

CUSTOMER AND SUPPLIER INFORMATION GENERAL INFORMATION CONCERNING APPLICATION OF THE REACH REGULATION

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Preamble

This information for customers and suppliers has been drafted by the officer of the company responsible for implementation of the REACH regulation and by the DILLINGER Marketing department. It is intended to provide users of the products made and marketed by DILLINGER and its associated companies, ROGESA Roheisengesellschaft Saar mbH, ZKS Zentralkokerei Saar GmbH and MSG Mineralstoffgesellschaft Saar mbH, with information concerning basic principles of the REACH regulation and its application to the above-mentioned companies.

REACH

The new European chemicals regulation, REACH (**R**egistration, **E**valuation, **A**uthorisation and **R**estriction of **C**hemicals) came into effect in all member states of the European Union on June 1, 2007. This regulation is intended to submit all chemical substances on the European market to registration, monitoring and control by a central European Chemicals Agency located in Helsinki. REACH extends in this context to all chemical substances produced in, imported into or used in the EU, irrespective of whether they exhibit hazardous properties and/or characteristics or not. The only exceptions are a small number of chemical substances to which other special legislation applies. Metals and metal alloys, and thus steels and slags and associated substances and other by-products of coke, iron and steel production, are covered by the provision of the REACH regulation. The REACH regulation is directed not only at the manufacturers and importers of chemical substances. Users, as "downstream users" in the sense of the Regulation, are also required to ensure that their use of such substances/preparations is included in the registration of substances.

BASIC ELEMENTS

The REACH system consists of three basic elements:

1. **Registration:** All chemical substances produced in or imported into the EU at annual rates of more than one tonne are subject to mandatory registration. This obligation applies to all companies domiciled in the EU which produce or import more than one tonne per year of such a substance. A registration dossier must be created with the European Chemicals Agency for the purpose of registration. The technical dossier contained within the registration dossier provides information on the properties and characteristics of the relevant

substance and on safe handling and use of this substance. A registration number will be issued.

Where the annual tonnage of the substance exceeds 10 t, a Chemical Safety Report providing specific risk-management provisions for the various applications in which the substance is used must be submitted. Chemical substances which have not been registered may under the above-mentioned conditions not be either produced or marketed. Specific transitional periods apply for registration (provided pre-registration has been made by December 1, 2008) for chemical substances which were already being produced and marketed at the time of the coming into effect of the REACH regulation.

2. Evaluation: Evaluation is intended to verify the quality of the registration dossier. Dossier evaluation will involve random-sample-based checking of the contents of the dossiers submitted. In case of suspicion of hazards being established during evaluation of a substance, a check will be made to determine the risk for human health and for the environment.
3. Authorisation: Only substances with properties/characteristics of particular concern are subject to mandatory authorisation, i.e., substances which are classified as carcinogenic, mutagenic, reproduction-inhibiting, or persistent/bio-accumulative with highly toxic properties (so-called PBTs). The necessity of an authorisation procedure does not depend on any specified minimum quantity. Annex XIV of the REACH regulation summarises those substances which are subject to an authorisation procedure. The first substances on which mandatory authorisation was to be imposed were announced in 2009. Present-day knowledge and information indicates that these will not include any products made or marketed by DILLINGER and/or associated companies.

Downstream users

The REACH regulation defines users of chemical substances as "downstream users". All companies domiciled in the EU which use substances or preparations thereof in the context of their industrial or commercial activities are "downstream users" in this sense. Traders and dealers are not classified as "downstream users" (but see the next paragraph). The differentiation from the importer is also significant. Where a user himself or herself imports a substance from a country outside the EU, the obligations imposed on an importer in the sense of the REACH regulation, and not those imposed on a downstream user, apply to him or her with respect to this substance. The inclusion of the entire supply chain of a substance has the objective of establishing an all-inclusive risk-management

system throughout the life-cycle of the substance. Downstream users do not need to make any registration or pre-registration of the substance themselves. They are, however, required to check the information provided by their suppliers to determine whether their intended use of the substance in question is covered by the registration submitted by the manufacturer or importer. Where this is not the case, and the substance is classified as a hazardous substance, a Chemical Safety Report must be drafted for the substance and submitted.

Communication along the supply chain

The REACH regulation thus defines certain obligations for interchange of information along the supply chain, in both directions, i.e., from the supplier to the purchaser and from the purchaser to the supplier. In the case of hazardous substances and hazardous mixtures, the supplier is required in the context of communications from the supplier to the purchaser to draft a Safety Data Sheet (SDS). This must be communicated to the purchaser. It contains, in the case of substances subject to mandatory registration, the Registration No., Use and Exposure Scenarios, and suggestions to assist in risk-management. Where a substance does not fulfil the criteria for classification as "hazardous", certain minimum information must nonetheless be communicated. In communications from a purchaser to a supplier immediately upstream (who may also be a trader or dealer), the purchaser must provide the supplier with further information on use and processing which may go beyond the risk-management provisions described in the Safety Data Sheet or place these provisions in question. In addition, any new information on hazardous properties / characteristics must be communicated irrespective of the use involved. Traders and dealers are subject to an obligation to forward information in both directions of the supply chain.

Safety Data Sheet

The obligation to draft a Safety Data Sheet for all substances which fulfil the criteria for classification in the sense of Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures applies under the REACH regulation, irrespective of the "quantity threshold" of one tonne per year. Safety Data Sheets must also be drafted for persistent, bio-accumulative and toxic substances and for substances which are on the list of possible candidates for imposition of mandatory authorisation. In the case of hazardous substances, exposure scenarios which provide details of the correct handling and use of the relevant substance must be drafted. These exposure scenarios must be attached to the Safety Data Sheet as an appendix and communicated to downstream users. Any material changes to the structure of Safety Data Sheets must be taken into account.

Corresponding Safety Data Sheets can be obtained from DILLINGER and its associated companies should they be required on the basis of the above conditions.

Implementation of the regulation at DILLINGER and associated companies

DILLINGER and ROGESA Roheisengesellschaft Saar mbH have achieved registration of slags with the European agency EChA. The same also applies in the case of other by-products originating from the associated company ZKS Zentralkokerei Saar GmbH. The steels produced by DILLINGER are classified as products and can therefore not be registered under REACH. DILLINGER ensures by means of appropriate organisational provisions that, in the case of substances subject to mandatory registration, only registered substances are contained in its steel and steel products.

Our customers' applications have been incorporated in the context of the registrations into the general categories of use and exposure for the particular substances. No products made and/or marketed by DILLINGER and/or associated companies contain at a concentration of above 0.1 % by mass any substances included in the list of candidate substances for mandatory authorisation in accordance with Article 59 (1, 10) of Directive (EC) No. 1907/2006 ("REACH") (see the European Chemicals Agency (EChA) Internet site: <http://echa.europa.eu/>). DILLINGER or the relevant associated company will inform its customers within 45 days should any substance or substances used by it be adopted into the list of candidate substances. The information concerning substances and mixtures necessary for the required communication along the supply chain is compiled in the context of European working groups and then immediately made available to customers in the form of:

- Safety information in accordance with Article 32 or
- Safety Data Sheets in accordance with Article 31 and Appendix II concerning hazardous goods

Further information

This information for customers and suppliers has the aim of providing a short and simplified overview of the REACH regulation for our contacts who have, up to now, had no experience with this regulation. The information provided here therefore makes no claim to completeness. Despite the great care taken in its preparation, we are unable to accept any liability whatsoever for the correctness of the information provided here. We recommend the following Internet sites for greater depth of information on this subject:

DILLINGER

- <http://reach.bdi.info> : Information platform of the *BDI* (Confederation of German Industry)
- <http://ecb.jrc.it/REACH> : European Chemicals Bureau Internet site
- <http://www.reach-info.de> : Information platform of the German Federal Bureau of the Environment (Umweltbundesamt)
- <http://www.reach-helpdesk.de> : National REACH Helpdesk of the Federal Institute for Occupational Safety and Health (Bundesanstalt für Arbeitsschutz und Arbeitsmedizin)
- <http://www.reach-net.com> : Knowledge data-base of the German Federal State of North Rhine-Westphalia, operated in co-operation with various economic and industrial bodies

We are at your disposal under the following e-mail address for further information, particularly concerning implementation of the REACH regulation at DILLINGER, ROGESA Roheisengesellschaft Saar mbH, ZKS Zentralkokerei Saar GmbH: reachkontakt@dillinger.biz.

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