

AXCELIS TECHNOLOGIES, INC.

FREQUENTLY ASKED QUESTIONS ON THE EUROPEAN UNION REACH REGULATION

July 2019

Axcelis provides the following frequently asked questions and answers as an aid to help our suppliers understand their potential obligations under REACH and Axcelis' terms and conditions. The answers provided are in no way considered legal advice and should not be relied to determine your own regulatory compliance status.

What is REACH?

REACH is a European Union Chemical Regulation that has a broad scope, essentially covering almost all products placed on the market or imported into the European Union. The law regulates “substances” (pure chemicals), “preparations” (mixtures or solutions of substances), and “articles” (objects of a special shape or surface design which determines its function to a greater degree than does its chemical composition). Producers and importers of substances and preparations are subject to many requirements of REACH while producers and importers of Articles are subject to a more limited subset of the regulation. Requirements related to articles are the focus of these new requirements. Detailed information on requirements concerning articles can be found at <https://echa.europa.eu/guidance-documents/guidance-on-reach>.

Where can I find official information on REACH?

Information on the REACH regulation, formally known as “Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorization, and Restriction of Chemicals” can be accessed at <https://echa.europa.eu/guidance-documents/guidance-on-reach>. This site contains guidance on all aspects of REACH, including a general overview & additional specific information concerning the Requirements of Article 33 at https://echa.europa.eu/documents/10162/23036412/articles_en.pdf/cc2e3f93-8391-4944-88e4-efed5fb5112c.

Why do I need to comply, if I don't produce or import products into the EU?

As a supplier to Axcelis, the product “articles” you provide to us are incorporated into our product “articles” that are imported into the European Union. Because we are obligated to determine and comply with the requirements that apply to us, we need your help in identifying any potentially regulated content included your products. Because relationships among companies and supply chains are increasingly global in nature, it is possible that you are already aware of these requirements because your products are placed on the market in Europe, or because you supply your products to other customers who do.

How can I know the content of my products if I only purchase pre-manufactured parts and incorporate them into my final product?

The REACH regulation requires communication in both directions throughout the supply chain in order to achieve compliance. Just as we are asking for your help to identify any regulated content in our products, you will also need to ask your suppliers for the same type of help.

What is the REACH “Candidate List substance” or an SVHC?

The REACH regulation currently requires disclosure of the use of substances with identified hazards, which are referred to as Substances of Very High Concern and which are included on the “Candidate List”. As part of an on-going process, substances that are considered Carcinogenic, Mutagenic, Toxic for Reproduction (CMR), Persistent, Bioaccumulative and Toxic (PBT) , or very Persistent and very Bioaccumulative (vPvB) may be added to the “Candidate List” of SVHCs. . ECHA is continually adding substances to the Candidate List. Eventually some or all of these substances may be subjected to restricted uses or banned in the European Union. The current REACH Candidate List can be accessed via the internet on the European Chemicals Agency (ECHA) Website at: <https://echa.europa.eu/candidate-list-table>.

What if my products do not contain any SVHCs?

Unless you manufacture your product directly from substances or preparations, it is virtually impossible to know that your suppliers’ products do not contain articles that may contain SVHCs without establishing communication with those suppliers. Please be aware that changes to your products or your suppliers’ products, and additions of new SVHCs added to the “Candidate List”, may trigger a new reporting requirement on your part. Under the Axcelis Terms and Conditions, each supplier is responsible for continually evaluating its products and the evolving REACH Candidate List and for providing notifications to Axcelis as necessary. If the products provided to us do not contain any SVHCs, no action is required.

How long do I have to meet this requirement?

We expect the REACH regulations to remain in place, and that Axcelis and our suppliers will need to continue to comply with these regulations as they evolve. Additional SVHCs may be added to the Candidate List at any time. Some SVHCs may be prohibited from sale in Europe, or further restricted. As long as you are a supplier to Axcelis, you are expected to comply with our PO Terms and Conditions. As information becomes available to you regarding SVHC content in articles you supply to us within your products, we expect that you will share that information with us as soon as practical.

Is this really important to my business?

This is a mandatory requirement for doing business with Axcelis, as identified in our Purchase Order Terms and Conditions. Perhaps more importantly, it is important for any business hoping to grow its customer base. Worldwide trends are requiring more and more knowledge of material content in products. Europe already bans certain materials in electronic products under its Directive on the Restriction of Hazardous Substances (RoHS). China requires disclosures on these same substances in its RoHS regulations, and other countries and individual states in the US have already enacted or are considering similar legislation. Companies everywhere will continue to require increasing information of the material content of products they buy from suppliers.

I still don't understand. Where can I get help?

Axcelis is willing to help you understand these requirements. You can send inquiries to axcelis.reach@axcelis.com. We will reply as soon as possible. There is also much guidance on the internet. Some of the best links are provided in the executive summary above.

Thank You for your support!

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