



Date

[Supplier name]

[Address]

[Address]

Reference: European Union's REACH Regulation EC/1907/2006

Dear [ ],

The purpose of this letter is to ensure compliance with EU Regulation EC/1907/2006 on the Registration, Evaluation, Authorization and Restriction of Chemicals (hereinafter, "REACH") as it pertains to shipments of goods (i.e., chemical substances, preparations, articles (each, as defined in REACH)) by Supplier to International Business Machines Corporation and its affiliates (collectively, "Buyer"). As used herein, the term "Supplier" means [insert name of Supplier].

Under REACH, companies operating in the European Union, Iceland, Liechtenstein, and Norway face obligations as manufacturers, importers and downstream users of Substances on their own, in Preparations, and in Articles. For the purpose of this letter, the term "EU" will refer to countries that are members of the European Union as well as Iceland, Liechtenstein, and Norway. REACH requires EU suppliers of Articles (including EU Article importers) to inform the EU recipient if an Article contains any of the Substances on the REACH Substance of Very High Concern candidate list above a concentration of 0.1% (weight by weight per Article). Other requirements exist for Importers of Substances on their own, in Preparations, and in Articles. Capitalized terms used in this letter and not otherwise defined have the meanings set forth in REACH.

As a non-EU general procurement supplier, please complete and return to Buyer the attached REACH Supplier Certification to either:

- (a) confirm that you do not (and will not) source or ship Substances, Preparations or Articles from a non-EU country to Buyer in an EU country; or
- (b) confirm that you do source or ship Substances, Preparations or Articles from a non-EU country to Buyer in an EU country, where you or your EU affiliate company is the importer of record for all of these shipments; or

(c) confirm that you do source or ship Substances, Preparations or Articles from a non-EU country to Buyer in an EU country where Buyer is the importer of record.

If you confirm (c) above, then you must also:

(i) confirm that you (or your supplier in the supply chain) have appointed an Only Representative (as hereinafter defined) to fulfill the REACH obligations for each Article, Substance, and/or Preparation to be shipped to Buyer; and

(ii) complete and return to Buyer (either directly or through your supplier) the attached “OR Questionnaire” for each Article, Substance and/or Preparation to be shipped to enable Buyer to determine the scope of the OR’s responsibilities.

An Only Representative (“OR”) is a legal entity established in the EU which has sufficient background in the practical handling of Substances and the information related to them to be able to fulfill the obligation of Importers.

Confirmation to either (a), (b), or (c) above is required for IBM to use you as a Supplier. Furthermore, if you confirm the conditions of (c) above, but you (or your non-EU supplier in the supply chain) have not appointed an OR for each Article, Substance, and/or Preparation to be shipped to Buyer (or if the scope of your (or your supplier’s) OR does not cover sufficiently the IBM purchases as determined by IBM in its sole discretion), then IBM will not be able to use you as a Supplier.

IBM is committed to doing business with environmentally responsible suppliers. IBM requires its suppliers to comply with all applicable laws, regulations, orders and policies in providing products and services to IBM. IBM appreciates your support regarding these initiatives. We look forward to continued close collaboration in achieving environmental compliance for all packaging of IBM products, parts and supplies. Inquiries should be directed to Patti Summey, [pmsummey@us.ibm.com](mailto:pmsummey@us.ibm.com), for questions regarding the Supplier Certification or OR.

Additional information on the REACH regulation may be obtained at the European Chemical Agency (ECHA) web site at: <http://echa.europa.eu/>

Thank you,

Anne Chen  
Procurement Director  
Technology Products Procurement

## REACH Supplier Certification

Reference is made to [REACH]. This REACH Supplier Certification is being delivered to Buyer at Buyer's request.

Supplier hereby confirms that:

<b>Please check one</b>	
	Supplier does not source or ship Substances, Preparations or Articles, either directly or indirectly through its own suppliers, from a non-EU country to Buyer in an EU country.
	Supplier sources or ships Substances, Preparations or Articles, either directly or indirectly through its own suppliers, from a non-EU country to Buyer in an EU country where Supplier or Supplier's EU affiliate is the importer of record for these products.
	Supplier sources or ships Substances, Preparations or Articles, either directly or indirectly through its own suppliers, from a non-EU country to Buyer in an EU country where Buyer is the importer of record for these products.

If you checked the third box above, (i) you must complete, for each Substance, Preparation or Article sourced or shipped from a non-EU country to Buyer in an EU Country, the attached Only Representative Questionnaire and (ii) you hereby acknowledge and agree that you will:

- (a) cooperate, and cause your OR (or your supplier's OR, as the case may be) to cooperate, with Buyer to complete the necessary reviews and analyses with respect to the Substances, Preparations and Articles to be shipped into an EU country from a non-EU country;
- (b) make, and cause to be made, all requisite filings and submissions to governmental authorities in connection with the Articles, Substances and Preparations to be shipped;
- (c) annually certify to Buyer as to the Articles, Substances, and/or Preparations shipped to Buyer (including both the names and quantities of the Substances on their own, in Preparations and/or in Articles shipped) and that the OR was the Importer of such Substances on their own, in Preparations, or in Articles;

- (d) at least sixty (60) days prior to sourcing or shipping any Substances, Preparations or Articles to Buyer from a non-EU country into an EU country, (i) provide to Buyer a written notice of its intention to so source or ship and (ii) submit to Buyer a new REACH Supplier Certification and Only Representative Questionnaire for such new sourcing or shipping; and
- (e) in the event that, after the date hereof, Supplier (or its supplier, as the case may be) chooses to terminate its relationship with an Only Representative that has served as OR for shipments to Buyer of Articles, Substances or Preparations or use a different Only Representative for sourcing or shipping to IBM, Supplier shall (i) provide to Buyer at least [60] days prior written notice and (ii) submit to Buyer a new REACH Supplier Certification and Only Representative Questionnaire for such new Only Representative.

These obligations are hereby incorporated by reference into each agreement that Buyer has with Supplier under which Buyer procures or can procure services from Supplier.

IN WITNESS WHEREOF, Supplier is providing to Buyer this REACH Supplier Certification.

[Supplier name]

By: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

## **Only Representative Questionnaire**

Please complete the following questionnaire for each Article, Substance or Preparation to be shipped to Buyer and return to Buyer:

1. With respect to the contract between supplier and IBM are there:
  - 1.1 Substances (on their own or as part of Preparations) which may require registration under Article 6 of the REACH Regulation? If so, please name.
  
  - 1.2 Articles with Substances to be released from the Article which may require registration under Article 7.1? If so, do these include any SVHC candidates which require communications under Article 33 of the REACH Regulation? If so, please name.
  
  - 1.3 Articles with SVHC candidates which are not intended to be released from the Article but which may require notification under Article 7.2 of the REACH Regulation and will require communications under Article 33 of the REACH Regulation? If so, please name.
  
2. Who is the OR and what is its contact information?
  
  
3. Is the OR a legal entity established in the EU? If yes, where?
  
  
4. Does the OR have sufficient background in the practical handling of Substances and the information related to them to be able to fulfill its REACH obligations?
  
  
5. Has the OR acknowledged and accepted responsibility for the obligations described in Article 6 and 7 of the REACH Regulation?

6. Does the OR recognize IBM as Downstream User from supplier? How has such recognition been documented?
7. How will the OR track the name, use and quantities of the Substances discussed above in Item 1 (including Substances in Articles)?
8. Will the OR provide written confirmation of IBM's tonnage of any Substances and Articles discussed above in Item 1 (including Substances in Articles)?
9. If required, has/will the OR pre-registered or registered the Substances discussed above in Item 1.1? If there are any preparations, provide documentation that OR will perform all import responsibilities for each Substance within the preparation (including but not limited to registration and volume tracking).
10. If required, has/will the OR pre-registered or registered the Substances discussed above in Item 1.1 for the intended use under the IBM-supplier contract?
11. If required, has/will the OR pre-registered or registered the Substances in Articles discussed above in Item 1.2?
12. If required, has/will the OR make the required notifications regarding SVHC candidates discussed above in Items 1.3?
13. If required, has/will the OR make the required communications regarding SVHC candidates discussed above in Items 1.2 and 1.3?
14. Provide documentation from the OR to supplier (or from the OR directly to IBM) confirming its assumption of the above responsibilities.