To: Hyva Suppliers

Re: Supplier’s disclosures and compliances

Dear Supplier,

Hyva is a global player in the multinational production and sales of commercial vehicle solutions. As part of our business we buy the products from you either as raw materials or components for our final product or we simply resell them further. As a result, the product you supply to us can be transferred to different countries with different customs regimes and legal requirements. Very often in this process we need to know the origin of your products and the content of your products.

***Origin information***

Origin is the "economic" nationality of goods traded in commerce. It determines the applicable customs tariffs or application of all kinds of commercial policy measures, like anti-dumping and countervailing duties, trade embargoes, safeguard measures, origin marking requirements, quantitative restrictions or tariff quotas, government procurement and trade statistics.

We are often required to provide the origin information to the customs or regulatory authorities and counterparties. We also need this information in order to determine the final origin of our own products that incorporate the components or materials you have supplied us with.

***Export controls information***

Hyva is also committed to ensuring that the products it produces or distributes comply with the export control laws, including those of the USA. In order to achieve this, we need to understand the positioning of your products within the context of your national and the USA export controls laws. If the goods you supply to us fall under any of the restricted lists, we need to be able to take this into account.

***EU REACH and ROHS compliance/ Conflict minerals***

EU RoHS directive restricts the use of several substances in electrical and electronic equipment if they exceed certain limits. In addition, EU REACH directive requires the disclosure of any substance of very high concern (SVHC) at a certain concentration.

The US Dodd-Frank Act and the EU directive 2017/821 prohibit the use of conflict minerals sourced in conflict and high-risk regions. Conflict minerals are substances that are mainly extracted by mining. They include Tantalum (Ta), tungsten (W), tin (Sn), and gold (Au).

We can only ensure that Hyva’s products comply with EU RoHS and REACH and Conflict minerals restrictions if you tell us about what goes inside in the goods you supply to us.

***Supplier’s declarations***

In order to inform Hyva about your products or its compliance with all the above mentioned requirements, please fill in the attached template declarations and return them to us.

If you have any question regarding these declarations, please contact our legal department at o.skripova@hyva.com.

Many thanks for your cooperation,

Your Hyva Team

**SUPPLIER’S DECLARATION**

**ORIGIN OF GOODS**

I, the undersigned, duly representing the supplier of goods covered by this document, which are regularly sent to Hyva International B.V. or any of its affiliates (**Hyva**) declare that I have determined the origin of goods listed below in accordance with the rules of the Union Customs Code and implementing legislation.

I declare that the goods have the following origin:

|  |  |  |
| --- | --- | --- |
| Product | HS code | Origin |
|  |  |  |
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|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

(Please consult the instructions for filling in this form)

I undertake to inform Hyva immediately if this declaration is no longer valid.

Upon Hyva request, I undertake to make available any further supporting documents.

Place and date : ………………………………..

Name and position : ………………………………..

Name and address of

the company : ……………………………….

Signature : ………………………………

**INSTRUCTIONS FOR FILLING IN ORIGIN INFORMATION**

**(NON-PREFERENTIAL TRADE)**

***How do I determine the origin?***

The origin of goods imported to the EU is determined in accordance with the rules of the Union Customs Code[[1]](#footnote-1) and implementing regulations[[2]](#footnote-2). Guidance on Non-Preferential Rules of Origins is also available[[3]](#footnote-3). To make it easier for you, we have summarized these rules and prepared the step-by-step guide for you to provide us with your assessment.

Here is how you determine the origin of your products:

1. Determine the tariff classification of your product in accordance with the Harmonized System.
2. Check if your product is included in the Annex 22-01 of the Commission Delegated Regulation (EU) 2015/2446, the extract of which is provided in the attached file.
3. If your product falls under the Annex 22-01 of the Commission Delegated Regulation (EU) 2015/2446, determine the origin based on the indicated rules of origin.
4. If your product does not fall under the Annex 22-01 of the Commission Delegated Regulation (EU) 2015/2446, determine the origin based on the following rule:

*“Goods originate in the country or territory where they underwent their last, substantial, economically justified processing or working, in an undertaking equipped for that purpose, resulting in the manufacture of a new product or representing an important stage of manufacture”.*

To apply this test you need to determine if working:

* results in the manufacture of a **new product** or represent an **important stage of manufacture**.
* is not just simple **minimal operations** such as changes of packing and the breaking-up and assembly of consignments, other simple packaging operations, putting up of goods in sets or ensembles or putting up for sale, affixing labels, simple assembly or change of use.
* is **economically justified**, i.e. not used as means to avoid the application of customs legislation.
* carried out in an undertaking **equipped** for that purpose.

You can also determine substantial working using the list rules[[4]](#footnote-4) but note that these rules are not binding.

**SUPPLIER’S DECLARATION**

**EXPORT CONTROLS**

I, the undersigned, duly representing the supplier of goods covered by this declaration, which are regularly sent to Hyva International B.V. (**Hyva**) or any of its affiliates declare that I have evaluated the goods in the context of my own national and the USA export control laws and regulations and certify that the information I have completed below is true, accurate and complete.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Product | Classification under Supplier’s national export regulations | Description of the US content embedded in product | Is the US Origin content subject to ITAR or EAR?[[5]](#footnote-5) | USML or ECCN classification | What is the % of the USA Origin content (if subject to EAR) |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

I undertake to inform Hyva immediately if this declaration is no longer valid.

Upon Hyva request, I undertake to make available any further supporting documents.

Place and date : ………………………………..

Name and position : ………………………………..

Name and address of

the company : ……………………………….

Signature : ………………………………

**SUPPLIER’S DECLARATION**

**EU ROHS COMPLIANCE**

I, the undersigned, duly representing the supplier of goods covered by this declaration, certify that all goods supplied by me to Hyva International B.V. or any of its affiliates (**Hyva**) do NOT contain any substances regulated by the current version of EU Restriction of Hazardous Substances Directive 2011/65/EU and 2015/863/EU and its supporting documentation (EU RoHS) in concentration exceeding the limits stipulated therein.

I undertake to inform Hyva immediately if this declaration is no longer valid.

Upon Hyva request, I undertake to make available any further supporting documents.

Place and date : ………………………………..

Name and position : ………………………………..

Name and address of

the company : ……………………………….

Signature : ………………………………

**SUPPLIER’S DECLARATION**

**EU REACH COMPLIANCE**

I, the undersigned, duly representing the supplier of goods covered by this declaration, have declared that all goods supplied by me to Hyva International B.V. or any of its affiliates (Hyva) are classified as articles within the meaning of the EU REACH regulations EX1907/2006. EU REACH requires article suppliers to inform recipients if an article contains a Substance of Very High Concern (SVHC) in excess of 0.1% by weight.

I hereby certify that the goods I supply to Hyva:

* do NOT contain any SVHC in excess of 0.1% by weight;
* contain SVHC in excess of 0.1 % by weight (Please provide the list of SVHC)

I undertake to inform Hyva immediately if this declaration is no longer valid.

Upon Hyva request, I undertake to make available any further supporting documents.

Place and date : ………………………………..

Name and position : ………………………………..

Name and address of

the company : ……………………………….

Signature : ………………………………

**SUPPLIER’S DECLARATION**

**CONFLICT MINERALS COMPLIANCE**

I, the undersigned, duly representing the supplier of goods covered by this declaration, hereby declare that all goods supplied by me to Hyva International B.V. or any of its affiliates (**Hyva**) comply with US Dodd-Frank Act and the EU directive 2017/821:

* do NOT contain gold (Au), tantalum (Ta), tungsten (W) and tin (Sn);
* do contain gold (Au), tantalum (Ta), tungsten (W) or tin (Sn) BUT such minerals are NOT sourced from conflict areas;\*
* do contain gold (Au), tantalum (Ta), tungsten (W) or tin (Sn) sourced from conflict areas;

\* Please provide the explanation about the process used to establish that the minerals are NOT sourced from conflict areas.

I undertake to inform Hyva immediately if this declaration is no longer valid.

Upon Hyva request, I undertake to make available any further supporting documents.

Place and date : ………………………………..

Name and position : ………………………………..

Name and address of

the company : ……………………………….

Signature : ………………………………

1. Regulation (EU) No 952/2013 of the European Parliament and of Council of 9 October 2013 laying down the Union Customs Code (OJ L269 of 10.10.2013); [↑](#footnote-ref-1)
2. Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L343 of 29.12.2015); Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L343 of 29.12.2015). [↑](#footnote-ref-2)
3. <https://ec.europa.eu/taxation_customs/sites/taxation/files/guidance-on-non-preferential-rules-of-origin_en.pdf#page=17&zoom=auto,-158,546> [↑](#footnote-ref-3)
4. <https://ec.europa.eu/taxation_customs/business/calculation-customs-duties/rules-origin/nonpreferential-origin/table-list-rules-applicable-products-following-classification-cn_en> [↑](#footnote-ref-4)
5. EAR (Export Administration Regulations), ITAR (International Traffic in Arms Regulations, USML (United States Munitions List); the Export Control Classification Number (ECCN) [↑](#footnote-ref-5)