and some exemptions.

Table 2: Substance Regulations TSCA

Substances	CAS Number	Limit Value
Decabromdiphenyl ether (decaBDE)	1163-19-5	0 %
Phenol, isopropylated phosphate (3:1) (PIP (3:1))	68937-41-7	0 %
2,4,6 tris (tert butyl)phenol (2,4,6 TTBP)	732-26-3	0.3 % total concentration per product / delivery in containers under 35 gallons
Hexachlorbutadiene (HCBd)	87-68-3	0 %
Pentachlorothiophenol (PCTP)	133-49-3	1 % total concentration per product

In addition to the restrictions, communication obligations come into force in the case of one of the five substances being present, which are to be seen as comparable to the obligations under Article 33 of the REACH Regulation.

Further information is provided here:

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

3.1.7 The Safe Drinking Water and Toxic Enforcement Act of 1986 – California Proposition 65

The Californian Safe Drinking Water and Toxic Enforcement Act of 1986 is often referred to simply as “California Proposition 65” or “CP65” in short. The central content of the law are the following requirements:

1. to prohibit the contamination of drinking water with chemicals known to have carcinogenic or reprotoxic properties. There must be no contamination by this chemical in a body of water itself or in the soil where it can enter a drinking water source.

2. to warn of chemicals in products that are known to have carcinogenic or reprotoxic properties. No business shall knowingly expose any person to these chemicals in the course of its business without first providing a clear and adequate warning.

A list of chemicals issued by the State of California that are carcinogenic and/or toxic to reproduction can be accessed via the following link:

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

Further information is provided here:

<https://oehha.ca.gov/proposition-65>

3.1.8 Conflict Minerals (CM) – Dodd-Frank Act

The US Dodd-Frank Act Sec. 1502 passed in 2010 obligates companies listed on the US stock exchange to check their own supply chain to determine whether conflict minerals are used to manufacture their products. If one of the conflict minerals is found, the origin must be disclosed in this report. Conflict minerals within the meaning of the law are tin, tungsten, tantalum and gold (synonym "3TG"). The D.R. Congo and its neighboring states are defined as a high-risk conflict area.

Should M&C TechGroup receive inquiries from its customers regarding the origin of conflict minerals, it will forward these inquiries to its suppliers.

See further information on the Dodd-Frank Act:

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

As declaration medium, the Excel document of the

<http://www.responsiblemineralsinitiative.org/>

is preferred.

3.1.9 Chemicals Prohibition Ordinance – ChemVerbotsV

The Ordinance on Prohibitions and Restrictions on the Marketing of Hazardous Substances, Mixtures and Products under the Chemicals Act is a German federal law that stipulates special national requirements in addition to Regulation (EC) No. 1907/2006. The national requirements for the following substances and substance groups are also specified.

Table 3: Substance Restrictions according to the Chemicals Prohibition Ordinance

Substances/Mixtures
Formaldehyde
Dioxins und furans
Pentachlorphenol
Biopersistent fibres

The current requirements and the listed exceptions can be found in the legal text.

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

3.1.10 Product Safety Act (ProdSG)

The Product Safety Act (ProdSG) has been in force since July 16, 2021. It is the central legal regulation for the safety of products.

These may only be made available on the market if they do not endanger health and safety. According to § 3, this is permitted if the legal interests listed in § 8 (1) are not endangered when used as intended or in a foreseeable manner.

The provision on the Union market is equivalent to any supply of a product for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge.

https://www.gesetze-im-internet.de/prodsg_2021/

3.2 Substance Restrictions – Valid for Products from Different Areas of Application

In contrast to the substance restrictions in section 3.1, the supplier must check whether his products fall within the scope of the respective requirement with regard to the regulations described in this chapter. If it is not possible for the supplier to clarify this issue on his own, he must inform M&C TechGroup GmbH immediately.

3.2.1 EU Regulation EU (2023/1542) – Battery Regulation 2023

The Regulation on Batteries and Waste Batteries revoking Directive 2006/66/EC and amending Regulation (EU) 2019/1020 came into force on August 17, 2023. Annex I to the regulation restricts the use of mercury, cadmium and lead.

Table 4: Maximum Concentration for Batteries

Pure Substances	Maximum Concentration in the Product as a Percentage	Application Restrictions
Mercury and mercury compounds	0.0005 %	Batteries (in devices and means of transportation)
Cadmium and cadmium compounds	0.002 %	Portable batteries (in devices and means of transportation)
Lead and lead compounds	0.01 %	Portable batteries (from August 18, 2024)

3.2.2 Directive 94/62/EC – Packaging Directive

The European Parliament and Council Directive 94/62/EC dated December 20, 1994 on packaging and packaging waste restricts the concentration of heavy metals in packaging.

Lead, cadmium, mercury and chromium VI compounds must not exceed a cumulative maximum concentration of 100 ppm by weight in packaging or packaging components.

3.3 Production Auxiliaries and Operating Materials

3.3.1 Safety Data Sheets (SDB) – (Subject to Declaration)

The safety data sheet is the central element of communication in the supply chain for hazardous substances and mixtures.

It provides important information on the following features:

- identity of the product
- arising hazards
- safe handling
- prevention measures
- measures in case of danger

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

The supplier of a hazardous substance/mixture is responsible for ensuring that the safety data sheet is technically correct and completed in full.

The safety data sheet is provided to M&C TechGroup free of charge on paper, in electronic form or as a download option no later than on the day of the 1st delivery.

Suppliers shall update the SDS without delay (Art. 31 (9)) if:

- new information that might have an impact on risk management measures is available.
- approval has been granted or refused.
- a restriction has been imposed.

The corrected version must be made available to the customer if he has been supplied within the last 12 months.

4. Change Log

Version	Change	Date	Officer
00	Issue of document	Oct. 17, 2022	M. Glauben, tec4u GmbH
1.0	Verification	Feb. 1, 2023	Dr. Jackelyn Aragón Gómez (MCM)
1.0	Authorization	April 1, 2023	Klemens Rüdiger, Head of Purchasing Hans-Jörg Rumm, CTO
2.0	Document Update	Dec. 11, 2023	Dr. Jackelyn Aragón Gómez (MCM)
2.0	Authorization	Feb. 14, 2024	Dr. Jackelyn Aragón Gómez (MCM) Klemens Rüdiger, Head of Purchasing Hans-Jörg Rumm, CTO