



**RIGHT TO REPAIR**



**IFIXIT EUROPE**

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## Games Consoles: Reaction to the Approved Voluntary Agreement, Version 3.0

On 31 March 2020, the games consoles manufacturers received approval from the European Commission on the newly tabled text (version 3.0) of the Self-Regulatory Initiative (SRI) under the Ecodesign Directive, to a great disappointment and regret by the civil society organisations engaged in the regulatory process.

The adoption of the Voluntary Agreement (VA) comes in direct response to the discussions had at the Consultation Forum in December 2019, where the initially proposed text (version 2.7) was unanimously deemed insufficient to justify approval by the European Commission. A significant number of necessary improvements were highlighted by both Member State and civil society representatives in this context and were expected to be addressed by the signatories.

However, rather than taking any of the comments received into account, the signatories have put forward the exact reiteration of the version discussed at the Consultation Forum as regards all of the different necessary improvements discussed (see Table 1 below for a comparative analysis). Worse still, a few new elements were now proposed to be weakened (see Table 2 below).

The European Commission's decision to endorse the VA does not constitute a move towards the direction set by political priorities of the regulator itself<sup>1</sup>. With electronics having been identified as a priority area in the context of the transition to a circular economy, the lack of any concrete commitments on any of the circularity aspects traditionally discussed under the Ecodesign framework previously sets a deeply worrying precedent.

We urge the European Commission to clarify the process of recognition of Voluntary Agreements in cases where these are deemed insufficient by the members of the Consultation Forum in the future, and call on the Member State representatives to be more closely involved in follow-up revisions of texts discussed. At the same time, we see this latest example as final proof of the ineffective nature of voluntary agreements as a policy tool. To date, self-regulatory measures have delivered neither an effective alternative to legislative intervention, nor a speedier way of adapting to the emergence of new technologies. Regulating games consoles under the ecodesign framework would therefore be a speedier and more efficient way to achieve actual results in making game consoles more environmentally friendly.

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<sup>1</sup> Notably the European Green Deal, the EU's Digital Strategy, and the new Circular Economy Action Plan

**Table 1** – comparison between versions 2.7 and 3.0 of the SRI on games consoles in relation to the necessary improvements suggested during the Consultation Forum meeting or submitted in writing

Suggested improvement	Source of the comment	Change implemented
<b>Energy efficiency requirements</b>		
Inclusion of <b>new generation of consoles</b> into the scope of the SRI and the introduction of corresponding power caps	DE, BE, SE, NL, FR, ECOS <sup>2</sup>	<b>None</b> , cosmetic changes made to the aspiration to set new media and navigation power caps in the future
Adjustment of <b>power caps for navigation modes</b>	AT, ECOS	<b>None</b>
Adjustment of <b>power caps for media play modes</b> so to bring games consoles closer in line with other devices on the market performing similar functions	EEB, ECOS	<b>None</b>
Limiting of the <b>number of rest modes</b> and introduction of corresponding power caps	AT, ECOS	<b>None</b>
Commitment to include energy efficiency requirements for <b>active (gaming) modes</b>	SE	<b>None</b>
Improvement to the <b>information requirements</b>	AT, ECOS	<b>None</b>
<b>Material efficiency requirements</b>		
Closer <b>alignment</b> of the text of the SRI with Commission Regulation 2019/2021 of 1 October 2019 on electronic displays	FR, ECOS	<b>None</b>
Commitment towards <b>replaceability of rechargeable batteries</b>	DE, SE, EEB, Ecopreneur	<b>None</b>
Commitment on <b>battery lifetime</b>	ECOS	<b>None</b>
Commitments on ease of <b>disassembly and replaceability of key parts</b>	ECOS	<b>None</b>
Commitment on availability of <b>spare parts and repair instructions</b>	EEB, ECOS	<b>None</b> , commitment made to consider this in the future
Commitment to phase out halogenated <b>flame retardants</b> from console casings and other relevant parts	ECOS, EEB	Associated provision <b>weakened</b> (see below), commitment to 'continue to review feasible steps' introduced

<sup>2</sup> The [comments](#) on the version 2.7 of the SRI on games consoles submitted by ECOS were co-signed by the EEB, iFixit, RREUSE, as well as the Coolproducts and Right to Repair campaigns

Commitment as regards the increased use of <b>post-consumer plastics</b> in games consoles	BE, ECOS	<b>None</b>
Extension of scope to <b>arcade retro style gaming consoles</b>	DE, ECOS	<b>None</b>
Improvements to the <b>compliance procedure</b> with resource efficiency commitments	ECOS	<b>None</b>

**Table 2** – changes implemented in version 3.0 of the SRI which were not discussed previously and which weaken the provisions of the text discussed at the Consultation Forum

Suggested change	Page reference in version 3.0 of the SRI	Expected impact
Deletion of the following: “Games Console operating systems shall communicate an auto-power down event through an Application Programmable Interface (API) or other means” in the section on <b>Auto-Power Down Requirements</b>	Page 15	<b>Unclear</b> , reasons for the change never outlined or discussed previously
Extension of the exemption from <b>marking of plastic parts</b> to translucent external parts (in addition to transparent parts)	Page 21	This <b>weakens</b> the obligation by excluding semi-transparent parts from the scope for no justified reason
Replacement of ‘would’ with ‘should’ in the section on <b>information provision</b> on the website of the VA	Page 23	This effectively <b>weakens</b> the commitment towards transparency of the signatories of the VA
Replacement of the obligation to refer to previously submitted full <b>product compliance reports</b> when submitting new ones to the independent inspector with a simple encouragement to do so	Page 27	Reasons for the change never outlined or discussed previously; <b>possible negative impact</b> on the assessment by the independent inspector

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