Dear Mr Osmani,

DIGITALEUROPE supports the use of environmental and social criteria in public procurement as a way to achieve market transformation by rewarding those companies that offer products and services going beyond legal compliance. When performed under competition and in compliance with the principles of the EU Public Procurement Directives, our association’s members will be financially rewarded for their longstanding work to provide products and services that go beyond regulation.

Compared to Eco-labels, EU GPP criteria have a much greater business impact. Therefore, it is important that these are:

- in line with the legal provisions of the EU Public Procurement Directive
- are based on scientific information, a provision of Article 23 of 2004/18/EC
- are established via a constructive dialogue with involved stakeholders
- are set with the aim to create maximum harmonization with other established and well known criteria
- carefully selected after a thorough market assessment and
- worded precisely to avoid ambiguity and different interpretations.

Unfortunately very little of the above has been considered in the current version of the GPP criteria. If these are released unchanged, we believe these will create unnecessary market distortion if used by the Member States. More details can be found in the annex.

We would highly appreciate if you could consider our input and give us feedback on the comments accepted as well as an explanation for those rejected.

Kind regards,

Sylvie Feindt

CC:
Robert Kaukewitsch – DG ENV
Michele Galatola – DG ENV
Nicolas Dodd - IPTS-JRC Seville
Industry rep – EU GPP advisory board Alexandre Affre & Véronique Garny

Annex
Annex

MARKET ASSESSMENT

To be able to decide if a GPP criterion should be a TECHNICAL SPECIFICATION (mandatory to meet) or an AWARD criterion (rewarded during the bid evaluation) a thorough market assessment is necessary. If the conducted market assessment shows that some 80% of products currently available on the market comply, we believe it's a suitable candidate for a technical specification. If a market assessment has either not been done or shows a much lower compliance percentage, it should be made an AWARD criterion. Setting technical specifications without a market assessment is risky, at worse, will result in no bids, the whole tendering process will have to be restarted with adjusted purchase specifications, creating huge dissatisfaction by all involved parties. As a thorough market assessment has not been done, we therefore suggest that several of the technical specifications be changed and made award criteria.

CRITERIA HARMONIZATION

Globally our members are exposed to more than 100 different Ecolabels as well as regional and national GPP criteria. For the globally operating ICT industry criteria harmonization across regions is desirable, but unfortunately very rare. For the now suggested revised GPP criteria for Imaging Equipment, there are several of these where we urge for harmonization with other established systems.

SCIENCE BASED GPP CRITERIA

As outlined in Article 23 of 2004/18/EC, GPP criteria shall be based on scientific information. Therefore, each individual GPP criterion must be individually assessed to ensure its scientific basis. Many public purchasers assume that any Ecolabel criterion can be used in GPP, however, many of these are not suitable as they were developed long before the EU Public Procurement Directives were established.

CRITERIA WORDING TO BE PRECISE AND REFER TO PUBLISHED DOCUMENTS

To avoid different interpretations and thereby reduce market confusion, GPP purchase specification wordings must be precise and technically correct. Whenever possible, these should refer to published international or European technical standards, always indicating the document version number. The same is also recommended for EU Directives and regulations.
<table>
<thead>
<tr>
<th>Criteria Number</th>
<th>Current wording</th>
<th>Proposed change / justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>---</td>
<td><strong>Definition</strong>&lt;br&gt;&quot;Large format printer&quot; is a printer that can handle very large drawing or photo files that require an embedded computing capability&quot;.</td>
<td>Proposed change:&lt;br&gt;We ask for wording harmonization with US EPA Energy Star 2.0.&lt;br&gt;<strong>Justification</strong>: The current definition is very subjective. It should be more precise, with dimensions, as in the Energy Star 2.0 definition of large format printing products.</td>
</tr>
<tr>
<td>1</td>
<td><strong>CORE AND COMPREHENSIVE CRITERIA</strong>&lt;br&gt;<strong>TECHNICAL SPECIFICATION</strong>&lt;br&gt;Double side printing</td>
<td>Proposed change:&lt;br&gt;We ask for these two technical specifications to be made an award criterion as well as it to be completely harmonized with the US EPA Energy Star® specification 2.0.&lt;br&gt;<strong>Justification</strong>: See above. Missing market assessment.</td>
</tr>
<tr>
<td>3</td>
<td><strong>CORE AND COMPREHENSIVE CRITERIA</strong>&lt;br&gt;<strong>TECHNICAL SPECIFICATION</strong>&lt;br&gt;The energy consumption of the product shall fulfill as a minimum the energy efficiency requirements of Energy Star v.2.0 criteria for imaging equipment, but excluding labelling requirement.</td>
<td>Proposed change:&lt;br&gt;We ask for these two technical specifications to be made one award criterion.&lt;br&gt;<strong>Justification</strong>: See above. Missing market assessment. The 2.0 criteria come into effect in 2014. At the date of the publication if these GPP criteria, not more than 25-30% of compliant will be available on the market. From January 1st 2015, this could most likely be made a technical specification.</td>
</tr>
<tr>
<td>4</td>
<td><strong>CORE AND COMPREHENSIVE CRITERIA</strong>&lt;br&gt;<strong>TECHNICAL SPECIFICATION</strong>&lt;br&gt;User instructions for green performance management&lt;br&gt;A guide shall be provided with instructions on how to maximize the environmental performance of the particular imaging equipment (covering paper management functions, energy efficiency functions, waste management of the product and of any consumables such as ink and/ or toner cartridges) in written form as a specific part of the user manual and/or in digital form accessible via the manufacturers website.</td>
<td>Proposed change:&lt;br&gt;We ask for harmonization with ErP, Lot 4, i.e. the voluntary agreement, VA.&lt;br&gt;<strong>Justification</strong>: See above regarding the need for harmonization.</td>
</tr>
<tr>
<td>5</td>
<td><strong>CORE AND COMPREHENSIVE CRITERIA</strong>&lt;br&gt;<strong>TECHNICAL SPECIFICATION</strong>&lt;br&gt;Energy Efficiency in stand-by mode</td>
<td>Proposed change:&lt;br&gt;We ask for these two technical specifications to be made an award criterion as well as it to be completely harmonized with the Blue Angel (BA) 4W sleep mode. <strong>Justification</strong>: See above. Missing market assessment. <strong>Comments</strong>: Our own assessment shows there will be some ink but VERY few laser products that meet the energy efficiency limits. We understand the approach of copying Regulation 801/2013 language and lowering the limits but we think it</td>
</tr>
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</table>
function, shall not exceed 4.00 W. (3)

The power consumption of other networked equipment in a condition providing networked standby into which the equipment is switched by the power management function, or a similar function, shall not exceed 2.00 W. (4)

The power consumption limits as stipulated above shall not apply to large format printing equipment.

Networked equipment that has one or more standby mode(s) shall comply with the requirements for these standby mode(s) when all network ports are disconnected or, for wireless network ports, the network ports are deactivated. (5)

is clear the authors do not understand the ramifications of the draft.

Not until 2017, the Regulation 801/2013 sleep limit for most products will drop to 3W; again this is why this should be made an award criterion.

Unfortunately the author is mixing requirements for 'networked standby' and 'passive standby' in this section (and the others) which will certainly confuse anyone who is not intimately familiar with ERP Regulation 801/2013. These sections should be titled “Energy Efficiency in a condition with networked standby” and the requirement for 'standby modes' below should be deleted or be in a separate section.

Reference to 'HiNA equipment' should be deleted. HiNA equipment as defined is NOT imaging equipment. There are some imaging products that are 'equipment with HiNA functionality'.

Blue Angel (BA) has a 4W limit for sleep mode but this limit here applies only to 'equipment with HiNA functionality', e.g., a printer that contains a wireless access point. There are some but not many companies that ship with the WAP embedded.

A 2W sleep limit is exceptionally strict, particularly for laser products. Some ink products can meet this.

Recommend deleting this requirement. It was copied from Regulation 801/2013 but we suspect we suspect the authors are unaware of what it means. In any case this is a mandatory legal requirement, so not much point in including here. What's more, there is no definition of 'stand-by mode' any-where nor is there a definition what the requirements are for 'these standby modes'.

### Proposed change:

We ask for these two technical specifications to be made one award criterion as well as to be completely harmonized with 3.1.7 of BA UZ171 and EPEAT, IEEE1680.2 for Imaging Equipment which have 3 year warranty and 5 year spare parts requirement. Also the BA requirement is limited to “parts which usually have the potential to fail during the typical use of the product”).

If this proposed change is not accepted, the requirement must be made and AWARD criterion.

**Justification:**

See above. Missing market assessment.

### Proposed change:

Devices and practices that would prevent both recycling and reuse of toner and/or ink.

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### COMPREHENSIVE CRITERION

#### TECHNICAL SPECIFICATION

**Resource efficiency for cartridges:**

**Proposed change:**

We ask for these two technical specifications to be made one award criterion as well as to be completely harmonized with 3.1.7 of BA UZ171 and EPEAT, IEEE1680.2 for Imaging Equipment which have 3 year warranty and 5 year spare parts requirement. Also the BA requirement is limited to “parts which usually have the potential to fail during the typical use of the product”).

If this proposed change is not accepted, the requirement must be made and AWARD criterion.

**Justification:**

See above. Missing market assessment.
| **Design for recycling or reuse of toner and/or ink cartridges.**  
The products must accept remanufactured toner and/or ink cartridges. Devices and practices that would prevent reuse of toner and/or ink cartridge (i.e. anti-reutilization devices/practices) should not be present or applied. | **cartridges (ie anti-re-utilisation devices/practices) should be not be present or applied are not permitted”**  
**Justification:**  
We believe that the GPP should recognize the environmental benefits of cartridge recycling as an acceptable alternative to reuse. The criterion should therefore be revised so that only those devices or practices which prevent both reuse and recycling should be prohibited. This revision would also better harmonize the EU eco-label with BA, which allows for cartridge design for re-cycling as an alternative to reuse. |
| **COMPREHENSIVE CRITERIA**  
**TECHNICAL SPECIFICATION**  
**Acoustic noise** | **Proposed change:**  
We ask for this requirement to be completely harmonized with 3.5 of Blue Angel UZ171.  
**Justification:**  
See above. Missing market assessment.  
**Comment:**  
If this proposal is not accepted, this technical specification should be made an award criterion. |
| **CORE CRITERIA**  
**AWARD**  
Energy efficiency in standby mode. | **Proposed change:**  
See above.  
**Justification:**  
See above. Missing market assessment. |
| **CORE CRITERIA**  
**AWARD**  
Acoustic noise | **Proposed change:**  
See above.  
**Justification:**  
See above. |
| **COMPREHENSIVE CRITERIA**  
**AWARD**  
Content of substances on the Candidate List | **Proposed change:**  
We ask for this requirement to be deleted.  
**Justification:**  
EU REACH is a totally harmonized regulation. We believe that GPP cannot set requirements that go beyond harmonized EU law.  
**Comment:**  
If this requirement is kept, a written statement by the applicant is not sufficient to demonstrate compliance. The applicant must also submit reliable evidence that safer alternatives are used. |
| ---  
‘technical dossier’ | **Proposed change:**  
We ask for this to be replaced by ‘technical document.’  
**Justification:**  
A statement in the product specifications intended for the end-user should be enough. |
ABOUT DIGITALEUROPE

DIGITALEUROPE represents the digital technology industry in Europe. Our members include some of the world’s largest IT, telecoms and consumer electronics companies and national associations from every part of Europe. DIGITALEUROPE wants European businesses and citizens to benefit from digital technologies and for Europe to grow, attract and sustain the world's best digital technology companies.

DIGITALEUROPE ensures industry participation in the development and implementation of EU policies. DIGITALEUROPE’s members include 57 global corporations and 36 national trade associations from across Europe. In total, 10,000 companies employing two million citizens and generating €1 trillion in revenues. Our website provides further information on our recent news and activities: http://www.digitaleurope.org

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