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**The Consumer Voice in Europe**

# **ANEC/BEUC position on the revision of the Ecodesign voluntary agreement on “Imaging Equipment”**

European consumer organisations comments on the draft proposal v.5.0 of December 2013

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## Summary

On 12 June 2014, the European Commission organized an Ecodesign Consultation Forum meeting on voluntary agreements. During this meeting the latest draft of Commission Guidelines on self-regulatory measures concluded by the industry under the Ecodesign Directive as well as the proposed text for the revision of the voluntary agreement on imaging equipment were discussed.

European consumer organisations ANEC/BEUC have repeatedly expressed reservations on the efficiency and efficacy of voluntary agreements as a policy option under Ecodesign. In this paper we highlight the numerous weaknesses of the proposed revised voluntary agreement on imaging equipment and we suggest ways to strengthen it. We also make reference to the latest version of the draft Guidelines on voluntary agreements and we urge the Commission not to endorse any product specific voluntary agreement before these Guidelines are finally adopted. The Commission would then need to ensure that the adopted voluntary agreement satisfies the criteria laid down in the Guidelines.

Ideally, however, we would favour the abolishment of this voluntary agreement and its replacement with a regulatory measure as we are convinced that it is the only way to deliver the full improvement potential of this product group. The ongoing study on the Ecodesign Working Plan 2015-2017 constitutes an excellent opportunity to reassess the group and include it in the final list of proposed product groups.

### **No endorsement of a substandard proposal should be granted**

ANEC and BEUC have repeatedly expressed distrust towards voluntary agreements in the context of the Ecodesign Directive. The distrust stems from practical experience, which has not proven voluntary agreements to be quicker than regulation, while their added value can be hardly verified due to the intrinsic verification flaws of the instrument. We support the elimination of this option from the future Ecodesign Directive. We see the ongoing study on the Ecodesign Working Plan for 2015-2017 as an excellent opportunity to reassess imaging equipment and we would strongly favour its inclusion in the final text of the Working Plan 2015-2017. In the meanwhile, we consider that the version of Guidelines presented in the Consultation Forum of 12 June 2014, is a positive step forward. Therefore, we ask that the voluntary agreements are considered eligible for endorsement, only under the condition that they satisfy the terms laid down by the final Guidelines. The draft Guidelines stipulate that "...all future Ecodesign self-regulatory measures should be drafted in line with these Guidelines. Furthermore, all existing Ecodesign self-regulation measures should be aligned with the Guidelines as soon as possible but at the latest with the next revision of the measure..." **ANEC/BEUC urge** the Commission not to move ahead with the endorsement of the voluntary agreement on imaging equipment before the adoption of these Guidelines. Otherwise, the possibility for an ambitious voluntary measure would be pushed even further away. At the same time, imaging equipment should be reassessed under the ongoing study on the Ecodesign Working Plan 2015-2017 and the product group should be included in the final Working Plan for regulatory measures. The voluntary agreement could serve as a temporary situation until regulation is adopted.

### **Cost efficiency will come at a verification cost**

According to the presentation of EuroVAprint at the Consultation Forum of 12 June, the voluntary agreement on imaging equipment is more cost efficient than regulation as the EuroVAprint budget is less than €200,000 for 16 of the largest OEMs. **ANEC/BEUC** are not convinced of the cost efficiency of the voluntary measure. According to the draft proposal, compliance of signatories is mainly verified through self-declarations and does not foresee product testing. Thus, the cost efficiency is stemming from a poorly designed verification scheme.

### **Cartridges and paper have to be fully incorporated to the voluntary agreement- Exemptions must not hinder reuse**

Contrary to the scope of the current voluntary agreement, cartridges have been removed from the scope of the draft proposal v.5.0 of the voluntary agreement. The proposed text includes cartridges at section 3.1 under 'core definitions'. According to JRC IPTS (2011)<sup>1</sup>, LCA studies revealed that the environmental performance of imaging

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<sup>1</sup> Development of European Ecolabel and Green Public Procurement Criteria for Imaging equipment; Working Document; Input to 1<sup>st</sup> AHWG; March 2011 Source: [http://susproc.jrc.ec.europa.eu/imaging-equipment/docs/Imaging\\_Equipment\\_Ecolabel\\_Criteria\\_WorkingDoc.pdf](http://susproc.jrc.ec.europa.eu/imaging-equipment/docs/Imaging_Equipment_Ecolabel_Criteria_WorkingDoc.pdf)

devices along the life cycle is strongly related to the paper consumption, the energy efficiency in the use phase of the device and the consumption of toner or ink. Additionally, as shown at table 1, ink and toner occupy 63% of total consumer expenditure of the main environmental parameters of imaging equipment. Hence, from a consumer perspective inclusion of ink/toner and paper in section 3.2 of the scope of the proposed voluntary agreement on imaging equipment is necessary.

Table 1

	Purchase costs <sup>42</sup>	Maintenance costs	Electricity costs	Paper costs <sup>43</sup>	Toner/ink costs <sup>44</sup>	Total consumer expenditure EU-27
Expenditure total	14.8	14.0	1.6	64.4	161.1	255.9
of which Ink Jet	5.1	0	1.2	6.7	16.8	56.2
of which EP ('laser')	9.7	14.0	0.4	57.7	144.3	199.7

Total consumer expenditure 255,9 billion euro

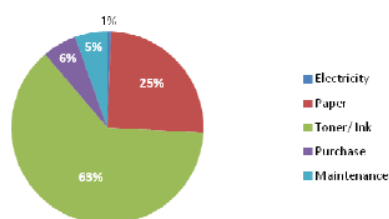


Figure 7: Total consumer expenditure of the main environmental parameters of imaging equipment

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Cartridges are discussed again under section 5.4 of the proposed text. More specifically, the text reads:

*For all product models newly placed on the market after 1 January 2014:*

*5.4.1 Any cartridge produced by or recommended by the OEM for use in the product shall not be designed to prevent its reuse and recycling.*

*5.4.2 The machine shall not be designed to prevent the use of a non-OEM cartridge.*

*5.4.3 Signatories shall be excused from the requirements of Sections 5.4.1 and 5.4.2 only if the design or technology that is inconsistent with those requirements is necessary to achieve an innovation, development or improvement in the functionality of the product or the cartridge that provides a benefit to the user.*

Compared to the current text, the sub-section 5.4.3 has been newly introduced. It provides a significant possibility for manufacturers to be exempted from the requirements preventing reuse and recycling of cartridges and the usability of non-OEM

<sup>2</sup> [COMMISSION STAFF WORKING DOCUMENT- Impact Assessment Accompanying the document REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on the voluntary ecodesign scheme for imaging equipment - Brussels, 29.1.2013](#)

cartridges. The exemption is formulated in a way that allows great leeway for manufacturers to escape the requirement. As explained before, one of the major environmental impacts of imaging devices along the life cycle is related to the consumption of toner or ink. By facilitating the reuse of cartridges, consumers can save significantly in costs and these impacts could be alleviated.

Additionally, consumer organizations' tests indicate that for occasional printing, inkjet models may require replacing the cartridges sooner than expected. This is due to automatic maintenance procedures that include cleaning cycles of the print head between uses. This cleaning, required by inkjet printers to maintain good print quality, occurs in greater quantities when devices operate more sporadically, printing a few pages at a time. For some models, the ink spent on cleaning cycles can be five times higher than that used for continuous printing. Still, there are models that appear not to be influenced by the frequency and the number of pages printed at a time, with very low waste and without print head clogging or loss of quality by spending less ink during maintenance.

**ANEC/BEUC propose** the deletion of sub-requirement 5.4.3.

Furthermore, requirements should be phrased in an encouraging wording. We propose the language changes below:

5.4.1: 'Any cartridge produced by or recommended by the OEM for use in the product shall be designed to facilitate its reuse and recycling.'

5.4.2: 'The machine shall be designed to accept the use of a non-OEM and/or a remanufactured cartridge.'

Also, based on criteria 10 and 11 of the current EU Ecolabel (2013) on imaging equipment we propose a new requirement for the proposed voluntary agreement along these lines: '*The design of the cartridge recommended by the manufacturer (OEM) for use in the product shall promote its durability. Devices and practices that would prevent its reutilisation (sometimes referred to as anti-reutilisation devices / practices) shall not be present or applied.*'... '*The Signatory shall offer to users a free of charge take-back system for the return, in person or by shipment, of cartridges supplied or recommended for use in the product, in order to channel them to reuse and/or material recycling with preference given to reuse.*'...

As far as it concerns the amount of ink that is lost due to the cleaning cycles, we request that the issue is further investigated in order to verify whether a design requirement that limits the amount of ink lost at maintenance processes is necessary.

For European consumer organisations ANEC/BEUC the **full inclusion of cartridges and paper** in the scope of the voluntary measure a sine qua non for its endorsement.

## Product types exemptions must be substantiated

The introductory text of the VA currently in force refers explicitly to the exclusion of small photo and scanner devices from the scope due to declining markets. The proposed text v.5.0 (2013) makes no longer reference to these devices, neither at the introduction nor at the scope.

Market information on document scanners indicates an increase of shipments for the Western European market in the past<sup>3</sup>. According to this information, "the top vendors in Western Europe were Brother, Canon, Epson, Fujitsu, and HP, together accounting for 83.9% of the total document scanner shipment market ».

The proposed text also limits its scope to equipment with maximum speed <66 A4 images per minute for standard black and white format products and <51 A4 for standard colour format products.

### ANEC/BEUC request:

- that VA signatories provide current data on scanners and small photo printers placed on the European market for household and office use in order to assess whether their exemption is justified ;
- that the limitation of the imaging speed is deleted from the scope as neither Energy Star or Ecolabel seem to set such a limit.

## Market coverage claims must be substantiated

The proposed document gathers the support of 16 signatories covering 95% of the units sold in the EU. The latest report of the independent inspector (ERA 2014) does not contain any data on market coverage. Additionally, it is not clear how market coverage is defined. Would products outside the scope count as a basis to establish market coverage i.e. does "80% of the market share" mean "80% of all imaging equipment" or "80% of the products within the scope"?

**ANEC/BEUC request** that signatories commission an independent report proving and specifying the market coverage of the self-regulatory measure at least at the level that the last draft Commission guidelines indicate i.e. 80%. In case the market data do not prove 80% coverage, the Commission shall withdraw its support to the VA and adopt a regulation. Besides, as the impact assessment of 2013 indicates, "*...given the fact that the parameters to be regulated as well as the relevant test and calculation methods are in place, the design of a mandatory ecodesign measure should be possible within a limited timeframe of 1.5 to 2 years.*"

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<sup>3</sup> See for example <http://www.idc.com/getdoc.jsp?containerId=prUK24500013>

## **Set more ambitious tiers on duplex availability and default delay times**

The proposed tiers as well as compliance targets do not only apply for energy consumption, but also to default delay times and duplex availability. For these criteria, however, the Energy Star version 2.0 has not changed compared to the previous Energy Star version 1.1. The current VA requires that at least 90% of the products placed on the market by a signatory are compliant. According to the latest report of the Independent Inspector (ERA 2014), the compliance rate on these criteria is 96.3 (mean) to 97.6 (overall). **ANEC/BEUC** recommend that the primary design requirements split in a way that for default delay times (OM products) and duplex availability (TEC products), more stringent targets, e.g. 98% to 100% are set.

## **Avoid a “dead” year on energy consumption requirements**

According to the minutes of the Steering Committee meeting from 26 September 2013 “signatories ran estimations of Energy Star 2.0 penetration rates among sales in calendar year 2012 to establish targets for the next tiers. These rates are a rough approximation as there are several changes in the new Energy Star product categories and measurement methods that will require real measurement on sales in 2014, in order to establish a solid baseline for the VA progression. In the ensuing discussions, participants discussed the issue of 2014 being potentially a “dead” year with no commitment from industry, as it would be used as a baseline report showing where each signatory is in relation to 2015 targets. It was suggested that VAs could be required to be compliant with the current VA and assess where they stand relative to the new VA in a baseline report.”

**ANEC/BEUC** request that either a realistic target, based on experience and estimations of market coverage of the new Energy Star, is set in order to avoid a “dead” year or if the 2014 data serve as a baseline report, the proposed targets will be reassessed accordingly. In case the latter is followed, the targets for OM and TEC products must be differentiated.

## **Availability of N-up printing**

In section 5.2 there is an exemption which also refers to this criterion ‘availability of N-up printing’. The text explains that an exemption shall be acceptable for models that are sold in small numbers (less than 5,000 units per year), on the ground that the cost of implementing the criteria is disproportionate to the sales of the product. **ANEC/BEUC** request that exemptions are mentioned at the end of each of the respective sub-sections. However, signatories should provide justification that technical implementation of N-up printing is associated with additional cost burdens; if not, an exemption of this requirement for models sold in small numbers is not justified and should be deleted.

## Design for waste prevention and recycling

Imaging equipment is composed by parts that can have significant value in terms of precious metals such as printed circuit boards bigger than 10 cm<sup>2</sup>, displays bigger than 100 cm<sup>2</sup> and internal power supply units. This categorization is relevant to the WEEE-Directive, which requires recyclers to separate these components during end-of-life management, thus the design of the products should support them in fulfilling their obligations under the Directive on waste electrical and electronic equipment (WEEE). For the aforementioned components, efficient manual disassembly by one person in a specialized company shall be possible to carry out using widely used commercially available tools (i.e. pliers, screw-drivers, cutters and hammers as defined by ISO 5742, ISO 1174, ISO 15601). Recycling will only be economically attractive when the wide diversity of materials used in electronic products is reduced and better separation is possible. Also higher quality of secondary materials and the elimination of toxic chemicals are crucial.

**ANEC/BEUC** propose that the requirements for manual dismantling are further specified. Also, the signatories should provide justification that technical implementation of design for recycling is associated with additional cost burdens; if not, an exemption of this requirement for models sold in small numbers is not justified and should be removed from the text.

## Polymer composition

We welcome the introduction of relevant requirements as they can facilitate the recycling process. **ANEC/BEUC** believe that the use of coatings should generally be prohibited as it hampers recycling, unless it is legally required. Additionally, the design of large sized casing parts must be designed in a way that the contained plastics can be used for the production of high-quality durable goods by applying available recycling but also sorting techniques. Finally, plastic materials used for housing and enclosures shall have no surface coatings or metal inlays, unless this is legally required.

## Recycled plastic content

We welcome the requirement on recycled plastic content. However, the proposed increment of 0-5% might mislead consumers if the product does not contain any recycled plastic. **ANEC/BEUC request** splitting the first increment in two: 0% and <5%.



## **Use of recycled paper should be a design requirement, not only an information requirement**

According to JRC IPTS (2011)<sup>4</sup>, LCA studies revealed that the environmental performance of imaging devices along the life cycle is strongly related to the paper consumption in the first instance. Thus, usability of recycled paper certified under quality standards should not only be an information requirement but a design requirement.

Imaging equipment sometimes delivers a 'toner/ink empty'-message long before the cartridge is finally empty. This message leads to increased resource consumption as well as higher costs for consumers and should be altered. **ANEC/BEUC** advocate in favour of a requirement on the use of recycled paper based on criterion 3 of the EU Ecolabel on Imaging Equipment which reads: "...Imaging equipment shall be capable of processing recycled paper made of 100% post-consumer paper that meets the requirements of EN 12281:2002..."

Additionally, consumer information such as a pop-up window informing consumers that 'toner/ink needs to be replaced only when printing quality begins to decrease' shall be considered.

## **Consumer information on cartridge yield must be comparable**

The proposed document reads "...Signatories shall make information on inkjet and toner cartridge yield available to customers based on the measurement standards specified, for example, in ISO/IEC 24711:2006 (for ink), ISO/IEC 19752:2004 (for monochrome toner), ISO/IEC 19798:2006 (for colour toner), or through other company methods..."

**ANEC/BEUC request** the deletion of the last sentence "or through other company methods". In order for information on cartridge yield to be meaningful for consumers, the measurements should only be based on standards and not on company methods.

## **Exemptions from information requirements must be eliminated unless justified**

Section 6.5 'Exemption for small numbers' of the proposed text reads:

*'An exemption from the criteria in sections 6.1, 6.3 and 6.4 will be acceptable for models that are sold in small numbers (less than 5,000 per year), on the ground that the cost of implementing the criteria is disproportionate to the sales of the product. Exceptions should be reported to the Independent Inspector (see Annex C, section 4 for reporting template).'*

**ANEC/BEUC propose** the deletion of paragraph 6.5 unless signatories can justify the excessive cost of implementation of these information requirements.

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<sup>4</sup> Development of European Ecolabel and Green Public Procurement Criteria for Imaging equipment; Working Document; Input to 1<sup>st</sup> AHWG; March 2011 Source:

<http://susproc.jrc.ec.europa.eu/imaging->

[equipment/docs/Imaging\\_Equipment\\_Ecolabel\\_Criteria\\_WorkingDoc.pdf](http://susproc.jrc.ec.europa.eu/imaging-equipment/docs/Imaging_Equipment_Ecolabel_Criteria_WorkingDoc.pdf)

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## **Other environmental & health aspects shall be considered under the proposal**

**ANEC/BEUC suggest** that other significant non-energy related aspects such as indoor air emissions, noise emissions, or hazardous substances- not only in the imaging equipment product itself but also in the ink and toners- are included in the requirements of the Voluntary Agreement on Imaging Equipment. This should concern limiting the values for indoor air emissions (particle and fine particles) and noise emissions, testing and consumer information about hazardous substances in toner and ink, as well as consumer guidance on health-conform use and maintenance of the product and the consumables.

## **Management of the voluntary agreement**

According to last version of Guidelines as presented at the Consultation Forum of 12 June 2014, documents relevant to Steering Committee meetings (invitation, agenda, presentations and minutes) shall be sent not only to Steering Committee members but also to all members of the Consultation Forum. Additionally, 'requests for participation to the Steering Committee are evaluated by the Chair and the Commission taking into consideration the pertinence of the request.'

The proposed VA states that 'the Chair, after consulting the Steering Committee, may invite one representative from an organisation as an observer. Provided such organisations clearly state the interests they represent, they may participate in Steering Committee meetings on a case-by-case basis'.

**ANEC/BEUC request** that this derogation from the proposed guidelines is deleted and the proposal is aligned with the spirit of the Guidelines that request full involvement of stakeholders. Additionally, we recommend that organizations with permanent seat in the Ecodesign Consultation Forum shall become members including voting rights in the Steering Committee and that the representative of the EU Commission shall have a veto right in the Steering Committee.

## **Independent inspector shall be appointed by the Commission**

Compared to the current VA IE v.4 (2012), a new section 7 'Independent Inspector' has been included into the draft revised proposal. The following procedure is proposed:

*'The Independent Inspector is an independent third party designated by the Steering Committee (...) The Commission shall have the right to veto the choice of the Independent Inspector. (...)'*

However, according to the proposed Guidelines:

*'(...) As a guarantee for impartiality, objectiveness and independence, as stated in recital 28 of the Directive, the Independent Inspector is designated by the Commission, possessing the necessary expertise for carrying out the necessary verifications of the products with regard to their compliance with the self-regulation requirements. The signatories may provide, by consensus, one or more proposals for an Independent Inspector.*

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*The Steering Committee is involved in the selection criteria, process, contract terms and conditions, and in particular has access to the documentation relevant for the appointment of the Independent Inspector. (...)'*

**ANEC/BEUC reiterate** that the Independent Inspector of a voluntary agreement shall be designated by the Commission with the right of the signatories to make proposals to the Commission and not the other way around.

### **Compliance verification**

The compliance verification as described in section 7 of the proposed voluntary agreement is primarily based on self-declaration of the signatories. The proposed text does not specify any additional information like manuals, technical specifications, user instructions, test protocols and market data which have to be provided to the Independent Inspector in order to verify the self-declarations. The proposed text makes no reference to product testing. However, compared to the current text a section on auditing has been included in the proposal, with 2 random-based audits per year, as well as an "intelligence based audits" in case of suspicion or allegation of non-compliance.

**ANEC/BEUC request** that for each of the design and information requirements the voluntary agreement specifies accompanying documents which should be provided by the signatories to the Independent Inspector to facilitate verification of the self-declared information.

### **Access to background data**

Section 8.2 of the proposed text has a very restrictive approach on access to background data: '(...) In case a member or observer in the Steering Committee wants to verify the qualification of a product that falls under the Voluntary Agreement, the request has to be addressed to the Independent Inspector and the Signatory. Only the Independent Inspector shall provide the organization with the qualification status of a model (yes/no) on a confidential basis within two weeks. Within four weeks of receiving the information, the organization shall be required to inform both the Independent Inspector and the Signatory of the results of the verification. The Independent Inspector shall only respond to requests for specific models and is not allowed to disclose lists on the qualification status of a signatory's product portfolio in regards of the commitments that products have to meet.'

**ANEC/BEUC request** that the proposed voluntary agreement takes over the requirements as laid down in sections 5.7 'Compliance verification', 5.10 'Access to background data' and 5.12 'Transparency' of the proposed Commission Guidelines. Furthermore, the text should specify the content of the report to be provided by the Independent Inspector which shall be in line with the requirements laid down in the proposed Commission Guidelines, section 5.8 'Compliance reporting'.

## **Non compliance has to be effectively addressed**

According to the report of the independent inspector on non-compliance<sup>5</sup>, the same company has been underachieving both for reporting period 3 as well as for reporting period 4.

According to the current voluntary agreement the following action should be initiated:

'The Signatory will have a grace period of 6 months to achieve the target and present an updated semester progress report. During those 6 months, the Signatory will not be required to achieve any new target set out in a revision of the VA. If the Signatory fails to achieve the target, the Steering Committee shall start discussions with the Signatory in order to develop a suitable way forward. The Steering Committee may decide to change the Signatory's status from Signatory to Defaulting Signatory. Until the Defaulting Signatory fulfils the target, no new targets will apply.'

**ANEC/BEUC request** that the proposed voluntary agreement aligns to the requirements as laid down in section 5.14 'Exclusion of a non-compliant signatory' of the draft Commission Guidelines. Among these requirements it is stated that the participation of a signatory who has been found non-compliant for a second time must be considered withdrawn. Finally, for non-compliant signatories, more effective sanctions (e.g. financial penalties) shall be introduced.

END

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<sup>5</sup> [Report of the independent inspector on the non-compliance of one signatory for period 4 \(1 January 2013 - 31 December 2013\)](#)