

## Meeting minutes

# LOT 4 – Voluntary Agreement (VA) Facilitated Consensus Finding Process among OEMs and Remans

2nd Joint Meeting, May 20th 2020; 9.00 am – 12.15 am via web conference

## Content

1	Participant List.....	2
2	Agenda .....	3
3	Welcome.....	3
4	Discussion rules and agenda.....	3
5	Expectations regarding the process .....	4
6	Core aspects .....	4
7	Action Points and further process.....	6

## Annexes

**Annex 1:** Messages in the chat during confcall on May 20th

**Annex 2:** Intro slide – agenda and process rules

**Annex 3:** Status-document

# 1 PARTICIPANT LIST

The following persons participated in the meeting. The appointed “main speakers” are marked in **bold**.

Last name	First name	Organisation	Type
Saouli	Feriel	EVAP Secretariat	EVAP
Bauer	Björn	Sharp Electronics GmbH	OEM
Berthuel	Laurent	Printerra	Reman
Burkholder	Rob	Lexmark	OEM
<b>Chappell</b>	<b>Daniel</b>	<b>HP</b>	<b>OEM</b>
Conrad	Jürgen	Clover Imaging Group	OEM
Cosgrove	Andy	Xerox	OEM
Coyle	Adrian	OKI Europe Ltd	OEM
FUKUI	Mutsuko	KYOCERA Document Solutions Europe	OEM
Edwardes	Robin	Clover Imaging Group	OEM
Elsigori	Wamda Saeid	Canon Europe Ltd.	OEM
<b>Furkel</b>	<b>Maxime</b>	<b>Lexmark</b>	<b>OEM</b>
Kelch	Markus	Konica Minolta Business Solutions Europe GmbH	OEM
Kelley	Jason	Lexmark	OEM
Nakamura	Yuya	Canon.	OEM
Nakamura	Hitomi	Brother	OEM
Santos	Nuno	HP	OEM
<b>Rodriguez Martinez</b>	<b>Sara</b>	<b>HP Inc</b>	<b>OEM</b>
Saeid-Elsirogi	Wamda	Canon Europe Ltd.	OEM
Squires	Robert	Brother	OEM
Araujo	Jose	Clover Imaging Group	Reman
Conrad	Jürgen	Clover Imaging Group	Reman
<b>Kappius</b>	<b>Volker</b>	<b>Delacamp</b>	<b>Reman</b>
Perry	Mark	Clover Imaging Group	Reman
Sieg	Jan-Michael	KMP AG	Reman
<b>van der Gijp</b>	<b>Gerwald</b>	<b>ARMOR SAS</b>	<b>Reman</b>
Wirch	Alfred	3T Supplies AG/Peach	Reman
<b>Jepsen</b>	<b>Dirk Jepsen</b>	<b>Oekopol</b>	<b>Facilitator</b>
Rödig	Lisa	Oekopol	Facilitator

## 2 AGENDA

The discussion followed the agenda provided before the meeting:

Time (CET)	Agenda Point
8:50	<i>Start of dial-in option</i>
9:00	<b>Welcome, agenda &amp; meeting rules</b> Dirk Jepsen (Facilitator)
9:10	<b>Perception process status</b> Brief statements by Main Speakers (OEM & Reman)
9:40	<b>Questions &amp; clarification regarding “supporting signatories” role</b> Moderated discussion based on OEM answers
10:20	Refreshment break
10:35	<b>Core Aspects &amp; Definitions</b> Discussion of selected items (functionalities beyond printing, exclusion criteria, take back schemas/access to empties)
11:45	<b>Results achieved &amp; next steps</b> Wrap-Up by the Facilitator and discussion
12:00	End of meeting

## 3 MAIN DISCUSSION POINTS & RESULTS

### 3.1 Agenda Point welcome

The facilitator (Dirk Jepsen) gave a brief recap on the meeting rules, presented the agenda and referred to the timeline and the current state of the consensus finding process. All participants agreed on the meeting rules and on the agenda. (=> see annex 2)

### 3.2 Perception of current status of the process

Speakers from OEM (Mr. Chappell & Mr. Furkel) consider the working progress is fruitful and progressive and expressed their hope to achieve some break through regarding key points to be discussed during the meeting.

Speakers from REMAN (Mr. van der Gijp & Mr. Kappius) expressed that they see as well relevant improvement with regard to the relations among the parties but are less positive about the progress of the discussion of the content. They miss a common level of ambition within the

joint discussion regarding the objectives of the Circular Economy including a clear commitment to promote reuse.

During further exchange of impressions and arguments it became clear that the working styles between both parties have been differing substantially with regard to the proposals presented. While OEM try to provide worked through and detailed proposals for the VA text, REMAN refer to the necessity to discuss on the level of core arguments and aspects because of the differences on how the different OEMS are using for example chip technology.

The member of Printerre (Mr. Berthuel) stated that they are not yet involved in the pre-discussions on the REMAN side and asked for clarification.

The facilitator explained that no formal participation rules have set up) for the consensus finding process. Currently signatories and a group of REMAN group are preparing input for discussion which is then shared with all participants. Input may then be given by all participants in written form or as oral statements during the meetings.

Due to time restrictions and to follow the agenda proposed, the facilitator invited the REMAN to clarify further on the issue in a follow-up after the meeting.

### 3.3 Questions & clarification regarding supporting signatories role in a future VA

The discussion on this issue was held in the light of the questions posed by REMAN and respective answers provided by OEM (see chapter 1 in “Status-document” in the Annex) on the following aspects:

#### Becoming a signatory

- To REMAN, the expression « being placed on the market » is too vague, OEMS and REMAN agree that it should be specified «produced and placed on the market».
- Future applications for stepping in the VA as a supporting signatory need to be checked against the objective and non-discriminatory criteria laid down in the VA. Here both parties agreed that further discussion is needed on these criteria => **REMAN** to provide proposal

#### Signing of the VA and bilateral agreements (BA)

- Both parties understand that REMAN don't want to become signatories if it's not clear what is included in the BA's offered by the different signatories in more detail. OEM signalled that they are open to consider that firstly the BA's are agreed on and those BA's take only effect if the VA takes effect. => **OEM** agreed to consider how further clarification can be provided through the BA outline or otherwise. However the discussions on “mandatory” and “voluntary” BA.has to be noted as well.

#### Further formal structure

- It was explained EuroVAprint is a «platform» to facilitate the implementation of the VA and the only «Code of Conduct» are the «Statutes» which would need to be amended once the VA is agreed on. The current Statutes can be shared with the REMAN. => **OEM** to provide the «Statutes»

### 3.4 Core aspects & definitions

The discussion was held in the light of core aspects sorted in line with the OEM proposal for VA text (see chapter 2 in “Status-document” in the Annex) on the following aspects:

#### (Basic) Functionalities beyond printing

- REMAN stated that the guarantee of full functionality for all remanufactured cartridges from signatories at level of the VA is a basic condition for any common progress in the consensus finding progress. Specifically, this concern (“at least”) the function of ink and toner level gauge.
- OEM responded that this functionality is clearly envisaged (see point 4 of VA text proposal) but BA´s are necessary to cover the wide variety of technologies by the different signatories.
- During the discussion the idea was brought up to differentiate among two different “BA parts”, which could comprise a “mandatory part” to be offered by all signatories (covering all the “basic functionalities”) and further “voluntary part” covering other aspects agreed on bilaterally. => **Both parties** agreed to reflect on this approach in their further considerations.

#### Reset and or exchange of chips and availability of spare parts

- REMAN stressed the importance of being able to reset or to exchange chips during prepare for reuse
- REMAN also flagged the importance of having access to spare parts and a design-to-repair for to allow remanufacturing. They stressed that both aspects should not only be subject to BA´s.
- OEM re-confirmed their position that reparability should not be part of the VA and it is acknowledged that REMAN can remanufacture with the current product design.
- Both parties acknowledged that chip resetting needs some sort of infrastructure between OEMs and REMAN, which may be implemented under a BA.
- The discussion touched upon a possible combination of naming chip reset- and/or exchange options in the VA and to specify further details in the BA but no clear result was gained with regard to these aspects.

#### Access to empties

- REMAN expressed the importance of clear and measurable targets of the VA with view to remanufactured cartridges and proposed to reference to WEEE targets for collection and recycling/reuse.
- OEM pointed at the wide set of very fundamental challenges with calculating and influencing the overall collection and recycling targets set at Member State level for cartridges arguing that this point cannot be solved within a VA.
- REMAN answered that it is not about duplicating WEEE targets one to one and the reference for a target can be different.
- OEM made clear that they fear that any such target may cause the situation where the VA is not fulfilled and by that creating a legal problem. However, OEM are open for an operational proposal on how access to empties may be improved. => **REMAN** to come up with a proposal on an access to empties “system”.

## Exemptions

- REMAN agree on the point that if a client has signed up for an OEM service programme, he will not buy a REMAN cartridge. But such exemptions should be limited in time. During such program and at the end of the program, REMAN should have access to the empty cartridges for remanufacturing. All used single plastic cartridges should have a chance to be remanufactured instead of being just waste.
- OEM confirmed that they are aligned with the view that the exemptions should be limited to what is reasonably necessary to achieve the purpose. OEMs said that the wording was already designed to have this effect but that they are open to reviewing it collectively and making further proposals for § 3. => **OEM** to come up with respective wording.

## Warnings

- REMAN state that customers using OEM cartridges should not be shown several warnings regarding the use of REMAN cartridges at different stages of the product use, which is currently the case.
- The facilitator shared his observation that both parties seem to agree in this point but up to now the aspect is not included in the VA proposal. => **OEM** agreed to come up with a proposal for the wording on this aspect.

## Legal and quality requirements

- The role and function of the “old” points 6-10 are well understood by both parties and OEM are open for alternative solutions. => **REMAN** agreed to come up with a concrete and detailed proposal beyond listing all legal requirements which goes more for quality aspects and also clearly shows the level of ambition/engagement of REMAN.

## 4 NEXT STEPS

- The facilitator shared the observation that a rather constructive discussion took place and the understanding on needs and limitations among both parties seems to increase. He raised the questions how both parties plan to go on. In the light of the limited time left for the process he proposed to consider having smaller meetings on working level to search for possible solutions for the different “technical” aspects.
- REMAN supported the observation regarding the constructive exchange but made the point that they would need a clear answer from OEM with regard to the aspect of providing the basic functionalities beyond printing to all supporting signatories. This answer should be given within the next two weeks because otherwise REMAN don't see a perspective for further negotiations.
- OEM as well confirmed that the meeting was productive and that further meetings are needed to build up on that. They as well support to speed up as much as possible, they but don't see the need for setting ultimatums.
- OEM & REMAN agree that the facilitator should give a status report to COM at short notice.

- The facilitator proposes both parties to sort up their minds and come up with their priority issues to solve and a proposal for the further steps

## 5 ACTION POINTS AND FURTHER PROCESS

- **OEMs & Remans:** Sorted priority issues to be solved to be sent to the facilitator  
=> **until May 26 COB**
- **Facilitator** to come up with a timeline for the further process  
=> **after receiving priorities from both parties**

*Dirk Jepsen & Lisa Rödig, Ökopol, Hamburg May 20<sup>th</sup> 2020*

## Annex 1: Messages in the chat during confcall on May 20<sup>th</sup>

During confcall on May 20<sup>th</sup> participants exchanged further arguments, expectations and solution by using the chat of the conference system. Well understanding that the exchange is not based on prior agreements within the negotiation parties the facilitator attaches this chat to the minutes because some helpful aspects for the further process might be included her.

09:12

**Laurent Berthuel - Printerrea -**

Hello

09:13

**Laurent Berthuel - Printerrea -**

i only have one question, i part of the remanufacturer, but as far as now, i didnt get the chance to meet the other remanufacturer how come ?

09:20

**Santos, Nuno**

I would like to remind that the WEEE targets referenced are for Member States and not for single producers

09:30

**Rodriguez Martinez, Sara**

Hi Laurent - I believe you should discuss it with the facilitator separatedly.

09:31

**Laurent Berthuel - Printerrea -**

the facilitator is Dirk Jepsen ?

09:32

**Volker Kappius (delacamp)**

Since MS have no say in a VA, we need to make sure that the VA is ambitious enough to help member states achieve their targets.

09:33

**Rodriguez Martinez, Sara**

Member States and Market Surveillance Authorities are stakeholders in the VA and have been proposing wording from day 1 of the revision.

09:35

**Volker Kappius (delacamp)**

In the process, yes. But not once it is in place.

09:37

**Rodriguez Martinez, Sara**

Once it is in place, MSA can check compliance at any time.

09:40

**Volker Kappius (delacamp)**

Therefore, we need measureable recovery (Empties) and preparation for re-use (reman) and recycling targets in the VA.

09:51

**Santos, Nuno**

We look forward for the proposal from Remans on this

09:51

**Santos, Nuno**

please include the methodology on how to make this measureable

10:01

**Volker Kappius (delacamp)**

Of course. But this would include a reporting on EVAP member cartridges placed on the market per year.

10:05

**Santos, Nuno**

This could be considered in the same framework as we currently use for hardware and be applicable to both OEM and Remans

10:46

**Santos, Nuno**

What would be the value of splitting the BA if having a BA is already an integral part of the VA?

10:47

**Volker Kappius (delacamp)**

One part will be mandatory and the other one will be voluntary.

10:54

**Santos, Nuno**

reparability is not remanufacturing

10:56

**Volker Kappius (delacamp)**

That is clear but the technical processes are very similar.

11:02

**Santos, Nuno**

there is no power supply standardization discussion under ecodesign

11:02

**Santos, Nuno**

this is far from what ecodesign is supposed to be

11:04

**Santos, Nuno**

I agree with Maxime, we don't have the time to do this with the timeframe the EU Commission gave us

11:11

**Laurent Berthuel - Printerrea -**

is there any limitation from the OEM of the number of reset or chip that they will put on the market ?

11:11

**Laurent Berthuel - Printerrea -**

you

11:25

**Santos, Nuno**

This is not ecodesign

11:25

**Wamda Saeid Elsirogi**

May I add a comment please verably?

11:26

**Santos, Nuno**

it has nothing to do with design of the product

11:26

**Santos, Nuno**

it has to do with takeback processes

11:26

**Santos, Nuno**

I don't see how this target would fit in the VA

11:32

**Santos, Nuno**

Isn't this already the case of the collection schemes for WEEE compliance?

11:33

**Santos, Nuno**

I guess Remans also do this for their WEEE compliance don't you?

11:33

**Volker Kappius (delacamp)**

Since it is a law, yes.

11:43

**Mark Perry**

My mic shows is is working but you obviously cannot hear me

11:44

**Volker Kappius (delacamp)**

Can you call in via phone?

11:45

**Mark Perry**

Gerwald can respond... he knows our response

11:50

**Mark Perry**

We understand there will be contracts between users and OEM (also Reman) companies to ensure users are locked into agreed conditions. This is often managed by the OEM's by some functionality on chips. The issue is that after the contract has expired the cartridge should be available for reman and use in a printer.

12:17

**Volker Kappius (delacamp)**

Are you suggesting that we can only offer RAL UZ-177 certified reman cartridges for RAL-UZ 205 certified printers?

12:34

**Jose Araujo**

Thank you