

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

1st Joint Meeting, April 3rd 2020; 9.00 am – 12.00 am via web conference

Meeting Minutes – final

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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
Burkholder	Rob	Lexmark	OEM
Chappell	Daniel	HP	OEM
Cosgrove	Andy	Xerox	OEM
Coyle	Adrian	OKI Europe Ltd	OEM
FUKUI	Mutsuko	KYOCERA Document Solutions Europe	OEM
Furkel	Maxime	Lexmark	OEM
Hitomi	Nakamura	Brother	OEM
Kelch	Markus	Konica Minolta Business Solutions Europe GmbH	OEM
Kelley	Jason	Lexmark	OEM
Manev	Boris	Epson	OEM
Nakamura	Yuya	Canon Europe Ltd.	OEM
Santos	Nuno	HP	OEM
Rodriguez Martinez	Sara	HP Inc	OEM
Saeid-Elsirogi	Wamda	Canon Europe Ltd.	OEM
Squires	Robert	Brother	OEM
Satoshi	Tanabe	Brother	OEM
Ulken	Dierk	Toshiba Tec Germany Imaging Systems	OEM
Araujo	Jose	Clover Imaging Group	Reman
Berthuel	Laurent	Printerre	Reman
Conrad	Jürgen	Clover Imaging Group	Reman
Kappius	Volker	delacamp	Reman
Perry	Mark	Clover Imaging Group	Reman
Sieg	Jan-Michael	KMP AG	Reman
van der Gijp	Gerwald	ARMOR SAS	Reman
Wirch	Alfred	3T Supplies AG/Peach	Reman
Jepsen	Dirk	Oekopol	Facilitator
Rödig	Lisa	Oekopol	Facilitator

2 AGENDA

The discussion followed the agenda provided before the meeting:

Time (CET)	Agenda Point
8:45	<i>Start of dial-in option</i>
9:00	Welcome Setting the scene by Ferial Saouli
9:10	Discussion rules and agenda Explanation by Dirk Jepsen (Facilitator)
9:20	Expectations regarding the process Brief statements by Main Speakers (OEM & Reman)
9:40	Core aspects Moderated discussion
11:10	<i>Refreshment Break</i>
11:30	Results achieved Wrap-Up by the Facilitator and discussion
11:45	Next steps
12:00	End of meeting

3 WELCOME

Ferial Saouli (EuroVAprint) gave a brief introduction into the background and the intention of the consensus finding process and handed over to the facilitator (Dirk Jepsen).

4 DISCUSSION RULES AND AGENDA

All participants agreed to the meeting rules concerning confidentiality and communication in the form provided by the facilitator before the meeting (see page 4 & 5 of the slides attached).

5 EXPECTATIONS REGARDING THE PROCESS

Sara Rodriguez Martinez (HP, OEM)

- Looks forward to a positive discussion on a challenging process covering complex issues
- Prefers a VA over regulation because a specific understanding and the technological knowledge will most probably not be reflected to a sufficient extent in a regulation
- A VA would be timewise more efficient than a regulation

Volker Kappius (delacamp, reman)

- Getting a general acknowledgement by all partners that reuse is possible and necessary is important
- Stresses the importance to keep the timeline as proposed
- Supports Sara regarding the possible draw backs of a regulation
- Wording is a big issue; today a cartridge is not only about printing but about more functionalities
- A common understanding of the business models around the table and of the importance of circularity are crucial

Gerwald Van der Gijp (Armor, reman)

- Sticking to the timelines is very important
- One core issue is to address the availability of empties for remanufacturing

Maxime Furkel (Lexmark, OEM):

- Finding a bridge to work together means having an idea about the future: What is our vision in 3 years? How do we see the aftermarket at that time?
- Proposes to focus more on environment aspects than on business models because the latter are very different
- The list of challenges around the core aspects is long, but it is about finding some joined solutions
- OEMs are fierce competitors, but were successful in running the VA since 2011; starting a new chapter needs efforts from everybody but opens up great opportunities as well

6 CORE ASPECTS

A synoptic comparison of the OEM proposal and the needs and wishes expressed by remans before the meeting was used as basis for the discussion on core aspects.

The following table shows in brief the main discussion results gained and appointments made in [Blue](#)

Table 1: Core aspects of a future VA (synoptic comparison of input and discussion results)

OEM proposal	Reman needs	Discussion results
<p>1. Any OEM Cartridge shall not be designed by the OEM Signatories or modified by Supporting Signatories to prevent:</p> <ol style="list-style-type: none"> printing in the Product for which it was originally intended, when the Cartridge is remanufactured or refilled by any Supporting Signatory; and its recycling. its Remanufacturing (!?) <p>2. Neither the Product nor any OEM software or firmware updates for the Product shall be designed to prevent printing using a Reused Cartridge.</p> <p>3. Paragraphs 1 and 2 shall not apply in relation to remanufacturing or refilling where:</p> <ol style="list-style-type: none"> an OEM Cartridge is supplied under: <ol style="list-style-type: none"> a subscription, or service model; or Loyalty or Rewards Model; <p>and, to avoid fraud, the Cartridge is designed to function only in the individual Product unit or units to which the relevant model under (a) or (b) applies, or</p> an OEM Cartridge is supplied with the Product and performs a specific role in Product set-up. <p>4. Paragraph 1 and 2 shall not apply where the end user customer commits to use only OEM Cartridges.</p>	<p>Guarantee full functionality of cartridges remanufactured by remans (supporting signatories)</p> <p>No firmware (FW) update must cause a reman cartridge not to fully function in an FW upgraded office imaging machine.</p> <p>Scope must include ALL cartridges placed on the EU market (e.g. not excluding contractual business).</p>	<p>Addressing functionalities beyond printing is more or less “agreed” a general target for rem. cartridges</p> <p>But which functionalities to include on VA level and what on bilateral agreement level needs further discussion</p> <ul style="list-style-type: none"> ⇒ OEMs to come up with proposals about the possible content of such bilateral agreements ⇒ Remans to provide a list of “basic functionalities” a remanufactured cartridge needs to provide <p>Limitations to cartridges covered as expressed by point 3 & 4 were intended as specific and limited exceptions by OEM– but how to make this more explicit?</p> <ul style="list-style-type: none"> ⇒ OEM will come up with proposals making the intention more clear
<p>5. Except where paragraphs 3 or 4 apply, OEM Signatories shall offer bilateral arrangements with a defined scope on commercially reasonable terms for the provision of additional functionality beyond that set out in paragraphs 1 and 2, such as a functioning ink or toner level gauge, to Supporting Signatories for printing with Reused Cartridges in OEM Signatory Products</p>	<p>Active support of remanufacturing (by remans/supporting signatories)</p> <p><u>Mechanical aspects</u></p> <ul style="list-style-type: none"> • Design for non-destructive repair & refill • Access to necessary (spare) parts (at reasonable costs) – mainly wearing parts 	<p>All important aspects only to be included within “bilateral agreements” is seen as problematic by remans</p> <p>Remanufacturability (ability to remanufacture): Remans explained reasons for requirements on mechanical aspects and OEMs explained reasons for objection.</p>

OEM proposal	Reman needs	Discussion results
	<ul style="list-style-type: none"> • Availability of technic. specifications • Access to testing devices e.g. (functioning ink or toner level gauge) • .. <p>Software aspects</p> <ul style="list-style-type: none"> • Option/license for remans to re-set chips (allowing for full functionality) • ... 	<ul style="list-style-type: none"> ⇒ OEMs understood the points being made by remanufacturers and agreed to consider and discuss them further ⇒ OEMs to find a way to make the content of possible bilateral agreements visible to reman
<p>6. OEM Signatories and Supporting Signatories or persons acting on their behalf shall offer a take back solution for Cartridges. The OEM Signatories and Supporting Signatories shall ensure that their own take back operations comply with all applicable waste transportation and management laws. Costs of take-back solutions are the responsibility of the person offering the take back program namely the relevant OEM Signatory, Supporting Signatory or person acting on its behalf.</p>	<p>Free and not limited access to cores/Empties</p> <p>Prepare for re-use quota (e.g. x% of all cartridges placed on the market)</p>	<p>Improved access to empties Interesting point for both parties and “joint” activities</p> <ul style="list-style-type: none"> ⇒ Remans to come up with a proposal <p>Possibly “quota” not the best fitting term/ instrument for target setting</p>
<p><i>Not (yet) addressed !?</i></p>	<p>No “negative” signal to customers regarding cartridges remanufactured by remans (supporting signatories)</p> <ul style="list-style-type: none"> • No “warnings” (e.g. on display or in service instructions) • Prolonged use of OEM Logos together with reman flag 	<p>Avoidance of negative “warnings” against products of VA partners understood as important to Remans. Both parties see the problematic of counterfeited cartridges that need to be addressed.</p> <ul style="list-style-type: none"> ⇒ First proposal by Remans ⇒ Then OEMs to further consider that proposal with view to a next VA draft
<p>7. OEM Signatories and Supporting Signatories shall:</p> <ol style="list-style-type: none"> comply with applicable EU environmental, human health and product performance related requirements in relation to Cartridges including: <ol style="list-style-type: none"> WEEE Directive 2012/19/EU and Member State implementing legislation; RoHS Directive 2011/65/EU and Member State implementing legislation; EMC Directive 2014/30/EU and Member State implementing legislation; 	<p><i>Not (yet) addressed !?</i></p>	<p>Function of “quality requirements” for all partners of the VA understood</p> <p>But not just repeating binding laws and things need to be manageable (whom to check?)</p> <ul style="list-style-type: none"> ⇒ Remans to propose alternative ideas of meaningful “quality requirements”

OEM proposal	Reman needs	Discussion results
<ul style="list-style-type: none"> iv. Restrictions under Title VIII of REACH Regulation 1907/2006/EC; v. Registration of substances under Title II and information in the supply chain under Title IV of REACH Regulation 1907/2006/EC; vi. Classification, Packaging and Labeling Regulation 1272/2008/EC; and vii. POPs Regulation 2019/10`21/EU. <p>b. publish on a freely accessible website safety data sheets following the format and contents of Title IV of REACH Regulation 1907/2006/EC for the inks and toners they supply for use in Products. Where safety data sheets are not legally required under Title IV of REACH then the safety data sheets shall be published in at least one official EU language.</p>		
<p>8. Remanufactured Cartridges or Refilled Cartridges supplied by Supporting Signatories as compatible with Blue Angel DE UZ-205 certified Products must meet the emission limit values for chemical substances (TVOCs, undefined VOCs, Styrene and Benzene), ozone, dust and ultrafine particles as defined by the Blue Angel DE UZ-205 when tested with the Blue Angel certified Product. Compliance verification shall accept testing from Equivalent Design products as documented in DE UZ-205</p>	<p><i>Not (yet) addressed !?</i></p>	<p>See comment on paragraph 6.</p>
<p>9. OEM Signatories and Supporting Signatories shall measure page yield for ink and toner cartridges in accordance with the relevant ISO/IEC Standards where the use of those standards is appropriate. OEM Signatories and Supporting Signatories shall make ink and toner cartridge yield information calculated in accordance with the foregoing Standards available to Customers via freely accessible websites or in user manuals. This obligation shall not apply for cartridges supplied for subscription and service models and where the end user customer commits to use only OEM Cartridges</p>	<p><i>Not (yet) addressed !?</i></p>	<p>See comment on paragraph 6.</p>
<p>10. Nothing in this Voluntary Agreement shall be construed or applied so as to limit OEM Signatories or Supporting Signatories obligations to comply with the law relating</p>	<p><i>Not (yet) addressed !?</i></p>	

OEM proposal	Reman needs	Discussion results
to intellectual property or construed or applied to prevent OEM Signatories or Supporting Signatories from or to limit them in taking legal action to protect their intellectual property rights.		

7 ACTION POINTS AND FURTHER PROCESS

The following schedule has been agreed on during the meeting:

- **Remans:** Proposal for changes to definitions => **until 9th April**
- **OEMs and remans:** Exchange the first drafts of proposals regarding core aspects as agreed during the meeting (see table 1) => **until 17th April**
- **OEMs and remans:** Reflection of first proposals received by the other party and to provide feedback to the other party => **asap**
- **OEMs and remans:** To further elaborate on input for the 2nd meeting => **until 1st of May**
- Next Meeting: **2nd week of May (week 20)** => Doodle provided

The exchange of documents shall be done via the facilitator.

Dirk Jepsen & Lisa Rödig, Ökopoll, Hamburg April 6th 2020