

ErP Lot 4 VA – Steering Committee meeting

Thursday 10 September 2015
Digital Europe, 14 rue de la Science, Brussels

PARTICIPANTS

Name

Company

1. Stéphane Arditi	European Environmental Bureau (BEE) <i>by phone</i>
2. Laura Carre-Diaz	EuroVAprint ASBL (EVAP)
3. Ewout Deurwaarder	European Commission, DG ENER
4. Marie-Hélène Dubray	Panasonic <i>by phone</i>
5. Frank Forstreuter	Sharp <i>by phone</i>
6. Maxime Furkel	Lexmark
7. Remy Kadirbaks	Kyocera
8. Markus Kelch	Konica Minolta
9. Stephen Kimber	Brother
10. Alex Martin	EDIF ERA
11. Tom Moriarty	Dell
12. Sandeep Rana	Samsung
13. Chris Robertson	EDIF ERA
14. Lisa Rödig	Ökopol on behalf of ECOS <i>by phone</i>
15. Sara Rodriguez Martinez	Hewlett-Packard
16. Ferial Saouli	EuroVAprint ASBL (EVAP)
17. Bram Soenen	Belgian FPS Health, Food Chain Safety and Environment
18. Dierk Ulken	Toshiba
19. Otake Tsuyoshi	Canon
20. Tom Wagland	Ricoh Europe

APOLOGIES

21. Michael Coombs	Murata
22. Andy Cosgrove	Xerox
23. Adrian Coyle	Oki
24. Declan Keegan	Epson
25. John Myers	Xerox
26. Jörg Palmersheim	ISOPA
27. Milena Presutto	Italian National Energy Agency (ENEA)
28. Johanna Whitlock	Swedish Energy Agency (Energimindigheten)

AGENDA

1. Opening of the meeting
 2. Approval of minutes of previous SC meeting
 3. Independent Inspector update – *Presentation of 2014 compliance report by EDIF ERA*
 4. Presentation of Energy savings delivered by the VA
 5. European Commission VA endorsement
 6. VA 5.2 – overview
 7. Audit
 8. Presentation third party allegation process
 9. Update on signatories & market coverage
 10. Any Other Business
 11. Date of next SC meeting
 12. Closing of meeting
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MEETING MINUTES

1. Opening of the meeting

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

He then invited participants to introduce themselves and ran through the agenda, which was approved.

Under the item Any Other Business, Bram Soenen said he would like to ask a couple of questions that were raised at the EEPLIANT meeting of 9 September.

2. Approval of the minutes of previous SC meeting

The email approval of the minutes of the SC held on 21 January 2014 was confirmed. The minutes are therefore considered approved and final.

3. Independent Inspection update – *Presentation of 2014 compliance report by EDIF ERA*

Maxime Furkel clarified that despite delays in the Commission's endorsement of the new version of the VA (5.2), 2014 was **not** a lost year, as signatories continued complying with the previous version of the VA and the compliance report presented today is based on VA (4.0).

Chris Robertson gave a brief introduction of EDIF ERA and noted that the 2014 compliance report (third annual report) is based on version 4.0 of the VA.

He then presented a summary of the compliance requirements for period 5 (1 January to 31 December 2014) and highlighted the following trends (see slides 11 to 15):

- There was an improvement in energy performance (section 4.1 of the VA), with 97.86% of overall product compliance in period 5, compared to 93.92% in period 1.
- On compliance, there has been good progress since the first compliance report, where now all 16 signatories of the VA comply with Energy Star 1.1.
- Some information digging was required for the report as two signatories were not able to answer “yes” to all questions. It turned out that:
 - For one signatory, this was relative to a model that fell under the exception of the a material (<5K units per annum threshold, which could have been claimed, and
 - For the other signatory, this was due to the fact that their products (2.9% of their models) had not been packed with the right information; corrective appropriate action was taken to prevent this from happening again.
- These issues raised the question of how to define compliance and non-compliance, as the VA does not define how to report compliance rate for section 3. There are three scenarios (slide 15):
 - % of signatories who complete and return the signed declaration (100%)
 - % of fully compliant signatories (87.5%)
 - % of total compliant units (99.93%)
- The overall product compliance trend improved over the period of the VA, approaching 98% (slide 16).
- The vast majority of signatories are way **above the 90% compliance target**, and some are even around 98%, which left little margin for improvement in the context of VA 4.0. hence the interest to move to the new VA (slide 17).
- The independent inspector also noted that most signatories have not claimed exceptions, even when they could do it (only 39 claimed exceptions, which accounts for 2.10% as shown on slide 18); which answers a concern raised at the EEPLIANT meeting on 9 September about the fact that exceptions could be used as loopholes.
- In conclusion, the reporting process has been well understood, there is good cooperation with Signatories and EuroVAprint (Chris thanked Feriel and Laura at EVAP for facilitating the information exchange), and information is gathered in a timely fashion. EDIF ERA is looking forward to continue its work under VA 5.2.

After the presentation, Bram Soenen asked whether the exception for <5K units could be brought down to 1K annually. The independent inspector said that while he understood Mr. Soenen’s point about the loophole, it is a hypothetical situation so far. This issue will be raised and discussed during the next revision of the VA.

Maxime Furkel added that EuroVAprint wants to be transparent and the report about non-compliance has been published on the website since May 2015. He added that Signatories have always said they cannot achieve a rate of 100% compliance. Some signatories can reach it (depending their product portfolio), but not all 16. This logic applies to the previous VA and also to the new one.

4. Presentation of Energy savings delivered by the VA

Stephen Kimber gave an overview of how the VA has been delivering real energy improvements. Manufacturers are offering more energy efficient products and reducing the number of non-compliant models sold. The effect of the transition to Energy Star Version 2.0 will be seen through the revised Voluntary Agreement.

Issue	Result (2014 vs 2013)
Market size	Increased by 4.63%
Total energy consumption	Reduced by 1.76%
Average energy used per machine	Reduced by 6.11%
Compliance rate of VA (energy/duplex)	Increased to 98%
Non-compliant machine sold	Reduced by 3.1%

Stephen Kimber said that the energy saving expected by going from Energy Star 1.1. to 2.0 depends on product type and speed and estimated the difference might be around 30%. Steve insisted that this was a **rough estimate**.

Stéphane Arditi from EEB welcomed that energy consumption was going down, and asked what indirect energy usage was calculated? Stephen Kimber replied that energy figures used are based on the energy consumption of the product (as in Energy Star), but they do not take into account consumables. Figures are calculated against Energy Star 1.1.

Stéphane Arditi also asked whether it would be possible to assess the compliance rate of products on the market in 2014 against Energy Star 2? Maxime Furkel reminded all participants that 2014 was not a blank/lost year since the VA was being updated and Signatories reported compliance until 31 December 2014 against Energy Star 1.1. Compliance against Energy Star 2 has started on 1 January 2015.

5. European Commission VA endorsement

Ewout Deurwaarder said he had been in the Commission's Ecodesign and energy labelling team for three years, following also market surveillance and energy savings. There has been a division of tasks in the team and he is now responsible for the VA on Imaging Equipment and Complex Set Top Boxes. He has also taken over work on the guidelines. His colleague Paolo Tosoratti is still consulted for technical issues and remains responsible for issues around Energy Star.

He said we would focus his presentation on four topics: the guidelines, the endorsement of VA 5.2, the EEPLIANT project, and cartridges.

On the guidelines, he said the Commission is the last stage of the process. Colleagues in the Commission were consulted in May-June 2015 and he expects the guidelines to be published before the end of 2015. There might be some changes from the draft that has been shared, but no major overhaul. The document is however expected to be more concise.

On the endorsement of VA 5.2, he said the Commission endorsed the first VA in January 2013, and that it was a pioneering initiative: it was one of the first VAs in the area and also

linked to Energy Star. The new version of Energy Star was adopted a couple of months after the endorsement; so a VA revision started promptly after that. There were issues with the speed for the endorsement of VA 5.2, mainly due to the lack of a clear internal procedure within the Commission for dealing with VA updates. He has now been asked to think about how such a process will look like, taking into account that the Commission recently proposed a better regulation package, which is a change in the rules on how the Commission works internally. He will be looking at this process and the Steering Committee will be informed about it in due course.

The endorsement of VA 5.2 was done by letter on 17 June 2015. The Commission looked at the basics. The update was done after Energy Star was updated so the VA remains valid. The Commission did not go into detail on the other provisions, but will do so in the next update of the VA.

Tom Moriarty asked if any changes to the VA should be anticipated due to the better regulation package. Ewout Deurwaarder replied that the better regulation package is mostly about how things are done internally at the Commission, so he does not think the package changes much in terms of regulation vs. VA.

Maxime Furkel mentioned the letter sent by EuroVAprint to the Commission (about the draft guidelines) and reiterated that reaching 90% market compliance will be an issue as the signatories will go through a tier system and that the 90% should be a target over the years but not a requirement from day 1. Ewout Deurwaarder replied they had made a note of the point and the Commission was aware of EuroVAprint's views and those of other stakeholders.

On EEPLIANT, Ewout Deurwaarder said the Commission funds projects to improve compliance and market surveillance of product legislation. Market surveillance authorities from 12 Member States are trying to find common approaches for working together better and focus on certain product sectors. EEPLIANT focuses on 3 product sectors: heaters, LED lamps and printers (which is not in the scope of the eco design legislation, but the VA). The Project started in May and work around printers was launched on 9 September. Some participants today attended the EEPLIANT meeting and the point of communication with EuroVAprint was raised. EEPLIANT would normally contact manufacturers directly in the case of a regulation, but in the context of the VA, the question of who to contact and how in case they have questions about the products arose? It was not clear whether they should contact EuroVAprint, the signatories or the independent inspector? EEPLIANT also was unsure how to follow-up if non-compliance is found?

Maxime Furkel said EEPLIANT could contact the manufacturers individually, but EuroVAprint would prefer to act as the single point of contact. Ewout Deurwaarder encouraged EuroVAprint to cooperate with the project. One of their deliverables is a public project report (no company/model specific results in it). Maxime reiterated the will to cooperate with EEPLIANT, share expertise and information.

Stéphane Arditi asked if a list of compliance models was available to market surveillance authorities, for instance on the EuroVAprint website. If no list was available, he said it was difficult for civil society to check compliance.

Sara Rodriguez replied that market surveillance authorities can ask the manufacturer and/or the independent inspector for the list, but no list will be made public. Stéphane Arditi added that consumer/civil society organizations have no access to the list and cannot help identify

models with high suspicion of non-compliance. He also said that having to pay for the escrow process was an issue for civil society organizations.

On cartridges, Ewout Deurwaarder said the Commission receives one or two enquiries per year from the European Parliament, further to some petitions being filed on cartridges (raising different issues). The Commission informs the Parliament that the VA is in place and that there are provisions related to cartridges, but the Commission is not in a position to provide very comprehensive answers since petitions are not specific to a model and the Commission does not know if issues are linked to products from non-VA signatories or from products preceding the VA (produced before 2012 or by non-signatories). The Commission cannot say much about what is in the VA because the compliance report is based on self-declarations by signatories and both sections in the VA have an exception clause for which there is no specific reporting. In the last answer, the Commission said it would raise the issue at the Steering Committee meeting today.

Maxime Furkel replied it is difficult to react without having seen the petitions, to which Ewout Deurwaarder confirmed that the petitioners have asked that their petitions be treated as confidential, and as such no information can be shared with EuroVAp rint. So far, concerns are usually covered by the VA clause on cartridges. Maxime Furkel added that EuroVAp rint would make a note of this but that the Commission would have to continue to answer as those petitions are not public.

6. VA 5.2 – overview

Maxime Furkel said after the June 2014 Consultation Forum (where VA 5.0 was presented), EuroVAp rint met with several stakeholders (EEB, BEUC, CEPI, INGEDE, INTERGRAF and ETIRA) and meeting requests were sent to UK, IT and DE. Stakeholders made comments on spare parts, recycled paper, cartridges, transparency and audits. VA 5.1 was sent to the Commission in December 2014 and VA 5.2 was endorsed in June 2015.

New VA clarified reporting deadlines (2015 to 2017) and new Energy Star 2.0 compliance targets in three tiers (split rates TEC/OM products).

	Period	OM products placed on the EU market	TEC products placed on the EU market
Tier I	Jan-Dec 2015	90%	70%
Tier II	Jan-Dec 2016	93%	80%
Tier III*	Jan-Dec 2017	≥93%	≥80%

There have been improvements in VA 5.2:

- On “Commitments Part I” – primary design requirements
 - Polymer composition (new clause)
 - Cartridges: new wording of clause on non-OEM cartridges. Not all agreed, Commission took the decision to stick to current clause in VA 1.
 - Recycled plastic contents (new clause)
- On “Commitments Part III” – info requirements for end-users
 - Reference to ECMA 370 for disclosure of environmental product info (not new per se but more prescriptive)
 - Availability of spare parts (differentiated for type of print): 5 years for laser models and 3 years for inkjet models.

Lot 4 VA is the most transparent so far, and all information is on our website. There are points where we closely align or go beyond the draft Commission guidelines:

- Below
 - Independent inspector
 - Market coverage of 90% - We are asking for more flexibility on this target
 - List of compliant models
- Aligned
 - Reporting
 - Background data
 - Penalties for non-conformity
 - Revised Annexes – new reporting forms in Annex B (compliance rate calculation) and C (TEC and OM forms to be sent to the independent inspector)
- Above
 - Enhanced transparency
 - Newly introduced auditing process – More information will be provided later today. We are the only ones to propose such a process.
 - Rules for next revision
 - New wording on termination/withdrawal/exclusion from the VA

7. Audit

Maxime Furkel said the audit (as defined by Article 9.1.) will start in January 2016 for 2015 data based on VA 5.2. The independent inspector will decide who gets audited, so everyone needs to be prepared. Signatories will finance 2 audits. Any additional audits has to be financed by an “external body” (anyone other than the signatories or the independent inspector).

8. Presentation of third party allegation process

Alex Martin presented the third party allegation process as a two-stage process, after a third party has made an allegation of non-compliance to the independent inspector. The process is administered by the Steering Committee:

- The independent inspector investigates/clarifies further the nature of the allegation and offers an opinion to the Steering Committee.
- The Steering Committee reviews the report and decides if further investigation is needed from the independent inspector.

The parties involved in the process are: the third party, the independent inspector, EuroVAprint, the signatories and the Steering Committee. The likely timeline to respond to an allegation of non-compliance is 16 weeks.

Maxime Furkel said this process was an initiative of the VA and that we should give it a chance to see how the VA works for a year, get the report from EDIF ERA and then reassess.

Stéphane Arditi suggested starting the first year without the 4K clause and if a high number of unfounded allegations were received, it could be reintroduced. He stressed that civil society can't do market surveillance if the information is not available and industry should boost market surveillance.

Chris Robertson asked for some clarification on clauses 9.2 of the VA (process and 4K) and 8.2 (non-compliance allegation process), he notably asked whether a party requesting

information on a model (8.2) is that an intelligent-based allegation or not? Or when do a number of requests become a list? He also said that if third parties contact the independent inspector all the time, it could become onerous for inspectors and signatories.

Maxime Furkel replied the practical part of the audit needs to be finalized and that we would need to see how the process works in practice. He reminded participants that the signatories are taking the risk, with clause 8.2, of having an avalanche of allegations. He proposed to wait and see how the first year develops and to reassess in 2017.

Stéphane Arditi said that from a pure consumer point of view, asking whether a model is compliant or not is a fair question from a customer wanting to buy a product. Bram Soenen suggested considering this non-transparency within the next revision of the VA and that in the meantime, consumers can already see whether the product is Energy Star compliant.

Lisa Rödigg asked about the verification of compliance as well as non-compliance, especially with regard to non-energy related requirements. She mentioned the first line in Article 9 and asked how to audit those requirements that are more qualitative than quantitative? What would the process be and how would non-compliance could be proven?

Maxime Furkel said that EuroVAprint will look at this point together with EDIF ERA as no standards exist to assess some of these requirements.

Action

- **SC members to share thoughts and ideas about the audit process with EDIF EFA and EuroVAprint.**

9. Update on signatories & market coverage

Maxime Furkel informed participants that Murata is leaving the VA in December 2015 as they stop producing imaging equipment. But even with 15 signatories, the VA is above the 90% market coverage (probably no other VA has the same market coverage). Murata leaving will have no significant impact on the VA.

10. Any Other Business

Stéphane Arditi made the following comments and questions:

- Clarification on the energy consumption requirement and why the VA did not go for a figure higher than 70% What was the compliance rate in 2014 with regards to Energy Star 2?
 - *Maxime Furkel replied that tier 1 (70%) is for 2015, which is almost over. A new Energy Star version should not be applicable on the market before 2018).*
- He said he appreciated the efforts on spare parts, but more evidence is needed on the 3 years for inkjet (OM) and 5 for laser. He considers the period to be too short.
 - *Bram Soenen said he also appreciated that this is in the VA as it is not in any regulation, but indeed the time may be short. It would be nice to have an assessment of what parts break and how often (maybe for next VA consider that the time is a "minimum" X years but any other signatory can provide them at their own discretion).*
 - *Chris Robertson said there is a project in the UK looking at the lifetime of commonly used products and why they fail? It might be worth considering doing a similar report for Imaging Equipment.*

- On polymer blend, he welcomes the provision in the VA, but what consumers target is the recyclability of plastic (polymer or polymer blend). This is a key issue for consumers.
 - *Bram Soenen welcomes these clauses in the VA as they don't exist in regulation, but suggests better wording/ testing specification. It is different to assess if polymer and polymer blends are not separated. He fears the number of polymers (4) might be too unambitious, 2-3 polymers would be better, what is a product "casing" needs to be defined.*
- On recycled contents, and the issue of how to calculate the percentage, to simplify calculations, he suggested making a declaration of the total weight and not to exclude these components but calculate a recycled content based on the total weight of the product. He recalled that the initial suggestion was to get a % calculation on the total weight of the product without the exclusion of components as this would create more burden for verification by II or MS authorities, and may also create more complexity for manufacturers to declare.
 - *There were no comments/feedback on this point, but Maxime Furkel said the remark had been noted and invited Stéphane Arditi to share any suggestions by e-mail.*
 - *Stéphane Arditi added that he recognized this is an advantage of the VA, so they are just requesting a simplification (provide overall weight of recycled materials in the product, instead of calculating a percentage).*

Bram Soenen shared the questions raised at the 9 September EEPLIANT meeting and that will be shared with the Steering Committee. Maxime Furkel said EuroVAprint will provide answers or follow-up to the questions if needed.

Stephen Kimber suggested some work is needed on a rule/route for getting back to EEPLIANT for different information requests (signatories? Secretariat?). There are confidentiality issues.

Lisa Rödigg asked on which version of the VA were based the 2014 compliance figures. Chris Robertson replied the last report was based on VA 4.0, but moving forward, they would use the latest endorsed version (VA 5.2).

Actions

- **Chris Robertson to share contact details of person in the UK who did report of product lifetime. POST MEETING NOTE: the links are as follows:**
 - *Project page: <http://www.wrap.org.uk/sustainable-electricals>*
 - *For more information: <http://www.wrap.org.uk/content/rebus> .*
- **EuroVAprint Secretariat to share slides of EEPLIANT questions with Steering Committee.**
- **EuroVAprint to reply/follow-up to EEPLIANT questions (keep Bram Soenen in copy).**
- **Bram Soenen to share contact details of person at EEPLIANT.**

11.Date of next SC meeting

The date of the next SC meeting is open. It will probably be held after the 2016 compliance report is issued. A SC meeting can however be convened before if needed.

12.Closing of the meeting

Maxime Furkel thanked all participants and closed the meeting at 13.15.