

## ErP Lot 4 VA – Steering Committee meeting

Tuesday 13 November 2018  
10h00 – 13h00  
Rue Defacqz 52, 1050 Brussels

### PARTICIPANTS

	Company / organisation
<b>SC members</b>	
1. Bauer Björn	Sharp
2. Coyle Adrian	Oki
3. Fukui Mutsuko	Kyocera
4. Furkel Maxime	Lexmark
5. Hirokazu Kakinuma	Canon
6. Kelch Markus	Konica Minolta
7. Nuij Robert	European Commission
8. Paunescu George	European Commission
9. Rodriguez Martinez Sara	HP
10. Santos Nuno	HP
11. Squires Robert	Brother
12. Ulken Dierk	Toshiba
<b>Observers</b>	
13. Barry François	EuroVAprint ASBL
14. Halatsch Andreas	German Environment Agency
15. Huang Baijia	Viegand Maagøe A/S
16. Martin Alex	RINA Consulting
17. Robertson Chris	RINA Consulting
18. Saouli Ferial	EuroVAprint ASBL
19. Soenen Bram	Belgian FPS Health, Food Chain Safety and Environment
20. Van Dijk Vincent	European Toner and Inkjet Remanufacturers Association (ETIRA)
21. Vercouter Estelle	Belgian FPS Health, Food Chain Safety and Environment
<b>Apologies</b>	
22. Arditi Stephane	European Environmental Bureau (EEB)
23. Cosgrove Andy	Xerox
24. Manev Boris	Epson

## AGENDA

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1. Opening of the meeting
  2. Approval of minutes of previous SC meeting (12 June 2017)
  3. Independent Inspector update
    - 3.1. Presentation of 2017 compliance report, incl. energy report
    - 3.2. Random audit reports
  4. Printer Lifecycle study highlights
  5. European Commission update
  6. VA revision
  7. Any Other Business
  8. Closing of meeting
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## MEETING MINUTES

### 1. Opening of the meeting

Sara Rodriguez (HP), President of EuroVAprint (EVAP), opened the meeting and welcomed all participants. As there were new faces, all participants introduced themselves.

### 2. Approval of the minutes of previous SC meeting (12 June 2017)

The email approval of the minutes of the SC held on 12 June 2017 was confirmed. The minutes are therefore considered approved and final. For the record, they can be found on the website of EVAP (<http://www.eurovaprint.eu/pages/steering-committee>).

### 3. Independent Inspection update

#### 3.1. Presentation of 2017 compliance report, incl. energy report

Alex Martin (RINA) explained the role of the Independent Inspector (see slide 2), the requirements of VA (see slides 4-5) and the data collection process (see slide 7). He then presented the results for period 8 (1 January to 31 December 2017), as follows:

- The Part I compliance rate for **TEC was 97.39% (target 90%)**.
- The Part I compliance rate for **OM was 99.93% (target 99%)**.

All the Signatories met the VA requirements.

#### 3.2. Energy consumption in Period 8

- TEC products:
  - The signatories asked the Independent Inspector to collect information on energy consumption before it was required by the VA and, as such, historic data is available for trend analysis. Comparatively little change was discernible in the first five periods of the VA (2011 to 2014) but energy consumption for an average TEC product is noticeably less from Period 6 onwards. The decrease observed from Period 6 onwards is most likely attributable to the VA applying Energy Star Version 2.0 requirements, also to the least efficient products on the EU market being gradually phased out.
- OM products:

- The energy consumption of an average OM product in scope of the VA has reduced by nearly half from the first year in which the VA applied (in Period 8, energy consumption of an average OM product was 50.5% compared to Period 1). Interestingly, not only is the decrease more gradual than with TEC products, but also more significant, hence reflecting good progress in energy consumption reduction within OM product technology.

### **3.3. Random audit reports**

- The VA requires the completion of two random audits per year by the Independent Inspector. In 2018, Toshiba and Xerox were randomly chosen for audits. In both instances, imaging equipment within the scope of the VA includes only TEC products. Hence, no OM products were audited.
- No non-compliance was found. The summary of the audit reports was published on the EuroVAprint website (<http://www.eurovaprint.eu/pages/compliance/>) as per the VA requirements.

### **3.4. Q&A**

- Vincent Van Dijk (ETIRA) asked whether the Independent Inspector received any allegation by a third party. RINA confirmed an allegation was received on 3 September 2018 and that, as per the process of the VA, it was referred to the secretariat of EuroVAprint who provided the third party with all the documents relative to the escrow process. The third party did not follow-up.

## **4. Printer Lifecycle study highlights**

Maxime Furkel (Lexmark) presented the main results of the Printer Lifecycle study, produced by Keypoint Intelligence - Buyers Lab, commissioned by EVAP in May 2018. The study can be found on the website of EVAP (<http://www.eurovaprint.eu/pages/links/>).

- The study found that a vast majority of users keep a printer or multifunctional device between three and seven years (sometimes up to ten years) before replacing it. However, the number of pages printed gives a better indication of printer robustness. The study concluded that high speed copier designed for enterprise environment are built in a drastically different manner than an inkjet home device.
- Users have ranked “returning used ink and toner cartridge” and “using recycled or certified paper” as the two most important print-related environmental initiatives, with “using remanufactured ink and toner cartridges” ranking fifth in Germany, Italy and United Kingdom, and fourth in France.
- Four key factors help extend a printer’s life expectancy, namely maintenance, reparability and availability of spare parts, firmware upgrades and the quality of cartridges, since low-end cartridges can seriously damage a printer fuser.

## **5. European Commission update**

George Paunescu (EC) began by explaining that the latest VA revision was triggered by: 1) the need to streamline the content and align it with the Commission Guidelines for self-regulation measures; 2) the need to update energy efficiency requirements in light of the upcoming Energy Star specifications 3.0; and 3) reinforce the support to circular economy objectives.

### **5.1. Process**

- The revision process must be consistent with the approach of eco design implementing measures, in particular in relation to transparency and stakeholders' involvement.
- The revision process is supported by a Commission evaluation study; the first results will be available by the February-March 2019 stakeholder meeting, which will be followed by a Consultation Forum in April-May 2019. EuroVAprint has shared two drafts of the VA with the Commission to-date, in January and September 2018. The first public draft has been shared with all stakeholders on 1 November 2018 and posted on the website of EVAP (<http://www.eurovaprint.eu/pages/steering-committee/>).
- George Paunescu (EC) reminded the Signatories that they should prepare and present an explanatory note describing how the VA would meet the eco design objectives more quickly or at lesser expense than mandatory requirements, supported by evidence – as required by the Commission Guidelines for self-regulation measures. The Commission recommended the Signatories to have at least a draft explanatory note ready by the next stakeholder meeting.

## 5.2. Main Commission's comments to date

- George Paunescu (EC) went on to list the main comments made by the Commission so far on the draft revised VA as proposed by the Signatories, and welcomed all the improvements made to date His comments were as follows:
  - **Improved transparency** – e.g. market share; overhauled web site (including 'up-to-date lists of products declared compliant by the signatories').
  - **Clarifications on terminology** – e.g. product vs. model; assessment of compliance related to placing a product on the market.
  - **Reinforced accountability of signatories** – Market Surveillance Authorities could communicate directly with them; clear deadlines for taking action on compliance and reporting on it; consequences of non-compliance (including withdrawals and/or re-applying for VA membership).
  - **Improved intervention of the independent inspector** – e.g. lab testing; certifying market coverage; removal of charges for allegations; empowered to carry out inspections.
  - **Scope** – remove the 'exemption for small numbers'; include cartridges. There are pros and cons to include cartridges in the scope. Responding to a question by Vincent Van Dijk (ETIRA), George Paunescu (EC) explained that, what seems to be the main obstacle for including cartridges within the scope are the anticipated difficulties in bringing all the players of the sector around the same table, as OEMs only do not fulfil the market coverage required for a VA. The cartridge sector is made of many small players, making it particularly difficult to assess market shares. Sara Rodriguez Martinez (HP), reminded participants that the 11 signatories of the VA represent over 90% of the market for hardware; given that the cartridge market is very segmented (ca. 250 companies) it would be difficult to maintain this representativeness and checking compliance would be virtually impossible for Market Surveillance Authorities, she also clarified that during the discussions, industry had requested that if cartridges were in scope, then all cartridges should comply with the same provisions and requirements: e.g. fulfill all VA obligations (indoor air quality, REACH data sheets, take-back, etc.), pay for the testing, report data to the independent inspector and contribute to the operational costs of running the VA.
  - **Updated commitments in support of circular economy** – more information provided to end users; provision of spare parts and information for repairs; include considerations regarding the reuse of cartridges; revise the 'design and innovation' clause on cartridges.

- The Commission is reviewing the latest draft revised VA (i.e. version no. 3, only circulated by EuroVAprint on 2 November<sup>1</sup>), which will shortly be circulated for comments with other services within the Commission. The Commission will thus share further comments with the Signatories by the deadline set for comments from all stakeholders.
- George Paunescu (EC) closed his remarks by thanking the Signatories for the transparency of the revision process and for their willingness to carefully look into every single issue raised by the Commission. Good progress has been made since the first version of the draft revised VA. The Commission was glad to see that clarifications were provided on many aspects and that many of the issues raised by the Commission have been answered. George Paunescu (EC) concluded by saying he was looking forward to complete the revision exercise and address the outstanding issues.

## 6. VA revision

Sara Rodriguez Martinez (HP) explained all the changes to the latest draft revised VA (see slides 11-25).

- Sara Rodriguez Martinez (HP) went on to remind attendees that no third party allegation was submitted under the current VA, with a third party submitting a fee to be held in escrow in order to initiate the Independent Inspector's investigation. When asked by Alex Martin (RINA) how an investigation would be financed under the revised VA, Sara explained that the escrow process has been removed in line with the EC Guidelines (free of charge) and, in order to avoid abusive allegations as this could become extremely costly, industry has replaced it by a requirement for each Signatory to cover the cost of investigating two allegations per reporting period.
- Chris Robertson (RINA) suggested that the energy usage reports, prepared by the Independent Inspector and published on the EuroVAprint website once a year, contains the "average" energy consumption per year of an "average" OM and TEC unit, i.e. not the "total energy consumption", as was initially drafted in the latest draft revised VA (Section 8.2). These are the figures reported under the present VA which provide a performance measure independent of the number of units sold. The VA aims to demonstrate that energy consumption per unit is going down.
- Bram Soenen (Belgian FPS Health, Food Chain Safety and Environment) suggested to replace the word "models" by the word "products" in the sentence in Section 5.4 to align with the rest of the VA.

George Paunescu (EC) went on to give his first feedback on the changes as proposed by the Signatories in the latest draft provided ahead of the Steering Committee meeting. A consolidated written feedback from the relevant Commission's services will follow in due time. His first comments were as follows:

- **Objectives** (Section 2) – "This Voluntary Agreement is intended not to inhibit progress by Signatories in technology or business models that may ultimately benefit end-users in the form of enhanced security, safety, reduced environmental impact, choice, welfare or otherwise. Nothing in this Voluntary Agreement will be construed as to limit or restrict Signatories' ability to foster any such progress." George Paunescu (EC) argued that this new paragraph was subjective and may act as a general caveat that could void of content any of

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<sup>1</sup> In line with VA requirements for sharing SC working documents.

the commitments, with any claims against it being hard to measure and/or demonstrate. Therefore, this paragraph should be removed, as all the rights to act on potential legal matters are covered in a specific paragraph in Section 3 (scope). Sara Rodriguez Martinez (HP) clarified that everything that is included there can be measured and that industry has the fundamental right to innovate and such provisions are there to protect consumers against the new threats, for instance on security, to protect consumers from cyberattacks, or safety as the current market is infested with bad actors such as counterfeited or clone cartridges. Moreover, innovation is a fundamental right recognised by the Treaty and the section should be read in line with article 17 of the Eco-design Directive.

- **Scope** (Section 3.2) – The reference to Art. 17 of Ecodesign Directive should be removed, as that article refers to something different to what the current VA text mentions. The speed caps will need to be aligned with the next Energy Star programme 3.0, which may also include a new category of professional equipment. This category could be considered as the ‘upper cap’ in terms of speed of equipment in scope of the VA.
- **Primary design requirements** (Section 4) – the compliance of products with the provisions of the VA should be declared from the outset and published on the VA website (as required by the Commission guidelines on self-regulation measures).
- **End-of-life vs. reuse** (Section 5) – Good progress has been made, yet the distinction between end-of-life (5.2.1), and repair and reuse (5.2.2) should be clarified. “Dismantling” (currently under 5.2.2) relates to end-of-life. As such, the wording “disassembly” should be used in relation to non-destructive separation into components for repairs. Essentially Signatories may want to re-organise sub-sections 5.2.1, 5.2.2 and 5.7 (availability of spare parts and service information and critical software updates). George Paunescu (EC) recommended Signatories have a look at the eco design requirements for washing machine for inspiration.
- **Product testing** (Section 7) – Signatories should suggest what an appropriate number of tests per year by the Independent Inspector could be.
- **Third party allegation** (Section 9) – In the paragraph reading that “each Signatory will cover the costs of investigating two allegations per reporting period”, “two” should not include “*not followed through allegations*”, but only allegations completely investigated by the Inspector and ending with a report from them. Any additional allegation (beyond the annual threshold agreed) should be sent in an operative manner to the Steering Committee for a decision on next steps within a reasonable timeframe. George Paunescu (EC) proposed this mechanism that could assess the potential of encountering abusive behaviour and further act on it, whereas Sara Rodriguez Martinez (HP) had serious doubts it would work without specifying a detailed process so it was agreed to ask the independent inspector to come up with a suggestion.
- **Access to data** (Section 11) – It should be made possible to also have access to non-commercially sensitive data on the environmental performance of OEM’s consumables.
- **Transparency** (Section 12.4) – The EuroVAprint website must include an up-to-date list of products compliant with the new requirements to be adopted (Energy Star 3.0).

Vincent Van Dijk (ETIRA) insisted that focus should lie in conserving natural resources, over improving energy efficiency because independent organisations like the Danish Ministry of

Environment<sup>2</sup> found that use of consumables (cartridges, paper) is the largest part of the total environmental footprint of printing.

- ETIRA regrets that approximately 1 in 6 cartridges are re-used, when it could be 5 in 6 if barriers hindering remanufacturers were lifted. The VA on imaging equipment could, in theory, help reach this objective, yet not as is drafted today. Sara Rodriguez Martinez (HP) insisted however that promoting a more circular economy does not only imply promoting remanufacturing and reuse, but also innovation.
- ETIRA welcomes the Signatories' decision to remove the paragraph reading that *the rights to prohibition under intellectual property rights in regard to innovations, developments or improvements in design or functionality of the products or OEM cartridges shall not be asserted to the extent that they prevent reuse, remanufacturing or recycling of the cartridge* (Section 5.8).
- ETIRA welcomes the Signatories' decision to remove the escrow process for third party allegations. Vincent Van Dijk (ETIRA) however called for the VA to clarify how a third party can appeal to a decision by the Independent Inspector to dismiss an allegation.
- Vincent Van Dijk (ETIRA) called for the recommendations in the Commission's study on re-usability of printer cartridges<sup>3</sup> to be featured in the VA.
- Vincent Van Dijk (ETIRA) recognised that very positive steps were taken, adding however that ETIRA is still of the opinion that, in supporting reusability of cartridges, a compulsory approach to regulating eco design would be better than a voluntary one.
- Vincent Van Dijk (ETIRA) implied that another solution could be to include cartridges within the VA. However, Sara Rodriguez Martinez (HP) asked if remanufacturers were able to fulfill the new provisions of the VA (i.e. indoor air quality and REACH data sheets), and Vincent Van Dijk (ETIRA) did not answer specifically however he admitted that further thinking is required in assessing if and how in practice to ever include so many players from the cartridge industry within the scope of the VA.
- Vincent Van Dijk (ETIRA) finally clarified that ETIRA would send all these comments in written form as the latest draft revised VA is opened for comments from stakeholders.

## 7. Any Other Business

- Sara Rodriguez Martinez (HP) suggested that Signatories open the draft revised VA for comments from stakeholders for a period of four weeks, from 16 November 2018. It remains to clarify whether the second round of comments will take place either before or after the stakeholder meeting, tentatively scheduled for February-March 2019. This will essentially depend on the volume of comments received by 14 December 2018.
- Vincent Van Dijk (ETIRA) asked why the latest draft revised VA, received a few days ahead the Steering Committee meeting, read that "the wording of the November version does not reflect yet the position of Lexmark." Maxime Furkel (Lexmark) explained that this was simply due to lack of time to comment on some of the latest proposals.

## 8. Closing of the meeting

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<sup>2</sup> Please note this 2009 study ([https://www2.mst.dk/udgiv/publications/2009/978-87-92617-03-3/html/helepubl\\_eng.htm#6.5](https://www2.mst.dk/udgiv/publications/2009/978-87-92617-03-3/html/helepubl_eng.htm#6.5)) does not take into account the current laser printing technology and the energy consumption reductions driven by OEMs since it was released 10 years ago. It does not provide enough information to assess the methodology used.

<sup>3</sup> <http://ec.europa.eu/environment/waste/weee/pdf/KH0418170ENN.pdf>

Sara Rodriguez (HP) said the next Steering Committee meeting would be held probably in June 2019, to present the 2018 compliance report.

She thanked all participants and closed the meeting at 12h.