



**RIGHT TO REPAIR**



**IFIXIT EUROPE**

Brussels, 18 December 2020

## **Imaging Equipment: Position on the Proposed Update to the Voluntary Agreement**

We **firmly reject the proposed update to the voluntary agreement (VA) on imaging equipment and call on the Commission to take immediate steps to introduce a dedicated regulatory measure without further delay.** After the previous failure of the imaging equipment manufacturers to agree on a self-regulatory measure which would effectively address the environmental impacts of both printers and their consumables<sup>1</sup>, the Circular Economy Action Plan has given additional six months for an ambitious Voluntary Agreement to be established<sup>2</sup>. The latest proposal by the manufacturers provides clear evidence that this prerequisite has not been met.

Weaving together loophole after loophole, the latest proposal would not only continue to permit the short-lived unrepairable designs in printers,<sup>3</sup> but would also effectively shield the existing commercial practices that prevent the reuse and remanufacture of printer cartridges – around 60-70% of which end up in landfills after a single use today<sup>4</sup> – from being tackled. Moreover, standing in clear contradiction to the objectives of the European Green Deal<sup>5</sup> and the Circular Economy Action Plan<sup>6</sup> as well as in manifest misalignment with the existing ecodesign regulations applicable to other products<sup>7</sup>, the latest proposal raises serious concerns not only as regards the scope, effectiveness and timeline of the proposed commitments, but also as to their permissibility under the EU's competition rules.

The present position paper provides a summary of the main concerns of environmental NGOs in relation to the proposed update to the Voluntary Agreement. Given the extensive number of major concerns associated therewith, we strongly believe that **no more time should be wasted on the self-regulatory process** and that **a regulatory measure should be introduced together with the forthcoming Circular Electronics Initiative at the latest.**

---

<sup>1</sup> See, for reference, the last Coolproducts blog post on the issue: <https://www.coolproducts.eu/uncategorized/throwaway-printers-luxury-inks-killer-chips-and-their-shocking-environmental-impact/>

<sup>2</sup> The [Circular Economy Action Plan](#), adopted on 11 March 2020, committed to cover printers under the upcoming Ecodesign Working Plan 'unless the sector reaches an ambitious voluntary agreement within the next six months'

<sup>3</sup> According to a recent analysis of over 1 million printers in use today, over 80% of have been in use for less than 3 years, with only about 4% having been in use for 5 years or longer

<sup>4</sup> [Technical Study on the Revision of the Voluntary Agreement on Imaging Equipment](#), 2019

<sup>5</sup> The [European Green Deal](#) sets out to, inter alia, 'curb built-in obsolescence of devices, in particular for electronics'

<sup>6</sup> The [Circular Economy Action Plan](#) promises to ensure that 'devices are designed for energy efficiency and durability, reparability, upgradeability, maintenance, reuse and recycling'

<sup>7</sup> See for instance, existing [ecodesign regulations](#) for electronic displays or household appliances

## Failure to address printer consumables

With annual sales of some 70 million cartridges in France alone<sup>8</sup> and remanufacturing rates of only about 10% in all of Europe, printer consumables are a major source of uncontrolled proliferation of electronic waste in the EU, estimated at some 100,000 tonnes a year<sup>9</sup>. **The proposed update to the SRI fails to address this issue entirely**, and, by being jam-filled with exemptions, takes an approach to incentivise cartridge reuse and remanufacture which will not have any positive impact on the market. In addition, the proposed bilateral agreement approach **raises serious concerns as to its permissibility under the EU's competition rules as well as under the Ecodesign Directive**. Not only would the proposed text effectively allow to tie consumers to a single manufacturer of printer consumables, but it would also exclude a large segment of cartridge remanufacturers from participating in or entering this secondary market.

## Use, reuse & remanufacture of printer cartridges

- **Restricted scope of relevant provisions (section 9.3):** the proposed VA commits OEM signatories to avoid using techniques that prevent printing with remanufactured and refilled cartridges. However, the VA is proposed to apply to cartridges that use the 'original electronic circuitry' only, which is defined as circuitry 'that is unmodified or has been reset or replaced by or with the authorisation of the OEM'. Such restrictive definition is not justified, and would mean that only a very small subset of remanufactured consumables would in practice be covered by the provisions of the VA.
- **Restricted applicability of relevant provisions (section 9.5.1 & Annex D):** provisions related to printer design are proposed to take effect by means of individual bilateral agreements between OEM manufacturers and supporting signatories. However, the proposed VA requires for bilateral agreements to be 'offered' – and not signed – with only 50% of existing supporting signatories (i.e. as little as 2 at present). Worse still, it is considered sufficient for verification purposes if statements of no interest are obtained from supporting signatories, meaning that compliance with the VA would be possible even if no bilateral agreements are signed in practice.
- **Exemption in case information is provided to consumer (section 9.4):** the VA specifies that it is acceptable for software and firmware updates to be designed to prevent printing with remanufactured or refilled cartridges or containers (including restricting cartridge acceptance, calibration and printhead cleaning) in cases where the printer's features, terms & conditions or contract specify that the customer is to use only OEM cartridges or containers. As a result, even in cases where the commitment on printer design were to apply, the VA could be circumvented by simply informing the consumer that they should use OEM cartridges only.

<sup>8</sup> HOP, « Imprimantes : cas d'école d'obsolescence programmée ? Rapport d'enquête sur les enjeux et solutions en matière d'imprimantes et cartouches », 2017, p. 5, available at: <https://www.halteobsolescence.org/wp-content/uploads/2017/09/Rapport-HOP-1.pdf>

<sup>9</sup> Estimate provided by the European Recycling Industries Association (EuRIC) during the Consultation Forum meeting of 12 December 2019

- **Exemption for subscription and service models (section 9.2 & Annex D):** the VA proposes to exempt cartridges and containers sold under a subscription or service model from commitments aimed at promoting their remanufacture and recycling without any meaningful justification as to the reasons for such an exemption. Moreover, all that is required in terms of verification is for 'OEM signatories to identify the business models or programs excluded in the annual compliance report'.
- **No end-of-life management targets (section 9.11 & Annex J):** the VA fails to commit to any meaningful long-term objectives with regard to cartridge collection, reuse or remanufacture, and does not set any corresponding targets for the end-of-life management of consumables. All that is proposed is a commitment to strive for 'continuous improvement' in accordance with the waste hierarchy which is entirely insufficient.
- **Inadequate commitment on page yield (section 9.8):** the VA does not introduce any meaningful commitment with regard to resource efficiency of printer consumables, which are very much needed in order to increase their efficiency and to reduce their early replacement. The proposed section on page yield only refers to 'relevant ISO/IEC standards' and excludes cartridges that are supplied under product-as-service business models altogether. Compliance with the requirement is assumed upon simple reference to the manufacturer's website.
- **Insufficient commitment to reduce the use of consumables (section 7.1):** the VA does not sufficiently commit signatories to reduce the amount of consumables used by consumers. In addition to the existing n-up printing capability requirement, requirements are equally needed to ensure that imaging equipment is sold with a default setting of both black-and-white and two-sided printing.

### Governance & market coverage

- **Unclear market coverage (section 1):** while the existing version of the voluntary agreement clearly states that the signatories shall provide "market coverage update after any change of signatory status"<sup>10</sup>, the market coverage data presented with the updated VA continues to predate the withdrawal of Samsung, Ricoh and Panasonic from the voluntary initiative back in 2017. Furthermore, the proposed VA does not provide any data on the collective market coverage of supporting signatories. This is contrary to the Commission's guidelines on self-regulatory measures and means that the overall market coverage achieved by the SRI cannot be properly assessed<sup>11</sup>. Counting only four remanufacturers among its supporting signatories at present, the VA is likely to concern only a small segment of the entire market of reused and remanufactured printer consumables in Europe today and to fall well below the required 80% market share for a voluntary agreement to be recognised.

<sup>10</sup> Section 10.3, Industry Voluntary Agreement to Improve the Environmental Performance of Imaging Equipment placed on the EU Market, 2015

<sup>11</sup> Section 3.2 of Commission Recommendation (EU) 2016/2125 of 30 November 2016 on guidelines for self-regulation measures concluded by industry under Directive 2009/125/EC of the European Parliament and of the Council

- **Restrictive definition of supporting signatories (section 9.10):** organisations that are allowed to join the voluntary agreement are proposed to be defined so to only accept companies with remanufactured or refilled cartridges or containers making up at least 80% of all of their sales. Such threshold stands entirely unjustified as it excludes a significant segment of relevant market players and prevents relevant market players to enter this secondary market in the future.
- **Restrictive time-period for new supporting signatories to join the VA (section 3.2.4):** while previously applications to join the SRI were accepted throughout the year, the proposed update proposes to limit the time period during which applications by companies wishing to join the SRI can be submitted to two months only. Such a restriction is in clear conflict with the Commission's guidelines on self-regulatory measures, which specify that companies should be able to join the self-regulatory measure at 'at any time'<sup>12</sup>.
- **Discriminatory voting rules (section 14):** the previously existing equal voting rights among signatories have been replaced with a procedure to establish a subcommittee to arrive at a decision in case of disagreement, for which it is specified that there will be 5 OEM signatories and 5 supporting signatories. Considering that only 4 remanufacturers are currently signatories to the proposed VA, this would mean that the OEMs would in the foreseeable future always have a majority in case of disagreement.
- **Insufficient transparency (section 9.5):** the updated VA proposes to establish bilateral agreements between its signatories in relation to the objectives of the self-regulatory measure. However, contrary to Commission's guidelines on self-regulatory measures<sup>13</sup>, the VA does not foresee for these agreements to be made publicly available thus precluding any possibility for outside scrutiny.
- **No clearly defined review date (section 16):** the proposed VA does not establish a clear date for the review of the self-regulatory measure, instead linking its future revision to the publication of new ENERGY STAR specifications. If the proposed provision in the VA were to be accepted, it creates a genuine risk that a future revision is significantly delayed.

### Insufficient energy & material efficiency commitments

The proposed commitments on material efficiency are, similarly to the above, **neither comprehensive nor ambitious enough to address the detrimental environmental effects arising from printer manufacturing and use**. Marred with loopholes and vulnerable to abuse, they are, moreover, a far cry from matching the level of ambition of the existing ecodesign measures.

<sup>12</sup> See Section 3.1 of Commission Recommendation (EU) 2016/2125

<sup>13</sup> See Section 3.2 of Commission Recommendation (EU) 2016/2125

## Energy efficiency

- **Insufficient energy efficiency requirements (section 6.1.1):** there is insufficient justification for the proposed staged compliance targets which only require 95% of OM and 90% of TEC products to reach energy efficiency targets. Any regulatory instrument in relation to printers should be designed to cover 100% of both OM and TEC products placed on the EU market over time. Moreover, internal power supply efficiency requirements should be introduced in line with the recommendations of the review study.

## Repairability

- **Blanket exemption from repairability rules (section 7.4.6 & Annex D):** the repairability provisions are proposed not to apply in cases where the OEM prefers to offer a whole unit exchange service – both for products below 350 euro price mark or ‘where appropriate’. Such exclusion not only openly defies the existing ecodesign rules for other product categories but also effectively legitimises the continuation of short-lived, disposable printers being placed on the EU market. Moreover, while the whole unit exchange model is suggested to lead to ‘appropriate reuse of parts’, the only verification evidence necessary for the purpose is a general policy statement in a document, without any commitment or verification on the replacement product itself.
- **Inadequate disassembly rules (sections 7.2 & 7.3):** contrary to the existing ecodesign regulations, the proposed VA does not require for all the components identified as relevant spare parts to be made easy to disassemble with commonly available tools without causing permanent damage to the device, including through a restriction on the use of fasteners for joining components. Instead, only a highly limited number of components is proposed to be subjected to disassembly requirements, some of which (e.g. displays and capacitors) are defined in a way which would further exclude large numbers of these parts from the obligation. Furthermore, the disassembly rules are phrased in a way so to address connections between materials rather than parts, and allow for exemptions in cases where this is ‘technically required’ or is ‘necessary to ensure the safety of the product concerned’ – without specifying how this is to be justified in practice and thus opening the door to possible abuse.
- **Restricted spare part delivery obligation (sections 7.4.1 & 7.4.5):** spare part delivery obligation is proposed to be dependent on spare parts being ‘in stock in a European warehouse’, which both contradicts existing ecodesign rules for other products and effectively renders the provision meaningless. Moreover, a delivery time of 15 working days should also be shortened so to reflect the general business practice – 3-5 working days would be reasonable and sufficient.
- **Insufficient list of spare parts (section 7.4.2):** the proposed VA no longer includes maintenance kits in the list of spare parts which were proposed to be included in the previous draft submitted to the Consultation Forum in 2019. Moreover, the list does not comprise additional components which are well-known causes of printer failures according to independent repairers. This includes, notably, motors, gears, printer memory (RAM), batteries (if present), electronic displays, density

sensors, power and control circuit boards, cartridges/container attachment components (including recalibration chips), ink collection units, hinges as well as spare parts for non-printer functions in multi-functional devices including scanner parts. Furthermore, the corresponding repair information is proposed to be made available ‘as applicable’ in the VA, which opens a potential loophole and is not in line with existing ecodesign rules which do not foresee similar conditionalities.

- **Insufficient time-period for the provision of spare parts (sections 7.4.2 & 7.4.7):** the proposed VA introduces a requirement for spare parts to be supplied for 3 to 5 years depending on the way in which the printer is sold. This is well below the threshold introduced by the existing ecodesign rules which require spare parts – and software and security updates – to be provided for periods of 7-10 years after the placing on the market of the last unit of the model, and are unlikely to meaningfully extend the lifetime of printers which are known to be replaced within the first three years after purchase by some 80% of consumers.

### Recyclability & toxicity

- **No restriction on the use of halogenated polymers and organic compounds (section 7.3):** contrary to the existing ecodesign rules for electronic displays, the VA does not include any restriction on the use of halogenated flame retardants or other additives in printer enclosures in order to facilitate their recycling.
- **No commitment on the use of post-consumer recycled plastic (section 7.7):** contrary to the aims of the Circular Economy Action Plan, the proposed VA does not propose any targets for recycled plastic content in printer products, only a commitment to provide information to consumers on such content if present. A regulatory instrument addressing imaging equipment should introduce a quota of post-consumer recycled plastic content, as already required by some of the existing Type I ecolabels<sup>14</sup>.
- **No commitment on substance emissions:** the proposed VA does not contain any commitments on the emission rate by the imaging equipment of such substances as volatile organic compounds, particulate matter, benzene, styrene, ozone or dust, nor on the content of hazardous substances of consumables, which goes counter to the aims of the Circular Economy Action Plan to reduce the hazardousness of consumer products.
- **Insufficient requirements on polymer composition (section 7.6):** the requirement for casings over 100g to be limited to a single polymer or polymer blend excludes all OM printers without justification. Furthermore, no limitation is introduced as regards the use of coatings – just a recommendation that these be ‘reduced to a minimum’.

<sup>14</sup> See, for example, the German Blue Angel Label (DE-UZ205)

## Flawed verification & compliance procedures

In addition to the above, the approaches to verification and compliance in the proposed VA are, too, severely inadequate:

- **Flawed calculation of compliance rate (Annex B):** The proposed method for calculating the compliance rate only takes into account energy efficiency requirements and completely excludes requirements related to material efficiency. This is entirely unjustified and contrary to the Commission's guidelines on self-regulatory measures which specify that compliance should be established with regard to 'all the commitments undertaken in the measure'<sup>15</sup>.
- **Inappropriate verification of compliance with material efficiency requirements (Annex D):** The proposed method for verifying compliance with material efficiency commitments is achieved by means of a simple reference to a "GEN type" ecolabel, by providing links to manufacturer websites, or by submitting corresponding declarations. This means that compliance is proposed to be established even if no genuine third-party verification on the device ever takes place<sup>16</sup>.
- **Insufficient transparency (Annex G):** The list of product information that is proposed to be made publicly available does not include information related to resource efficiency requirements. This is entirely unjustified, and will result in significant gaps in transparency with regard to implementation.

---

### Contact:

ECOS – European Environmental Citizens' Organisation for Standardisation  
Ernestas OLDYREVAS, [ernestas.oldyrevas@ecostandard.org](mailto:ernestas.oldyrevas@ecostandard.org)

---

<sup>15</sup> See Section 3.5 of Commission Recommendation (EU) 2016/2125

<sup>16</sup> See, for instance, section on compliance verification for Blue Angel DE-UZ 205-201701 (section 3.1.1.3). The requirements for disassembly, recyclability and reusability are considered met if the manufacturer confirms so in written form.