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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

on the voluntary ecodesign scheme for imaging equipment

(Text with EEA relevance)

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1. Introduction and the legal framework

Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (the Ecodesign Directive)¹ provides a legal framework for laying down ecodesign requirements for selected priority product groups.

According to Article 15(2)(a) to (c) of the Ecodesign Directive, a priority product group shall be covered by either a mandatory implementing measure (i.e. a Commission Regulation) or a self-regulation measure (e.g. a voluntary agreement concluded by industry), if it meets three conditions: (i) it represents significant sales volumes, (ii) it has a significant environmental impact and (iii) it has a significant improvement potential.

Furthermore, recital 18 of the Ecodesign Directive states that the priority product groups should be subject to alternative courses of action such as industry self-regulation or voluntary agreements rather than mandatory implementing measures, if such action is likely to deliver the policy objectives faster or in a less costly manner than mandatory requirements.

Voluntary agreements or other self-regulation measures can be considered alternatives to implementing measures in the context of the Ecodesign Directive, provided that they comply with the criteria laid down in Annex VIII to the Ecodesign Directive.

2. Voluntary scheme proposed by the industry for imaging equipment

Article 16(2)(a) of the Ecodesign Directive provides for the Commission to introduce implementing measures for office equipment and consumer electronics product groups offering a high potential for the cost-effective reduction of greenhouse gas emissions.

The Commission commissioned preparatory studies for office equipment and consumer electronic product groups, including imaging equipment.

The preparatory study on imaging equipment² confirmed that this product group meets the criteria listed in Article 15 of the Ecodesign Directive. In particular, it represents significant sales volumes, has a significant environmental impact and has a significant improvement potential. Consequently, imaging equipment should be covered by an implementing measure or by a self-regulation measure.

Companies active on the imaging equipment market have proposed a voluntary scheme for the imaging equipment product group in the EU and, to this end, concluded a voluntary

¹ OJ L 285, 31.10.2009, p. 10.

² EuP Preparatory study 'Lot 4 — Imaging equipment, copiers, faxes, printers, scanners, MFD', carried out by a consortium of six companies, including Fraunhofer IZM, Öko-Institut, Bio Intelligence Service, Deutsche Umwelthilfe, PE Europe, CODDE. Final reports were published in December 2007 and May 2008. Documentation is available on the website of the study <http://www.ecoimaging.org/>.

agreement laying down specific ecodesign requirements for imaging equipment placed on the EU market. The voluntary scheme was concluded on 16 February 2011.

It is estimated that the commitments undertaken by the signatories to the voluntary agreement will generate savings (between 2011 and 2020) of 130 TWh corresponding to 36 Mt CO₂ emissions.

The voluntary scheme proposed by the industry was subject to a full impact assessment by the Commission³ and stakeholder consultations in the course of the Ecodesign Consultation Forum⁴ established under Article 18 of the Ecodesign Directive.

The impact assessment concluded that the proposed voluntary scheme would achieve the policy objectives more quickly and at lesser expense than mandatory requirements. It also concluded that, as required by Annex VIII to the Ecodesign Directive, the proposed scheme complied with all provisions of the Treaty (in particular internal market and competition rules), international engagements of the EU (including multilateral trade rules), the objectives of the Ecodesign Directive, and the specific assessment criteria, i.e. (i) openness of participation, (ii) added value, (iii) representativeness, (iv) quantified and staged objectives, (v) involvement of civil society, (vi) monitoring and reporting, (vii) cost effectiveness of administering a self-regulatory initiative, (viii) sustainability, and (ix) incentive compatibility.

3. Elements of the voluntary agreement

The voluntary agreement concluded by the industry lays down specific ecodesign requirements for imaging equipment placed on the EU market. Under this scheme, each signatory undertook that at least 90% of all imaging equipment models it places on the market would comply with the minimum efficiency requirements formulated in TEC (typical energy consumption) and OM (operational mode). Furthermore all printing products should offer the 'N-up printing' capability⁵ as a standard feature and should comply with the requirements on cartridges. All new products should also comply with the requirements on recycling. Finally, the signatories committed to comply with the specific information requirements.

In addition to laying down the ecodesign requirements, the agreement establishes two administrative bodies:

- the Steering Committee, consisting of representatives of the signatories to the agreement and the European Commission, which manages the agreement⁶, and
- the Independent Inspector, who assesses the compliance of individual signatories with the commitments set out in the agreement and provides the Commission with the compliance reports⁷.

³ The Impact Assessment Board gave its favourable opinion on the impact assessment on 21 September 2012.

⁴ Voluntary scheme on imaging equipment has been discussed by the Ecodesign Consultation Forum twice, i.e. on meetings of 12 October 2009 and 9 October 2012.

⁵ Capability to print several pages of a document on one sheet of paper, when the product is managed by original software provided by a manufacturer.

⁶ Representatives of the EU Member States, EFTA/EEA countries and NGOs have observer status.

⁷ Compliance reports are made available to and discussed with stakeholders.

The agreement also defines reporting obligations, specifying that each signatory must provide required information to the Independent Inspector and that failing company will risk forfeiting its signatory status.

Furthermore, the agreement provides for a procedure allowing the Steering Committee to modify the provisions of the agreement, in particular to adjust the stringency of requirements to the situation on the market. It provides that a revision of the requirements laid down in the voluntary agreement will be hold three months after the publication of a new version of the ENERGY STAR programme requirements for imaging equipment. A flexible approach in terms of defining the relevant parameters and establishing applicable requirements is important in the case of imaging equipment, as their functions evolve quickly.

To provide all stakeholders, particularly potential signatories, with correct and updated information about the requirements applying to imaging equipment in good time, the most recent version of the voluntary agreement will always be published together with the impact assessment and this Report on the Commission's Europa website dedicated to ecodesign policy⁸.

4. Acceptance of the voluntary scheme

As the voluntary scheme proposed by the industry for imaging equipment will achieve policy objectives more quickly and at lesser expense than mandatory requirements, and as it complies with all the criteria specified in Annex VIII to the Ecodesign Directive, the Commission recognises that imaging equipment placed on the EU market are subject to the voluntary ecodesign scheme established by the industry for imaging equipment. The conditions for the scheme are set out in the voluntary agreement concluded by the industry.

The Commission considers this voluntary scheme a valid alternative to an ecodesign implementing measure. Consequently, the Commission will abstain from establishing mandatory ecodesign requirements for imaging equipment placed on the EU market as long as the voluntary agreement and any subsequent versions concluded under the proposed voluntary scheme will, in the opinion of the Commission, meet objectives and the general principles defined in the Ecodesign Directive.

⁸ http://ec.europa.eu/energy/efficiency/labelling/agreements_en.htm.

In particular, the voluntary scheme must continue to comply, throughout the period of its application, with the general principles defined in the Ecodesign Directive, including: contribution to the policy objectives of the Ecodesign Directive; openness to participation by all companies active on the imaging equipment market; coverage of a large majority of the relevant economic sector⁹; clarity and unambiguity of its terms and conditions; transparency; well-designed monitoring system; and no disproportionate administrative burden. Furthermore, any specific ecodesign requirements for imaging equipment placed on the EU market which are defined in the voluntary agreement and any subsequent versions concluded under the voluntary scheme should deliver added value in terms of the improved overall environmental performance of the products covered.

Moreover, as requested by the Commission and stakeholders¹⁰, the signatories to the voluntary scheme are required to:

- continuously assess progress in the application of the scheme,
- cooperate with the Commission services, Member States and stakeholders to continuously improve the environmental performance of imaging equipment, in particular by continuously reducing the energy consumption targets defined in the voluntary agreement, and to include other relevant environmental aspects where appropriate,
- cooperate with the Commission services, Member States and stakeholders to improve rules on monitoring and auditing as well as the reporting mechanism,
- provide, by the deadlines stipulated in the voluntary agreement, relevant data to allow the Commission and stakeholders to monitor achievement of the objectives of the agreement, whereby each signatory commits to providing information on all the imaging equipment models it has placed on the EU market and information about the energy consumption of each imaging equipment model subject to the voluntary agreement, and
- make efforts to ensure the active involvement of potential signatories in the scheme.

5. Monitoring of the voluntary scheme

As required by point 6 of Annex VIII to the Ecodesign Directive, the Commission, assisted by the Ecodesign Consultation Forum and the Committee referred to in Article 19(1) of the Ecodesign Directive, will monitor the application of the voluntary scheme, in particular its compliance with the general principles, as well as the appropriateness of the ecodesign requirements specified in the voluntary agreement and any subsequent versions.

The Commission will give special attention to the reporting obligations and monitoring rules set out in the Ecodesign Directive, in existing Commission guidelines and in the agreement itself. In particular, the Commission will check whether the provisions of the agreement and their application by the signatories allow the Commission and stakeholders (including the national authorities) to effectively monitor the effectiveness of the agreement and how well it meets its objectives.

If the Commission concludes that the objectives and general principles of the Ecodesign Directive, as reflected in the voluntary scheme, will not be met and/or the signatories to the voluntary scheme will not continuously reduce over time the energy consumption targets

⁹ At least 70% of the products placed on the market

¹⁰ Meeting of the Ecodesign Consultation Forum of 9 October 2012

specified in the voluntary agreement or include, where appropriate, other relevant environmental aspects in subsequent versions, the Commission will adopt ecodesign requirements for imaging equipment by means of a mandatory implementing measure.

6. Conclusions

The voluntary ecodesign scheme proposed by the industry for imaging equipment complies with all provisions of the Treaty, international engagements of the EU and specific assessment criteria, so is considered valid under the Ecodesign Directive.

Commission assessment has revealed that this voluntary ecodesign scheme will achieve the policy objectives more quickly and at lesser expense than mandatory requirements.

The Commission recognises that imaging equipment placed on the EU market should be subject to the voluntary ecodesign scheme. The conditions for the scheme are laid down in the voluntary agreement concluded by the industry.

The Commission considers this voluntary scheme to be a valid alternative to an ecodesign implementing measure, so will abstain, for now, from establishing mandatory ecodesign requirements for imaging equipment placed on the EU market.

The Commission will continuously monitor the application of the voluntary scheme. Should this reveal that the objectives and general principles of the Ecodesign Directive are not being met, the Commission will consider establishing ecodesign requirements for imaging equipment in a mandatory implementing measure.