



Environmental Standard

Version 2.1 (15.09.2018)

Prohibition and declaration of substances

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Table of acronyms

Para.	Paragraph
AfPS	German Product Safety Commission
Art.	Article
BOMcheck	Centralised database for the declaration of substances
CAS	Chemical Abstracts Service
Cd	Cadmium
DIN	German Institute for Standardization
DKE	German Commission for Electrical, Electronic & Information Technologies
ECHA	European Chemicals Agency
EC	European Community
EU	European Union
wt%	Percent by weight
Hg	Mercury
kg	Kilogram
mg	Milligram
PAH	Polycyclic aromatic hydrocarbons
Pb	Lead
PBB	Polybrominated biphenyls
PBDE	Polybrominated diphenyl ethers
POP	Persistent organic pollutants
REACH	Registration, Evaluation, Authorisation and Restriction of Chemicals
RoHS	Restriction of Hazardous Substances
SDB	Safety data sheet
SVHC	Substances of very high concern
VDE	Association for Electrical, Electronic & Information Technologies
ZEK	Central body for the exchange of experience

Preface to the Environmental Standard

Purpose	This standard supports compliance with legal requirements and the requirements of our customers.
Scope	<p>The standard applies to FESTOOL GmbH and all affiliated companies, hereinafter referred to as FESTOOL. It must be taken into consideration for the supply of all articles to FESTOOL.</p> <p>This standard is an integral part of the supply contract and is therefore binding on all suppliers that supply articles to FESTOOL. It is deemed to have been accepted on acceptance of the order (supply contract, order text, requirement forecast).</p>
Contents	The standard includes specifications for all substances that are prohibited or subject to declaration for all articles used in FESTOOL products or placed on the market by FESTOOL. The standard is intended to provide suppliers with assistance regarding the content of legal requirements.
Legal notice	This guideline does not represent a full overview of the laws to be complied with and does not release suppliers from being responsible for compliance with applicable legislation.
Download	<p>The version currently applicable for suppliers can be found in the supplier portal:</p> <p>https://www.festool.com/suppliers/pages/suppliers.aspx</p>

1. Definitions

Substance A chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition (see REACH Art. 3 Para. 1).

Preparation A mixture or solution composed of two or more substances (see REACH Art. 3 Para. 2).

Homogeneous material A material with a uniform composition throughout or one that consists of a combination of materials that cannot be disjointed or separated into different materials by mechanical actions such as unscrewing, cutting, crushing, grinding or abrasive processes (see RoHS Art. 3 Para. 20).

SVHC Substances of **very high concern** = these substances are listed in the Candidate List of the European Chemicals Agency (ECHA): <http://echa.europa.eu/candidate-list-table>

Article This standard deems everything to be an article that is:

- Supplied to FESTOOL and remains in a product
- Supplied to FESTOOL as an auxiliary production material (this includes the supplier's working and auxiliary materials)
- Provided to FESTOOL as packaging to be passed on to external customers
- Supplied to FESTOOL and intended as a working material for internal purposes

Examples of articles include:

- Finished products including commodity articles
- Assemblies
- Components
- Semi-finished goods
- Mixtures
- Substances
- Materials
- Packaging including conditioning materials such as desiccants or anti-corrosive agents

2. Legal and other requirements

The table below provides an overview of the regulations on which this standard is based.

Table 1: Applicable regulations

Info	Title	Explanation
REACH	Regulation (EC) No. 1907/2006	European chemicals regulation concerning the registration, evaluation, authorisation and restriction of chemicals (REACH).
RoHS2	Directive 2011/65/EU	Directive on the restriction of the use of certain hazardous substances in electrical and electronic equipment.
EU Directive on Packaging and Packaging Waste	Directive 94/62/EC	Directive on packaging and packaging waste.
Biocidal Products Regulation	Regulation (EU) No. 528/2012	[...] dated 22nd May 2012 concerning the making available on the market and use of biocidal products.
EU Battery Directive	Directive 2006/66/EC	Directive on batteries and accumulators and waste batteries and accumulators.
Amendment to the Battery Directive	Directive 2013/56/EU	Amendment to Directive 2006/66/EC [...] regarding the placing on the market of portable batteries and accumulators containing cadmium intended for use in cordless power tools [...].
Conflict minerals	Dodd-Frank Wall Street Reform and Consumer Protection Act	Section 1502: Disclosure relating to materials originating from conflict areas.
German Chemicals Prohibition Ordinance (ChemVerbotsV)	German Chemicals Prohibition Ordinance (ChemVerbotsV)	Ordinance on the prohibitions and restrictions for the circulation and emissions of certain substances, mixtures and products in accordance with the German Chemicals Act.

POP Regulation	Regulation (EC) No. 850/2004	[...] dated 29th April 2004 concerning persistent organic pollutants and amending Directive 79/117/EEC.
EU Timber Regulation	Regulation (EU) No. 995/2010	[...] dated 20th October 2010 laying down the obligations of operators who import/place timber and timber products on the market.
German Product Safety Act (ProdSG)	German Product Safety Act (ProdSG)	German Product Safety Act concerning the implementation of the Machinery Directive 2006/42/EC and the Low Voltage Directive 2014/35/EU relevant here
California Proposition 65	Safe Drinking Water and Toxic Enforcement Act of 1986	Regulation in the US state of California. Regulates the obligation to provide information on chemicals contained in sold products and in the state's private and/or professional environment or which enter the environment.

3. Supplier obligations

All suppliers of articles to FESTOOL are obliged to:

- Be acquainted with the currently valid version of legal requirements and all applicable substance restrictions and to comply with them
- Recognise this standard
(Generally as part of the supply contract)
- Fulfil their information obligations within the supply chain and involve upstream suppliers as appropriate
- Inform FESTOOL of any deviations from this standard
- Avoid the use of prohibited substances in a concentration above the threshold value in the supplied article (should the supplier fail to comply with the prohibition, FESTOOL must be informed of the quantity of the prohibited material contained in the supplied article immediately so that further steps can be agreed with FESTOOL)
- Inform FESTOOL of substances subject to declaration contained in supplied articles indicating the material, substance name and percent by weight
- Take account of auxiliary and operating materials used by themselves or by upstream suppliers in manufacturing and transport as well
- Fulfil their information obligation in accordance with Article 33(1) REACH and inform FESTOOL, without being asked to do so, if the articles/products supplied to FESTOOL contain a SVHC candidate beyond the threshold value

FESTOOL reserves the right to conduct laboratory analyses in individual cases in order to check compliance regarding substance prohibitions. Products which breach any statutory substance prohibitions will be immediately reclaimed and will result in suspended delivery.

3.1. Reasons for a supplier declaration

A declaration is required from a supplier if one of the following reasons exists:

- An article is being provided as a sample or is being supplied for the very first time
- Previous declarations were inadequate
- Substances and/or processes have been changed
- New/amended substance prohibitions and/or substance declaration obligations have come into force and the supplied article is affected
- FESTOOL makes a specific request for a declaration

The supplier must provide a declaration to the relevant purchasing department within 14 calendar days of the reason being announced.

4. Prohibition and substances subject to declaration

4.1. Statutory substance restrictions – Relevant for all products

4.1.1. Regulation (EC) No. 1907/2006

The REACH Regulation (EC) No. 1907/2006 is the European chemicals regulation concerning the registration, evaluation, authorisation and restriction of chemicals. The regulation applies to all articles covered by the definition of this standard (see Section 1).

Substance declarations in accordance with Articles 31 and 33 – SVHC Candidate List

All substances (SVHCs = **S**ubstances of **v**ery **h**igh **c**oncern) on the Candidate List are subject to declaration. SVHCs in mixtures and products are subject to the obligation of declaration if they exceed a maximum permitted concentration of 0.1% by weight. A declaration of articles containing substances on the Candidate List must be made to FESTOOL as soon as they become known. FESTOOL requires an indication of the article (FESTOOL product number), substance name, CAS number and percent by weight.

The current Candidate List can be accessed via the website of the European Chemicals Agency (<https://echa.europa.eu/candidate-list-table>).

The Candidate List is added to twice a year. Suppliers are obliged to keep themselves informed of updates to the list.

A selection of SVHCs that may be included in electrical and electronic equipment as well as their packaging can be accessed here:

<https://www.bomcheck.net/en/suppliers/restricted-and-declarable-substances-list>.

Substances subject to authorisation pursuant to Article 58 and Annex XIV

Annex XIV essentially prohibits the use of specific SVHC candidates. However, the special use of specific substances shall be permitted upon the submission and approval of an exception with the ECHA.

A list of substances subject to authorisation of Annex XIV is available at the following link:

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

Should articles supplied to FESTOOL contain any of the substances listed in Annex XIV, this must be reported immediately to FESTOOL.

Substance restrictions pursuant to Article 67 and Annex XVII

The REACH Regulation restricts the use of specific substances in principle or in certain applications. All restricted substances are listed in Annex XVII. This Annex can be found via the following link on the ECHA website:

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

The articles supplied to FESTOOL must comply with the specifications in Annex XVII.

4.1.2. German Chemicals Prohibition Ordinance

In addition to Annex XVII REACH, the Chemicals Prohibition Ordinance (ChemVerbotsV) applicable in Germany restricts and/or prohibits the placing on the market of specific hazardous substances and mixtures and of specific products. The prohibited or restricted substances and mixtures in accordance with Annex 1 German Chemicals Prohibition Ordinance (ChemVerbotsV) are listed in Table 2.

Table 2: Substances regulated in accordance with Annex 1 German Chemicals Prohibition Ordinance (ChemVerbotsV)

Substances/mixtures
Formaldehyde
Dioxins and furans
Pentachlorophenol
Biopersistent fibres

The articles supplied to FESTOOL must comply with the specifications in the German Chemicals Prohibition Ordinance (ChemVerbotsV).

4.1.3. Regulation (EC) No. 850/2004

With the POP Regulation, the EU is implementing the results of Stockholm Convention on the prohibition and/or restriction of persistent organic pollutants. This binding international agreement prohibits and/or restricts the production, use and trade of 22 hazardous chemicals.

The following website provides an overview of the applicable regulation of the European Union on persistent organic pollutants:

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02004R0850-20160930&from=DE>

The articles supplied to FESTOOL must comply with the specifications in this regulation.

4.2. Specific substance restrictions – Relevant for certain products

4.2.1. Directive 2011/65/EU

Directive 2011/65/EU is known as RoHS2. RoHS stands for "**R**estriction **o**f **H**azardous **S**ubstances". The RoHS2 Directive, and the corresponding national derivations, shall apply to electrical and electronic equipment and restrict the usage of the substances listed in Table 3.

Table 3: Restricted substances in accordance with RoHS2

Restricted substances	Threshold value [% by weight]
Lead and its compounds	0.10
Cadmium and its compounds	0.01
Mercury and its compounds	0.10
Hexavalent chromium and compounds containing hexavalent chromium	0.10
Polybrominated biphenyls (PBBs)	0.10
Polybrominated diphenyl ethers (PBDEs)	0.10
Extended as of 22nd July 2019	Threshold value [% by weight]
Di(2-ethylhexyl)phthalate (DEHP)	0.10
Butyl benzyl phthalate (BBP)	0.10
Dibutyl phthalate (DBP)	0.10
Diisobutyl phthalate (DIBP)	0.10

The threshold values relate to the respective homogeneous material.

This directive applies to all supplied articles except for batteries and packaging (Items 4.2.2 to 4.2.5 and 4.2.2 respectively apply here).

The articles supplied to FESTOOL must comply with the requirements of this directive. Certain applications are exempted from the substance restrictions (Annex III of the directive). However, the exceptions are only valid for a specific period of time and must be checked every five years to determine whether they still correspond to the state of the art. If an exception is used in accordance with RoHS2, Annex III, FESTOOL must be informed accordingly (specifying the exception with regards to the affected components/materials supplied). FESTOOL therefore aims to avoid using components/materials with RoHS exceptions.

FESTOOL expects its suppliers to take all measures to ensure compliance with RoHS. These include, for example, the preparation of technical documentation.

4.2.2. Directive 2006/66/EC

All batteries and accumulators must comply with the requirements of Directive 2006/66/EC (EU Battery Directive). This directive prohibits the placing on the market of batteries and accumulators which exceed the threshold values for cadmium and mercury listed in Table 4.

Table 4: Regulated substances in batteries and accumulators

Regulated substances	Threshold value [% by weight]
Cadmium	0.002
Mercury	0.0005

All accumulators and batteries must be marked with the symbol of the crossed-out wheelie bin and, in addition, must either feature a black bar under the wheelie bin or the date of manufacture.

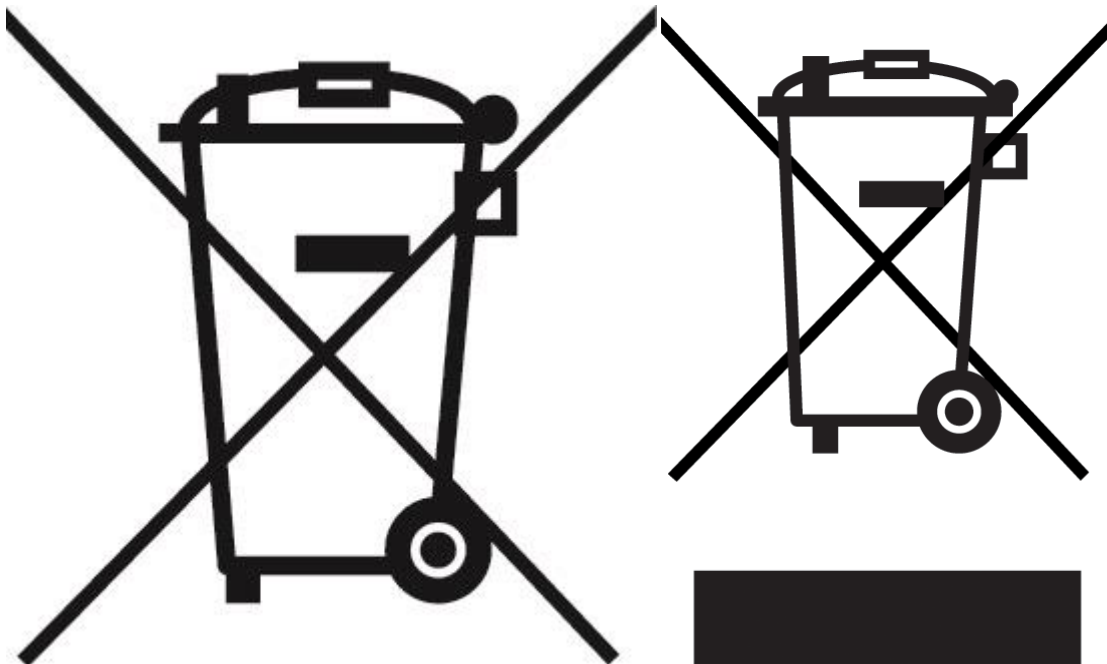


Figure: Wheelie bin without black bar and Electronic Equipment Act (Elektro G)

Figure: Wheelie bin with black bar Annex 3 German Electrical <https://www.elektrogesetz.de/>

4.2.3. Packaging Directive 94/62/EC

All packaging, regardless of the material, must comply with the requirements of EU Packaging Directive 94/62/EC. This directive restricts the concentration of heavy metals in the packaging, as shown in Table 5.

Table 5: Regulated substances in packaging

Restricted substance	Threshold value
Lead	0.01% cumulative
Cadmium	
Mercury	
Hexavalent chromium	

4.2.4. Biocidal Products Regulation (EU) No. 528/2012

The Biocidal Products Regulation (BPR, EU Regulation No. 528/2012) concerning the provision and use of biocidal products on the European market came into force on 1st September 2013. This regulation uniformly regulates the authorisation of biocides in the European Union, whereby this authorisation process has several steps.

All FESTOOL suppliers undertake to comply in full with the requirements and obligations for

- Biocidal products
- Treated goods.

The following website provides an overview of the applicable regulation of the European Union on the provision and use of biocidal products:

<https://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:32012R0528&from=DE>

All articles supplied to FESTOOL which have been treated with biocides must meet the requirements of the regulation and be reported to FESTOOL.

4.2.5. EU Timber Regulation – (EU) No. 995/2010

This regulation prohibits the placing on the market of illegally harvested timber and timber products. It requires traders placing products on the market to exercise "due diligence".

All articles supplied to FESTOOL which are made of timber, timber components or timber composites and which are covered by the regulation in accordance with the annex must meet the requirements of the EU Timber Regulation. The timber and timber products affected can be identified by their customs tariff number.

4.2.6. German Product Safety Act (ProdSG)

The German Product Safety Act (ProdSG) is an instrument used to implement European directives, in this context in particular the Machinery Directive 2006/42/EC and the Low Voltage Directive 2014/35/EU, regarding the placing on the market and/or provision of products on the German market. Under this act, manufacturers, importers and traders undertake to only bring products to market which meet the statutory requirements regarding safety and the protection of health.

The following website provides an overview of the applicable directives of the European Union on the provision of products:

http://ec.europa.eu/growth/single-market/ce-marking/manufacturers/index_en.htm

Manufacturers, importers and traders declare the product meets the requirements of all the applicable harmonised standards in the EU for this product, for example, by affixing the CE marking and drawing up the associated signed CE conformity declaration.

4.2.7. Safe Drinking Water and Toxic Enforcement Act of 1986

Proposition 65 ([Safe Drinking Water and Toxic Enforcement Act of 1986](#)) is a law which came into force in 1986 in the US state of California which was intended to promote the cleanliness of drinking water. It concerns all consumables which are bought or sold in California. The State of California lists over 900 chemicals that are classified as having a chance of causing cancer, triggering birth defects or causing reproductive toxicity.

If companies are not exempt from complying with requirements, they must deliver "a clear and unambiguous warning" if their products bring individuals into contact with the chemicals listed.

The supplier undertakes, upon request, to provide information about the listed substances and/or to provide the necessary warnings for the supplied articles. This means that FESTOOL can fulfil its obligation to affix warning notices to products intended for export to California.

The *Office of Environmental Health Hazard Assessment California Environmental Protection Agency* provides a questionnaire for users and interested parties:

[Clear-and-Reasonable-warnings-questions-and-answers-for-buisnesses.pdf](#)

4.2.8. Hazardous substances

The safety data sheet is the key element in communication in the delivery chain for hazardous substances and mixtures. It provides important information about the following features:

- Product identity
- Occurring hazards
- Safe handling
- Measures for prevention
- Measures in an emergency

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

The supplier of a substance or mixture is responsible for ensuring that the safety data sheet is filled out in full and such that it is technically accurate.

The safety data sheet shall be made available to FESTOOL, free of charge, on paper, electronically or as a download, no later than on the day of the first delivery.

Suppliers shall update the safety data sheet without delay (Art. 31(9)) if

- New information becomes available that could have an impact on risk management measures
- An authorisation has been issued or denied
- A restriction has been imposed

The corrected version must be made available to FESTOOL immediately where this has been delivered within the last 12 months.

4.3 Additional obligations to provide information for suppliers

4.3.1 Nanomaterials

Nanoparticles are solid particles that are typically between 1 and 100 nanometres in size. One nanometre corresponds to one millionth of a millimetre. The environmental impact of nanoparticles has not yet been fully investigated.

Suppliers are obliged to inform FESTOOL of the use of nanomaterials.

4.3.2 Conflict minerals

The Dodd-Frank Act is a US law signed in July 2010 that obligates companies listed on the US stock exchange to declare the use of raw materials from conflict regions. Since this came into force, companies that use a conflict mineral must supply a separate report about the origin thereof by no later than 31st May. Conflict minerals in the meaning of

this law include cassiterite, coltan, wolframite and gold, from which the following materials are manufactured: Tin, tantalum, tungsten and gold, including the 3TGs (tin, tantalum, tungsten, gold):

References to further information:

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

The Excel document issued by the

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

is preferred as the declaration medium.

Suppliers are obliged to inform FESTOOL of the use of, or indications of the possible use of, conflict minerals contained in articles supplied to FESTOOL. This shall apply regardless of the existing concentrations if the metals form part of the article for functional reasons.

5. Revision index

Version	Date	Revision status	Prepared by
1.0	26.06.2014	First version	FQ-U/STGL
1.1	10.11.2014	REACH Annex XVII/XIV added	FQ-U/STGL
1.2	05.02.2016	Amendment to batteries	FQ-U/STGL
2.0	15.08.2017	<p>Addition of:</p> <ul style="list-style-type: none"> - German Chemicals Prohibition Ordinance (ChemVerbotsV) - EU POP Regulation (EC) No. 850/2004 - Biocidal Products Regulation (EU) No. 528/2012 - EU Timber Regulation (EU) No. 995/2010 - Information on batteries and accumulators - EU Conflict Minerals Regulation (EU) No. 2017/821 - 2011/65/EC List of hazardous substances <p>Replacement of:</p> <ul style="list-style-type: none"> - PAH: Document ZEK 01.4-08 by document AfPS GS 2014:01 PAH <p>Restructuring of Sections 4.1 and 4.2</p> <p>Layout and error corrections</p>	FQ-U/STGL
2.1	17.09.2018	<p>Updates:</p> <ul style="list-style-type: none"> - Plasticisers to 2011/65/EC List of hazardous substances - Nanomaterials and conflict materials as an additional information obligation - Safe Drinking Water and Toxic Enforcement Act of 1986 - Biocidal Products Regulation (EU) No. 528/2012 - German Product Safety Act (ProdSG) - Incorporation of help in the form of online links 	FQ-U/MRHS