

Material Compliance Agreement

Agreement regarding REACH, RoHS, TSCA, Prop 65 and other material requirements

C. & E. Fein GmbH (hereinafter: FEIN) manufactures power tools. FEIN manufactures the majority of these power tools itself and purchases products for this purpose (components, assemblies, operating materials, etc.) and FEIN also partly purchases so-called OEM products, which it markets exclusively under its own name and brand (all referred to as "products" or "goods" herein.). Unless communicated otherwise, FEIN markets and distributes all products worldwide.

1. REACH-VO

1.1

The supplier is obliged to comply with all requirements of Regulation (EC) No. 1907/2006 (REACH) as amended from time to time. The supplier assures FEIN not to deliver any goods to FEIN that do not comply with the substance prohibitions, substance restrictions or use restrictions of Art. 56 and Art. 67 REACH Regulation in connection with Annexes XIV and XVII (quality agreement).

1.2

The supplier is obligated by law and independently also on the basis of this contractual provision to actively communicate to FEIN all information to be communicated according to Art. 33 para. 1 REACH Regulation without undue delay, at the latest, however, by the time of the product delivery. In particular, the supplier has to inform FEIN without delay whether and if yes, which candidate substances (SVHC included in the respective valid candidate list of ECHA) are contained in the respective articles in a concentration of more than 0.1 mass percent (w/w). A delivered product usually consists of a variety of products. The information must be provided in such a way that candidate substances present can be precisely assigned to the respective article(s). At least the name and the identification number (CAS number) of the respective candidate substance must be provided.

1.3

In case of changes or extensions of the candidate lists the supplier has to check actively the contractual goods whether an update of the notification according to clause 2.2. is necessary and, if this is the case, to carry it out immediately.

1.4

Upon FEIN's request, the supplier has to prove to FEIN by appropriate evidence (certificates, test reports, supplier declarations, material declarations, etc.) that its statements are correct or that the goods comply with all substance law requirements.

2. RoHS:

2.1

The supplier is aware that FEIN is a manufacturer of electrical and electronic equipment (EEE) in the sense of the RoHS Directive 2011/65/EU and the ElektroStoffV. The supplier is therefore obliged, even if the delivered goods are not stand-alone EEE, to fully comply with all material requirements of the RoHS Directive (substance restrictions).

2.2

The supplier assures FEIN that the goods delivered by him do not

contain any of the substances listed in § 3 Para. 1 ElektroStoffV or Annex II of the RoHS Directive, as amended, in an impermissible concentration (quality agreement).

2.3

If the supplier is allowed to exceed the limit values according to the ElektroStoffV in connection with the Annexes III and IV of the RoHS Directive in their respective applicable version, he has to inform FEIN about this at the latest by the time of product delivery, stating the respective exception with regard to the homogeneous material concerned.

2.4

The reference point for the evaluation of the substance restrictions is not the delivered goods, but the homogeneous materials in the sense of § 2 No. 19 ElektroStoffV.

2.5

Upon FEIN's request, the supplier has to prove to FEIN by suitable documents (certificates, test reports, supplier's declarations, material declarations, etc.) that its statements are correct or that the goods comply with all substance law requirements.

3. POPs Regulation

The supplier is obliged to observe the provisions of Regulation (EU) No. 2019/1021 (POPs Regulation). The supplier assures FEIN that it will not supply any goods that fail to comply with the substance bans, substance restrictions or use restrictions of the POPs Regulation (quality agreement).

4. Toxic Substances Control Act ("TSCA")

4.1

The supplier understands that products, including components, assemblies, operating materials, and raw materials, that are supplied to FEIN may be subject to TSCA, set forth in 15 C.F.R. Chapter 53 and administered by the United States Environmental protection Agency.

4.2

The supplier certifies that all chemical substances and products supplied to FEIN comply with all applicable rules or orders under TSCA.

4.3

The supplier certifies that all products supplied to FEIN, including all chemicals, mixtures of chemicals in raw materials or products, or and in articles, are on the TSCA "Active" inventory.

4.4

The supplier understands that TSCA limits or prohibits the manufacture (including import), processing, and/or distribution in commerce (including within articles) of the following persistent, bioaccumulative and toxic (PBT) chemicals: Decabromodiphenyl ether (DecaBDE); Phenol, Isopropylated Phosphate 3:1 (PIP 3:1); 2, 4, 6-Tris(tert-butyl) phenol (2, 4, 6-TTBP); Hexachlorobutadiene (HCBBD); Pentachlorotriphenol (PCTP). The supplier certifies that the products supplied to FEIN do not contain the above PBT Chemicals.

4.5

Upon FEIN's request, the supplier shall provide to FEIN suitable documents (certificates, test reports, supplier's declarations, material declarations, etc.) that demonstrate compliance with TSCA and support the statements above.

5. California Proposition 65 ("Prop 65")

5.1

The supplier understands the FEIN distributes and sells products into the State of California in the United States of America, and such products are subject to the requirements of the California Safe Drinking Water and Toxic Enforcement Act of 1986 (known as "Prop 65").

Proposition 65 - OEHHA (ca.gov)

5.2

Prop 65 requires the California Office of Environmental Health Hazard Assessment to maintain and update a list of chemicals known to the State of California to cause cancer or reproductive toxicity ("listed chemicals").

5.3

All products distributed into and/or sold in California which contain one or more listed chemicals must warn purchasers about exposure to such chemicals.

5.4

The supplier certifies that all products supplied to FEIN have been tested for compliance with Prop 65 and if the product contains a listed chemical, the supplier will provide a Prop 65-compliant warning and, upon request, a copy of the Prop 65 testing documentation.