

**ErP Lot 4 VA – Second Steering Committee meeting
Brussels, 7 December 2011, 10h00**

Meeting minutes

Participants

| Name | Company |
|-------------------------|--------------------------------------------------------------|
| Stephane Ardit | EEB |
| Boncho Bonchev | Republic of Bulgaria |
| Wolfram Buchroth | Konica Minolta |
| William Dazy | Canon |
| Marie-Helene Dubray | Panasonic |
| Maxime Furkel | Lexmark |
| Emilien Gasc | ANEC/BEUC |
| Hiro Hatano | Ricoh Europe |
| Sharon Heyman | Sharp |
| Yasuhiro Jingu | Toshiba TEC |
| Remy H. Kadirbaks | Kyocera Mita |
| Nicole Kearny | UK Department for Environment, Food and Rural Affairs |
| Declan Keegan | Epson |
| Stephen Kimber | Brother |
| Christoph Mordziol | Rationelle Energienutzung bei Elektrogeräten und Beleuchtung |
| Karsten Lindloff | German Energy Agency |
| Boris Manev | Epson |
| Peter McGregor | Oki |
| Christoph Mordziol | German Federal Environment Agency |
| Chris Robertson | ERA |
| Sara Rodriguez Martinez | HP |
| Adam Romanowski | EC |
| Feriel Saouli | EuroVAprint ASBL |
| Claire Schonbach | Xerox |
| Pierre Sicsic | HP |
| Andy Skarstein | ERA |
| Bram Soenen | Belgium Federal Government |
| Frank Weyler | Murata Machinery Europe |

Apologies

| | |
|-----------------|-------------------------------------------------------------|
| Greg Batts | Kodak |
| Milena Presutto | Enea |
| Bill Skeates | Samsung |
| Mark Sweeney | Environment and Green Technologies Dept. Enterprise Ireland |

1. Update from EuroVAprint (Sara Rodriguez Martinez)

- **Explain the process to date.**

An association (EuroVAprint ASBL) has been created in October 2011 to serve as a legal and administrative framework for the signatories to abide by the requirements of the VA.

The founding members are Canon, Epson, Hewlett Packard, Lexmark, OKI and Xerox.

The Board members are: Canon, Epson, Hewlett Packard, Lexmark and Xerox (the association is not allowed to have the same number of Directors and members).

The President is Sara Rodriguez-Martinez (Hewlett Packard)

The Secretary is William Dazy (Canon)

The Treasurer is Maxime Furkel (Lexmark)

All 17 signatories are in the process of acquiring membership in EuroVAprint. Their market coverage is around 96%.

The Board launched a call for tender to select an association management company. Cambre Associates SPRL (www.cambre-associates.com) was awarded the contract in November 2011.

- **Choice of ERA as Independent Inspector**

A call for tender was issued in May and three proposals were received. ERA Technology Ltd (www.era.co.uk) was awarded the contract in November 2011.

2. Update from the European Commission (Adam Romanowski)

- After the October 2009 Consultation Forum (CF), industry took on board a lot of stakeholders' comments. The VA was deemed to be acceptable under the requirements of the Ecodesign Directive. The VA also had relevance in terms of market coverage – one of the requirements of the Directive (art. 8).
- The impact assessment will start in January 2012 by external consultants – The process to assess the technical, economical and social impact of the VA) should take about 2-3 months. If the outcome is positive, the College of Commissioners will formally approve it in the form of a Commission Recommendation (mid 2012 draft, possibly adopted, published in Series C of OJEU in summer).
- The VA will therefore be considered as a viable alternative to implementing measures under the Ecodesign Directive. In other words the European Commission will not regulate this particular product group.
- A Regulatory Committee will assist the European Commission in monitoring the implementation of the VA – if the VA fails to meet its set objectives, then an implementing measure (IM) will have to be adopted.
- This VA (and the cSTB¹ VA) is not meant to cover every aspect of the industry. Flexibility is expected from the European Commission as well as from other

¹ Impact assessment already drafted – bottleneck: signatures. More advanced than the imaging equipment VA.

stakeholders. There is a need to ensure smooth implementation and transparency on both sides. Industry has to prove that it can self-regulate responsibly.

- A revision of the imaging equipment VA may be initiated sometime mid-2012 at the earliest.

Q&A

- Belgian Federal Government: is there a Regulatory Committee set up under the Ecodesign Directive for this VA? The European Commission: the EC will be assisted by the Regulatory Committee will decide whether the VA meets its objectives. Once the Commission has data from the Independent Inspector, Member States will be invited to decide, together with the Commission, whether implementation is on track or not. A meeting (possibly joint with the cSTB VA) will look at the first reporting period (timing: April/May 2012).
- The impact assessment and the Commission Recommendation will be published on the same day on the Commission's website.
- UK (DEFRA) asked about the timing of version 2.0 Energy Star specifications?
- BEUC/ANEC requested an email distribution list be set up for non-industry stakeholders, as is the case with the cSTB VA. EuroVAprint indicated its intention to create a website (see actions below).
- EEB asked how Commission and Member States' recommendations could be integrated in further discussions.

Actions

- EuroVAprint President to send copies of the signatures (Annex G of the VA) to European Commission
- EuroVAprint Secretary General to set-up e-mail reflector for the SC members and a section on the website where people can ask to be contacted to receive more information.

3. Update from ERA (Chris Robertson and Andy Skarstein)

- Please refer to attached presentation.
- The role of ERA is to provide impartial technical advice.
- Examples of recent ERA work – some RoHS compliance for the UK government (guidance & enforcement), European Commission (RoHS 2 medical devices in categories 8-9).
- Also help industry with compliance issues.

Baseline report process

- The terms & conditions were signed and came into force on 22 November 2011.
- 13 NDAs have been returned to ERA, 4 to go. Delays were due to compressed timescale.

- ERA suggested each company makes sure the signatory of the compliance report has the authority to sign/commit on behalf of the company (compliance manager/director at least?).

Data collection (Andy Skarstein)

- Annex C – the form was sent to all 17 signatories. Some companies have not been able to return data so quickly.
- Confidentiality: only Chris Robertson and Andy Skarstein will have access to the data. Andy Skarstein will generate the report, which he will send to EuroVAprint in an anonymized and aggregated report.
- Within 3 months, VA signatories to submit data.
- Within 4 months, annual progress report to be issued by ERA.
- ERA will use a random numbering system (Company A, etc.) that will change over time to make it impossible to identify companies.

Q&A

- Belgian Federal Government: should Annex C not be adapted? No, as some answers are Y/N, not compliance rates.
- Annex C should be cleaned up to reflect that section 3 only applies to requirements after 1 January 2012 (although clarified later in section 5). Consider drafting a style change for further clarification.
- Failure to comply with Part II means failure to comply with the entire VA, which applies to all products sold from 1 January 2012.

Actions

- EuroVAprint to discuss clarification to Annex C, section 3 and report conclusions at the next Steering Committee
- Claire Schonbach to add a definition of “new model” as a style change

Timing & next steps

- The first baseline report will be sent to the Steering Committee by 20 December 2011, pending all the data are sent by Signatories by then.
- According to the European Commission, similar discussions are taking place in the context of the cSTB VA, highlighting the need to find a balanced solution to sometimes conflicting interests of the industry, Member States, and other stakeholders, without breaching confidentiality agreements. The report should be submitted by ERA to EuroVAprint who will then forward it to the Steering Committee within 5 working days.
- It is in the interest of all parties that a consistent approach is worked out for all VAs under the Ecodesign Directive. The suggestion was made to link this to the Energy Star database. EuroVAprint indicated that no decision had been made yet. NGOs argued that some alignment was necessary between cSTB and Imaging equipment VAs.

Action:

- This will be further discussed with the European Commission.

- BEUC/ANEC suggested the setting up of a database of compliant products under this VA, which would go further than the Energy Star database. EuroVAprint noted that products carrying the Energy Star logo can be presumed to be compliant with the VA.

Action

- EuroVAprint to add text in the FAQ about how consumers can tell whether a product is compliant.

- The European Commission suggested that the Independent Inspector could take the initiative to prepare a table with data they need for the purposes of data verification/auditing, and how such reporting should be presented. It was established that data verification is currently out of ERA's remit.
- On which basis can ERA objectively run audits? No answer other than random checks was proposed..
- Transparency means credibility – without full transparency, the sector will need regulating. It is in industry's best interest to minimize unclear sections/leave less room for interpretation/doubt.
- The Commission has drafted a document on how it understands the VAs (dated 12 March 2010): the paper includes informal “guidance” on monitoring, reporting, procedure etc.
- BEUC/ANEC raised the issue that the VA does not foresee automatic auditing. There ensued a discussion about how audits were run in the US for Energy Star products. ANEC/BEUC insisted that they had requested this clause in the months before the VA was signed. In their view this calls for a change in the text of the VA.
 - The European Commission acknowledged that no automatic auditing clause was to be found in VA 3.5. However, Adam Romanowski proposed that for the sake of transparency, one audit per reporting period would make sense. Companies would be chosen randomly.
 - Budget should be earmarked to provide for such audits – even though not “automatic” under the VA. The SC can mandate an audit, but the Independent Inspector first needs to have funds available to run that audit upon request.

Action

- Adam Romanowski to send guidance document on the VAs to the SC

4. Discussion on introducing a procedure to add “style changes” into the VA

- At the suggestion of the European Commission, and after a discussion within the SC, it was agreed that EuroVAprint will collect all style changes suggested by the SC members and circulate a comprehensive version in advance of the last SC meeting of the year, where the changes will be discussed and approved.
- This will only apply to style-related changes that do not affect the content of the VA.

Q&A

- There was a discussion about the relevant market share (80% at least, otherwise VA terminates under art 12)
- The question was raised of the consequence of a VA Signatory being taken over by another VAS.

Action

- EuroVAprint Secretary General to enquire about style changes requests during week 12 December 2011.

5. **Update on Energy Star v.2** (Claire Schonbach)

The US EPA draft has been delayed and might not be available before January 2012. Industry will need time to adapt its products to the new specifications

6. **Update on the FAQ document: When and where will these be published, how should they be interpreted?**

Pierre Sicsic indicated that the Signatories had prepared an FAQ document, which was meant for publication on the forthcoming EuroVAprint website (see below). ERA volunteered to check the FAQ before their publication.

7. **Website: when and where will VA information be made available, discussion about contents** (Ferial Saouli)

- Online mid-January.
- Sections:
 - About EuroVAprint, why it was set up etc.
 - Contacts
 - Useful links (Commission Recommendation when available, Energy Star EU-US, Eco Declarations, etc.)
 - Sign up section
 - Members only – SC and all non-public documents (password protected)
- ANEC suggested that the signature page of the VA of each member be posted on the website. The purpose was unclear. The EuroVAprint Secretary highlighted that this might come in violation of data protection rules. After discussing it, the SC objected to publishing signing forms of the VAs.

8. **Any Other Business**

- EEB mentioned a report on reusability/recyclability of plastic parts, which it will share with the SC. The industry said it would look at this document. Possibility to set requirements on all products (horizontal) under the Ecodesign Directive.
- No more AOB.

Actions

- Stéphane Arditì to share report on reusability/recyclability.

9. Date of next SC meeting

Thursday 13 September 2012, 10.00 am (to 18.00 hrs.) Brussels time.

10. Closing of meeting

Meeting closed at 13.00 hrs.