

## ErP Lot 4 VA – Steering Committee meeting

Wednesday 22 June 2016  
The Library Europe, Avenue de Broqueville 40, 1200 Brussels

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### PARTICIPANTS

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<b>Name</b>	<b>Company</b>
1. Minoru Ando	Panasonic
2. Laura Carre-Diaz	EuroVAprint ASBL (EVAP)
3. Adrian Coyle	Oki
4. Maxime Furkel	Lexmark
5. Markus Kelch	Konica Minolta
6. Stephen Kimber	Brother
7. Boris Manev	Epson
8. Alex Martin	EDIF ERA
9. Gabriela Matei	Canon
10. Jörg Palmersheim	ISOPA
11. Chris Robertson	EDIF ERA
12. Sara Rodriguez Martinez	Hewlett-Packard
13. Ferial Saouli	EuroVAprint ASBL (EVAP)
14. Paolo Tosoratti	European Commission, DG ENER
15. Vincent van Dijk	ETIRA
16. Carsten Wachholz	European Environmental Bureau (EEB)
17. Tom Wagland	Ricoh Europe

### APOLOGIES

18. Andy Cosgrove	Xerox
19. Ewout Deurwaarder	European Commission, DG ENER
20. Marie-Hélène Dubray	Panasonic
21. Frank Forstreuter	Sharp
22. Tom Moriarty	Dell
23. John Myers	Xerox
24. Robert Nuij	European Commission, DG ENER
25. Tsuyoshi Otake	Canon
26. Sandeep Rana	Samsung
27. Tracey Rawling Church	Kyocera
28. Lisa Rödig	Ökopol on behalf of ECOS
29. Bram Soenen	Belgian FPS Health, Food Chain Safety and Environment
30. Laura Spengler	Ökopol
31. Dierk Ulken	Toshiba
32. Monique van Saarloos	Kyocera

## AGENDA

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1. Opening of the meeting
  2. Approval of minutes of previous SC meeting (10 September 2015)
  3. Independent Inspector update
    - 3.1. Presentation of 2015 compliance report by EDIF ERA
    - 3.2. UK Market Surveillance Authority request
  4. Audit
    - 4.1. Presentation by two non-compliant companies
    - 4.2. Decision of the SC on carrying out the audit
  5. Presentation of Energy savings delivered by the VA
  6. European Commission view on latest VA report
  7. PROSAFE/EEPLIANT update
  8. Any Other Business
  9. Closing of meeting
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## MEETING MINUTES

### 1. Opening of the meeting

Maxime Furkel, President of EuroVAprint (EVAP), opened the meeting and welcomed all participants. He volunteered to Chair the meeting, which was approved.

He reminded participants that the current VA (5.2.) had been endorsed in June 2015 and that Signatories had been applying it since January 2015.

He informed the Steering Committee (SC) that the number of Signatories would go from 15 to 14 at the end of 2016 as Dell notified EVAP that it was leaving the imaging equipment business. He pointed out however that the Signatories will still account for 95% of European market coverage.

Participants then introduced themselves, at which point, Mr. Jörg Palmersheim from ISOPA asked what the rationale was for his organisation to be invited to attend the SC. The Signatories explained this was probably a legacy from the time when ISOPA was on the EC Consultation Forum mailing list and invited to contribute to the initial assessment. All agreed that it probably did not make much sense for ISOPA to continue to be involved, so Mr. Palmersheim asked to be taken off the SC mailing list and left the meeting.

The agenda was approved, together with the addition of a presentation from ETIRA under the AOB section.

### Action:

- **EVAP Secretariat to remove ISOPA from SC mailing list.**

### 2. Approval of the minutes of previous SC meeting (10 September 2015)

The email approval of the minutes of the SC held on 10 September 2015 was confirmed. The minutes are therefore considered approved and final. For the record, they can be found on the website of EVAP.

### 3. Independent Inspection update

#### 3.1. Presentation of 2015 compliance report by EDIF ERA

Chris Robertson and Alex Martin presented on the following:

##### 1) 6<sup>th</sup> compliance report 1 January to 31 December 2015:

- The overall compliance rate was 99.69%:
  - 90% for Part I requirements:
    - The OM products target was **90%** and the overall compliance rate was **99.69%**. All Signatories met the targets and, for the second year in a row, no exceptions were claimed.
    - The TEC products target was **70%** and the overall compliance rate was **93.82%** despite two Signatories being below target (Panasonic at 60% and Oki at 67.5%). Some exemptions were claimed for TEC products, based on different parts of the VA (5.1, 5.2, 6.1, 6.3 and 6.6), representing only 1.04% of the total products in scope sold.
  - 100% for Part II requirements
  - 100% for Part III requirements
- All Signatories responded quickly regarding data queries and all of them provided Annex C forms satisfactorily completed.
- Non-compliance: Two Signatories did not meet the TEC compliance targets, namely Panasonic 60% and Oki 67.5%. Both Signatories presented their respective action plans to address this situation (see below).

##### 2) Random audits:

- VA 5.2 requires the completion of two random audits per year by the Independent Inspector to assess how each manufacturer meets the VA's requirements. These audits are financed by the VA Signatories.
- Two Signatories were randomly chosen (originally Lexmark and Dell, now replaced by Samsung) for audit in 2016 by EDIF ERA. EDIF ERA will now check both corporate and product-specific documentation and/or certification. One or two products of each auditee will be chosen by the Independent Inspector for investigation. The choice of 2 products applies when the signatory's product range includes both OM and TEC technologies. Testing of products may be considered as a last resort.
- A draft report will be sent to each auditee for review and comments within 2 weeks of receipt.
- A final audit report is issued to each auditee and a summary report (with main findings) is issued to EVAP for circulation to the SC. An overall summary will be presented in the 2017 Annual Compliance Report.

##### 3) Energy Consumption

- For period 6 (2015), there were improvements in mean energy consumption for both OM and TEC products:
  - Consumption for OM products per unit, as compared with period 1 (2011) has continued to reduce to 32.7% in period 5 (2014) and **42.1%** in period 6.
  - Mean energy consumption for TEC products: there was little change over the first five periods of the VA (2011 to 2014). There was however a reduction of **over 20%** in period 6 vs. period 1.
  - Participants agreed that this may be due to both compliance to Energy Star 2.0 and placing less non-compliant products on the market.

After the presentation there were some questions from participants:

- The Independent Inspector clarified that the 1.04% TEC exemption figure was related to TEC products placed on the market in 2015, within the scope of the VA.
- Paolo Tosoratti asked how the 2 companies had been chosen for the random audits. The Independent Inspector replied that Signatories' names had been placed in a bowl and a colleague from a different department within EDIF ERA picked out two names at random. This was repeated to select a third company to replace Dell after they announced their withdrawal.
- On the frequency of random audits, the Independent Inspector explained that there is a cycle, such that, once audited, Signatories are excluded from another audit for a period of two years. After this period they can be selected for audit again, however.

Maxime Furkel said that at the moment the reporting was based on Tier 1 and that in 2017, it will be based on Tier 2. He also added that the Signatories are currently analysing the data from the latest compliance report and will make a proposal to the SC before the end of 2016 on a target for Tier 3 (for both OM and TEC products).

#### **Action:**

- **Signatories to make a proposal for Tier 3 targets before end 2016.**

### **3.2. UK Market Surveillance Authority request**

The Independent Inspector explained that, as per the terms of article 8.2. of the VA, they responded in April 2016 to an enquiry from the RDD (UK Market Surveillance Authority), who are a member of the EEPLIANT project. It concerned around 100 models from 12 Signatories.

The Independent Inspector checked on the compliance status of models and provided information back to the RDD in a format equivalent to Appendix D of the compliance report, but with named (not anonymised) data. The Inspector also informed Signatories of this activity and supplied individual data sets pertaining to their products.

It is possible RDD/EEPLIANT may contact Signatories to request further information; the Independent Inspector's advice to Signatories is to have technical files up to date and ready to be shared in case they are requested.

## **4. Audit**

### **4.1. Presentation by two non-compliant companies**

#### Panasonic

Minoru Ando presented Panasonic's action plan to address the non-compliance issue.

- Panasonic did not meet the targets in 2015 because model replacement did not work out and the company delivered/sold more products which had been introduced before 1 January 2012 (non-compliant models).
- Panasonic will stop the shipment to the EU of Energy Star 2.0 non-compliant models from 1 November 2016 and as such anticipates reaching a compliance of around 80%.
- The company expects all models placed on the EU market after 1 January 2017 will be Energy Star 2.0 compliant (therefore reaching a 100% compliance rate).
- Panasonic believes therefore that an audit in 2017 is not required.

Maxime Furkel thanked him for his presentation and thanked Panasonic for going one step further and already making commitments for 2017.

## Oki

Adrian Coyle presented Oki's action plan to address the non-compliance issue.

- The company missed the 70% target for TEC products only by 2.5%.
- Oki's action plan:
  - Existing products will be re-evaluated against Energy Star 2.0 requirements. It is believed this process will bring the emergency consumption compliance rate above 80% (the target for 2016).
  - New products will be added to the Oki Portfolio during 2016 that will replace products not meeting Energy Star 2.0 requirements, which will further improve the compliance rate.
- Results of action plan already achieved:
  - 25 products have already been re-evaluated against Energy Star 2.0 and have been found to meet the energy consumption requirements. If the above results were added to the 2015 report the compliance rate would have been 90.8%. Therefore meeting both 2015 and 2016 energy consumption targets for TEC products.
  - These 25 products have subsequently been registered in the EU Energy Star website (in May 2016).
- Oki believes that an audit would be unnecessary as the re-evaluation of its products already carried out Energy Star 2.0, shows that if the company had performed this prior to the report process, Oki would have comfortably met the 2015 compliance targets.
- Oki is happy to supply the data regards the re-evaluated products to the Independent Inspector, to validate the action taken.

Maxime Furkel thanked him for his presentation and asked if the company expects to have a 90% compliance rate, to which Adrian Coyle replied positively.

### **4.2. Decision of the SC on carrying out the audit**

There was no request to conduct an audit for the two non-compliant companies.

### **5. Presentation of Energy savings delivered by the VA**

Stephen Kimber gave an overview of how the VA has been delivering tangible energy savings, and showed the improvements over the past two years (period 5 and period 6):

- Sales of total products increased by 3.3%.
- Energy consumption fell by 16.3%; and since period 1 (2011) there has been an overall reduction in energy usage per product (for all products) of 30.6%.
- Products are becoming more energy efficient, as manufacturers adopt Energy Star 2.0 specifications:
  - For all TEC products, energy performance has improved by 18.7% (from period 5 to period 6); and 21.5% (between 2011 and 2015).
  - For all OM products, energy performance has improved by 14.0% (from period 5 to period 6); and 42.1% (between 2011 and 2015).
- The number of non-compliant products sold fell by 26.4%; and compared to period 3 (first full year results) the number has reduced by 46.2%.
- Non-compliant models represent 1.44% of total sales.

Stephen Kimber explained that to calculate the average, EVAP had taken the total amount of energy and divided it by the total amount of products in each category.

Maxime Furkel clarified that it had not been easy to calculate the numbers this year, as the period 6 report (2015) fell under the Energy Star 2.0 requirements which were new.

## 6. European Commission view on latest VA report

Paolo Tosoratti stressed he was attending the meeting on behalf of Ewout Deurwaarder.

He suggested caution in claiming that results are entirely and exclusively the consequence of the VA. It is not straightforward to estimate which is the contribution of the VA "in addition" to Energy Star that is, anyhow, part of the EU-US Agreement and included in green public procurement (both Regulation 106/2008 and the EED Directive, Art. 6). Additionally the VA does not cover all imaging technologies and products groups that Energy Star V.2.0 covers.

He expressed his perplexity for the figures shown in slide 15, because the savings "potential" of the VA option from the impact assessment published in January 2013, as included in the infographic, may be interpreted as "results already accomplished and assessed". Maxime Furkel clarified that the energy consumption figures presented in the EVAP infographic (available on the website) were based on calculations by EDIF ERA, and the CO<sub>2</sub> emissions and administrative costs figures had been calculated by a consultant hired by the European Commission for the 2013 impact assessment.

Mr. Tosoratti informed participants that the **guidelines** were stuck for the time being. He also said that the College of Commissioners' meeting on 20 April had decided to address all eco-design measures as a package probably not before October 2016 (tentative date 4 October 2016). This package will include the Guidelines and the Eco-design Working Plan for 2015-2017. He concluded that he was not sure how long the process would take after that, since the cabinets will need time to examine the entire package.

He added that he had no comments about the latest Independent Inspector report. However he pointed out that, although products within the VA and those in the Energy Star EU database are not immediately comparable (e.g. only a subset of marking technologies, products and suppliers are part of the VA), the data in the compliance report seems to provide figures extremely different from those emerging from the EU Energy Star database and IDC data on units sold. This may be partially due to different model names and / or issues exporting data from the database (the Commission has a process to import data automatically from the US database, but only for products in the US that are marked as 'also intended for EU market', however the reasons of the huge discrepancies (39% in terms of sales and 15% in terms of model resulting from IDC data compared to above 90% from EVAP claims) need to be clarified. He asked if, for example, the figures claimed by EVAP refer to products with efficiency levels "not less demanding" than those listed in Energy Star specifications or if all products are really "certified". Signatories present in the room, confirmed that all products are certified. To this extent, Mr. Tosoratti reminded to participants that, according to the commitments for EU Energy Star programme (paragraph 4) " the Programme Participant must provide annual updates in order to remain on the list of participating product manufacturers" including updated list of qualifying models and (paragraph 5) the Programme Participant must provide unit shipment data or other market indicators to assist in determining the market penetration of ENERGY STAR ".

In the ensuing discussion:

- Mr. Tosoratti said that IDC data was provided on a Q1-Q2 and Q3-A4 basis.
- Maxime Furkel said EVAP understands transparency is important for the Commission and stressed that current VA's main goal was to bring down non-compliance rates, and on this point the VA has been successful.

- Paolo Tosoratti suggested making the list of compliant products publicly available (why being be ashamed of showing compliance?) and a complete list available to the Commission (in order to analyse why there are discrepancies in the figures).
- Carsten Wachholz said the EEB welcomes the energy savings made by the VA, as well as the reduction in non-compliant products. He asked what the plans were for Tier 3 targets and if they could be ready earlier than December 2016.  
*EVAP answered that the target was to work on Tier 3 targets during the summer*
- Carsten Wachholz also advised Signatories to think about how to make progress in the non-energy related aspects as the objectives have been reached when it comes to the energy aspects, he suggested disclosing the % of recycled plastics in a number of years?  
*EVAP answered that there are expectations from several stakeholders regarding recycled plastics and that there will be improvements within the next years; this issue is also high on the agenda of Signatories.*
- Carsten Wachholz also asked if EVAP planned to get other companies to sign up to the VA, given the current market coverage.  
*EVAP reminded him that Signatories are already around 98% market coverage, well above the VA target. Sara Rodriguez added that even when Dell leaves EVAP next year, this will not have a big impact on the market.*
- Mr. Tosoratti asked if Dell was leaving the imaging sector or just stopping own production.  
*Sara Rodriguez said Dell had notified the EVAP Board that would stop selling imaging products in the EU market. Maxime Furkel added that Dell would be able to provide more information.*
- Vincent van Dijk from ETIRA asked the Independent Inspector about clause 5.4.1 in VA 5.2 and how they will assess whether something can be recycled or not in a random audit. He also asked how the Inspector might determine non-compliance (in relation to clause 5.4.2 of the VA).  
*Alex Martin replied that these issues will be considered on a case-by-case basis with the Signatory under audit, adding that it is for each Signatory to explain how they comply with all VA requirements but there is no prescribed approach to compliance overall.*

### **Actions:**

- **The European Commission invites all Signatories to query the models in the EC database and to report any mistakes to the functional mailbox and confirm what the process is for deleting or archiving models.**
- **Maxime Furkel to check with EVAP members if they would allow sharing the compliance list with the Commission only (non-anonymized version).**
- **Secretariat to inform Dell that they need to provide an official statement to the Commission on their leaving the Imaging business.**

### **7. PROSAFE/EEPLIANT update**

Stephen Kimber gave an overview on PROSAFE and the EEPLIANT project, and how EVAP has been engaging with them (please refer to slides 17-20 for details). In essence:

- PROSAFE runs the EEPLIANT project which aims at coordinating the monitoring, verification and enforcement activities of 13 market surveillance authorities across the Single Market through 7 Work Packages (WP 5: Imaging Equipment).
- EVAP is a member of the Advisory Board that meets in Brussels 3 times a year.

The main concern of EVAP is around misunderstandings about the VA and how it functions both on the website and newsletter of EEPLIANT, which EVAP has tried to address:

- IE subject to VA (not regulation).
- VA not subject to technical documentation requirements under the CE mark.
- Legal action in case of non-compliance is not possible as VA is not a regulation (other procedures foreseen in article 12 (Non-compliance procedure) and article 9.2. (Third party non-compliance allegation).
- Compliance **models** concept does not apply: VA prescribes compliance of a **certain percentage of units sold** (i.e. not all models need to be compliant).
- Energy Testing must be done according to ES Test Method for Determining IE Energy Use (Rev Sept 14).

## **8. Any Other Business**

Vincent van Dijk from ETIRA, the European Association of Toner & Inkjet Remanufacturers, gave a short presentation outlining the main issues the Association has with the VA, namely compliance with article 5.4 on cartridges which, in the opinion of ETIRA, creates general anti-remanufacturing practices and devices.

Feriel Saouli clarified that a process for third party allegation has been put in place, so issues can be raised with making the allegation and that it would be reimbursed if the Independent Inspector concluded the allegation founded. She added that the process has not been used so far, but there is a detailed Q&A on the EVAP website.

## **9. Closing of the meeting**

Maxime Furkel said the next Steering Committee meeting would be held probably in June 2017, to present the 2016 compliance report. Depending on discussions on Tier 3 targets, a meeting might be needed before then.

He thanked all participants and closed the meeting at 17.15.