

## Minutes EVAP Subgroup Targets Seventh meeting – 01 April 2021

**From Member States: Bram Soenen (Belgium), Milena Presutto (Italy), Hans-Paul Siderius (Netherlands), Paula Gomes (Portugal)**

**From Remans: Gerwald van der Gijp (Armor), Frans Hondmann (Armor), Mark Perry (Clover), Jürgen Conrad (Clover), Jan-Michael Sieg (KMP), Alfred Wirch (Peach)**

**From OEMs: Robert Squires (Brother), Phil Mack (Brother), Wamda Saeid-Elsirogi (Canon), Boris Manev (Epson), Sara Rodriguez Martinez (HP), Daniel Chappell (HP), Nuno Santos (HP), Maxime Furkel (Lexmark)**

**From EVAP Secretariat: Ferial Saouli, Lucie Terren**

**Observers: Vincent van Dijk (ETIRA), Beth McKee (Static Control), Ernestas Oldyrevas (ECOS)**

**Excused: Paulo Da Silva Lemos (DG ENV), Elisa Anderson Vazquez (DG ENER), Paulo Zoio (Portugal), Ken Lalley (Static Control)**

### **1. Comments on wording 9.11 Data and Targets for Continuous Improvement**

- Mr. Chappell (HP, EVAP) presented the drafting for Para 9.11 and Annex J, which were circulated prior to the meeting. He reminded participants the deadline to submit the updated VA and targets proposal to the Commission is 9 April:

*Each Signatory that makes available on the EU market OEM Cartridges, OEM Containers, Newbuild Cartridges or Newbuild Containers commits to targets to increase the reuse of ink and toner Cartridges and Containers as set out in Annex J and to report on progress towards those targets in each Annual Compliance Report. As further set out in Annex J, all Signatories commit to report data to the Independent Inspector for the purposes of calculating and reporting on progress towards achievement of those targets and to support development of a wider understanding of factors influencing reuse of ink and toner Cartridges and Containers and progress against other aspects of the policy set out in Article 4 of Directive 2008/98/EC (“Waste Hierarchy”).*

- Mr. Soenen (BE), Ms. Presutto (IT) and Mr. Siderius (NL) asked why the term “making available on the market” is used instead of “placing on the market”.
- Mr. Chappell (HP, EVAP) answered that they choose the term because it is the broader one between the two of them. It captures more eventualities and creates more flexibility for the Signatories. In his understanding, “making available” could be a sale or a transfer whereas “placing on the market” could be just a sale.
- Ms. Presutto (IT) suggested giving an explanation that “Making available” includes all possible ways for a cartridge to arrive into the EU-market.
- Mr. Soenen (BE), asked if the term “making available on the market” also includes any import of independent importers or distributors of OEM cartridges. How does an OEM know how many of their cartridges are on the market, when they do not make them available on the market themselves?
- Mr. Chappell (HP, EVAP) responded that the data would not capture these kinds of other channels (i.e. grey marketing).

- Mr. Siderius (NL) and Mr. Soenen (BE) do not see a problem with the use of the term in this section, but they ask to keep the question in mind for the further reading of the proposal.
- Mr. Chappell (HP, EVAP) said Signatories are open to rethinking the use of the term.

## **2. Comments on Annex J: Targets for Reuse of Cartridges and Containers**

### **2.1 Targets**

- Mr. Chappell (HP, EVAP) presented the reuse targets proposal for 2025, for each Signatory that makes available on the EU market OEM Cartridges, OEM Containers, Newbuild Cartridges or Newbuild Containers: 40% for Toner Cartridges and Containers and 14% for Ink Cartridges and Containers.
- Mr. Siderius (NL) said he was not comfortable with the targets. His proposal would be 60% for toner cartridges and 25% for ink cartridges. The upscaling has the effect of watering down the reuse targets for the Signatories. He also questioned the way data would be collected (by a market research company commissioned by the Signatories) and said he would prefer if the upscaling would be left out, particularly if the targets stay as low as proposed in the current draft.
- Mr. Chappell (HP, EVAP) felt that during the last meeting there was a general understanding on why the proposed % is already as ambitious as it could get. For the ink cartridges it would be a 100% increase of what is happening right now and for toner it would be an increase of 50%. He also clarified that the upscaling is not there to hide or cheat, it is just to estimate the data Signatories cannot get delivered in another way.
- Mr. Soenen (BE) said the targets could be a little bit sharper: 49% for toner cartridges and 18% for ink cartridges. He can provide some argumentation for this.

### **2.2 Reuse rate calculation**

- Mr. Siderius (NL) asked why in the first sentence where they explained “B” they add “that were originally made available on the EU market by the same Signatory referred to in A”.
- Mr. Chappell (HP, EVAP) responded that the purpose of the wording was to make sure that the remanufactured cartridge counts towards the targets of the OEM Signatory that sold it in the first place.
- Mr. Soenen (BE) also suggested to keep that part of the sentence out, as it puts an unnecessary barrier to the Remanufacturer.
- Ms. Presutto (IT) suggested adding some numeric examples to show the difference on B with and without upscaling.
- Mr. Chappell (HP, EVAP) agreed to do that.
- Mr. Mack (Brother, EVAP) reported that because of the big investments Brother has done in the EU for remanufacturing cartridges, they collect used cartridges from the US and sell them as remanufactured in the EU. For them it would be beneficial to keep the “originally made available on the EU market” out of the sentence.
- Mr. van der Gijp (Armor) said that it would be beneficial also from a Remans point of view to keep it out.
- Mr. Chappell (HP, EVAP) agreed to rethink about the wording.
- Ms. Presutto (IT) asked for clarification that a cartridge which has been remanufactured outside of the EU, enters as a new cartridge on the EU market.
- Mr. van der Gijp (Armor) explained that there would be two streams, one stream with cartridges that have been produced in Europe, remanufactured outside of the EU and then enter again into the EU-market, and the other stream with cartridges produced, used and remanufactured

outside of the EU that then enter the EU-market. It would be difficult for Remans to identify where a cartridge originally comes from.

- Ms. Presutto (IT) asked for clarification on how the streams count for the VA.
- Mr. Siderius (NL) pointed out that this would be complicated and that it is not relevant for the VA if legally a remanufactured cartridge which was not produced in the EU is counted as a new product or not. It is a legal issue he prefers to keep out of the calculation of the reuse.
- Mr. Soenen (BE) also thinks that an OEM cartridge produced, used and remanufactured outside of the EU who enters the EU market should count as a reused cartridge.
- Mr. Siderius (NL) mentioned again his discomfort with the upscaling and said the VA should be a trigger to motivate companies to rearrange their businesses to archive the targets and even do better in the future. He added a risk of upscaling would be Remans would not find it necessary to join the VA.
- Mr. Chappell (HP, EVAP) asked Remans to comment on whether including the remanufactured market coverage in the reuse rate calculation, would impact their decision to join or not the VA.
- Mr. van der Gijp (Armor) said he did not think it would have an impact in Remans joining/not joining. The Bilateral Agreements (BAs) will have an impact.
- Mr. Santos (HP, EVAP) said that there is no intention to hide results and that there is a logic behind the calculation of the upscaling which will be visible for anyone. He added it would be difficult to increase the targets if the upscaling is kept out of the calculation. Setting 'too-ambitious' targets at the start of the process risks leading to a failure of the VA.
- Mr. Siderius (NL) suggested simplifying the text of the VA.
- Mr. Chappell (HP, EVAP) responded that simplifying the text too much would have an impact on the balance which has been created between OEMs and Remans.
- Mr. Siderius (NL) and Ms. Presutto (IT) pointed out that the agreements between OEMs and Remans are up to them and are not relevant for the Commission.
- Mr. Siderius (NL) asked if the final VA draft will be shared only with the EC or also with all stakeholders on 9 April.
- Ms. Saouli (EVAP secretariat) replied the Commission said it would come back to Signatories about timeline and next steps, but there is no clarity at the moment if we should only send the draft to them or if it can be shared with stakeholders.
- Mr. Siderius (NL) said Member States would like a quick review of the VA from the Commission and asked EVAP to push the Commission for clarity on the timeline and next steps.

## **ACTIONS**

- **EVAP Secretariat to chase the Commission to get information about the timeline and next steps.**
- **Signatories to updated VA draft and submit it to the EC on 9 April.**
- **EVAP Secretariat to share meeting minutes.**