

Høyer Gruppen AS

Supplier Chemical Compliance Contract

1. Introduction

Høyer Gruppen AS is committed to adhering by national and international legislation, as well as voluntary control measures for the chemical use in the production processes of, and presence in the products manufactured for and sold through Høyer Gruppen AS' stores, its affiliates, and its franchisees.

2. Legal Background REACH

Høyer Gruppen AS is required to comply with the European chemicals legislation called REACH that has been in force since 1 June 2007. REACH is an abbreviation for **Registration, Evaluation, Authorisation and restrictions of Chemicals**.

The essence of REACH is to ensure a high level of safety for human health and the environment, focused on substances in general and hazardous substances in particular that are manufactured in the EU, imported into the EU and used within the EU. It is the responsibility of all manufacturers, importers and users of substances within the EU to ensure that the substances they manufacture, import or use do not pose any risk to human health and the environment. REACH affects all EU actors that professionally manufacture, import, sell, buy, distribute or use chemicals as such and in articles.

Høyer Gruppen AS requires that all our suppliers are prepared for REACH and follow updated information from the European Chemicals Agency (ECHA), <https://echa.europa.eu/home>, which is the European authority for REACH on behalf of the European Commission.

Business partners shall observe and comply with all restrictions set forth by the REACH regulation of the ECHA as it applies to their field of business, as manufacturer, importer, or downstream user. The REACH regulations apply as follows:

- Covers **all sectors** manufacturing, importing, distributing, or using chemicals as raw materials or finished products (not only the chemical industry)
- Applies to companies **regardless of your company size**
- Makes companies responsible for the **safe use of the substances** they place on the market or use
- Requires every actor in the supply chain **to communicate information** on the safe use of chemicals
- Gives consumers the **right to ask** about substances of very high concern (SVHC) contained in a company's articles

Registration

One of the requirements of REACH is that manufacturers of chemicals and importers of chemicals and articles have a duty to register substances. For importers of articles, registration requirements apply to substances intentionally released from articles.

Duty to inform your customer on substances for authorization

Since 28 October 2008, all EU actors that professionally manufacture, import, sell or distribute articles are legally obliged to inform their customers about the presence of Substances of Very High Concern (SVHC) (also called candidate substances) in articles they sell. To find the latest list of SVHC, please read this on the ECHA website,

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

It is your responsibility as a supplier to stay updated on the candidate list of authorization, Annex XIV (Authorisation Substances) and Annex XVII (Restricted Substances).

By signing this document you are not allowed to use any substances for authorization from the candidate list and Annex XIV and any restricted substances in Annex XVII.

The full legal text of REACH is enclosed in the link below that include the current text of annex XIV and XVII, see link below,

REACH legislation

<https://echa.europa.eu/regulations/reach/legislation>

Annex XIV (authorization list)

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

Annex XVII (restricted substances)

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

Stockholm Convention on Persistent Organic Pollutants (POPs)

Stockholm Convention on Persistent Organic Pollutants (<http://chm.pops.int>) is an international environmental treaty, signed in 2001 and effective from May 2004, that aims to eliminate or restrict the production and use of persistent organic pollutants (POPs), addressed as the Stockholm Convention, Regulation (EC) 850/2004 <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32004R0850>.

Biocidal Product Regulation

The Biocidal Product Regulation (BPR, Regulation (EU) 528/2012, <http://echa.europa.eu/regulations/biocidal-products-regulation/legislation>) concerns the placing on the market and use of biocidal products, which are used to protect humans, animals, materials or articles against harmful organisms, like pests or bacteria, by the action of the active substances contained in the biocidal product.

The Biocidal Products Regulation (BPR) also sets rules for the use of articles treated with, or intentionally incorporating, one or more biocidal products.

EU Waste Legislation on Packaging and Packaging Waste

Directive on Packaging and Packaging Waste 94/62/EC, <http://ec.europa.eu/environment/waste/packaging/legis.htm> concerns the management of packaging and packaging waste. The directive includes demands on weight and volume of packaging, content of hazardous substances and materials in the packaging material and its components and the design of reusable or recoverable packaging.

3. Documentation and testing

The burden of proof shall be on the individual business partner, and documentation to show compliance with the regulation shall be provided to Høyer Gruppen AS upon request.

The form of documentation can be audits, test reports and data sheets for individual chemicals used in production.

Høyer Gruppen AS maintains the right to use independent testing facilities to perform production testing to determine chemical content of products and to determine that the chemical restrictions are being followed, as well as request the Material Safety Data Sheets (MSDS) for all substances and preparations (dyes, colorants solvents, chemicals etc.) used in the production of a specific order.

Detection of banned substances or regulated substances above legal thresholds can result in cancellation of the order and a request for compensation directed at the business partner, the scale of which must accommodate the degree of action required by Høyer Gruppen AS to remedy the issue. For example, a recall of a product due to banned substances will result in compensation for the whole order value, while a requirement for re-packing or adjustment of labelling will request compensation for time, lost sales, material, and labor to remedy such an issue.

Please see the separate Høyer Gruppen AS Restricted Substances List for an in-depth guide to restricted substances as they relate to the specific fields of products delivered to and distributed through Høyer Gruppen AS' stores, affiliates and franchisees.

Products delivered to Høyer Gruppen AS and its stores must not contain any substances for authorization from the candidate list and Annex XIV and any restricted substances in Annex XVII. Where substances are listed both in the SVHC and Annex XVII, as well as in Høyer Gruppen AS' RSL, Høyer Gruppen AS requirements should be followed.