EU Ecolabel and GPP comments form

TECHNICAL SPECIFICATIONS are marked in RED, AWARD criteria are GREEN

No.	Comment from	Contact person	Reference: - document - section/task - page	Subject of the comment	Comment
1	DIGITAL-EUROPE	Sylvie Feindt	General Basic principles of the EU Public Procurement Directive	Requires modification on several instances of the document.	We're concerned that several of the criteria have been proposed without taking into account some of the basic principles of the EU Public Procurement Directive, especially the principal regarding proportionality: **The principle of proportionality** The 'principle of proportionality' means that requirements for the supplier and requirements in the specification must have an obvious link with and be proportionate in relation to the subject matter of the contract. The requirements imposed must be both appropriate and necessary to achieve the aim of the public procurement. If there are several alternatives, the alternatives chosen should be the one, which is the last intrusive or onerous for the suppliers. Determination of whether the principle of proportionality has been complied with in a given instance requires a two-step enquiry: (1) whether the measure at issue is appropriate for attaining the objective pursued and (2) whether the measure at issue goes beyond what is necessary to achieve the objective. **The other basic principles are:** **The principle of non-discrimination** **The principle of equal treatment** **The principle of mutual recognition** **The principle of transparency**

1 Con-tinued	DIGITAL-EUROPE	Sylvie Feindt	General Basic principles of the EU Public Procurement Directive	Requires modification on several instances of the document.	**Details on these can be found at:** www.kkv.se/en/publicprocurement/about-the-public-procurement-rules/ In addition, criteria must be: - Directly related to the subject matter of the contract - Measurable and controllable, i.e. refer to technical standards generally used by the industry - When using criteria from eco labels, according to article 23, these have to be based on scientific information. The decision if a requirement should be a technical specification (mandatory to comply with) or an award criterion should be based on a thorough market assessment. If the market assessment shows that some 80% of existing products comply, a technical specification might be appropriate. If on the other hand only some 10-20% comply, or if the market assessment is incomplete, an award criterion is recommended. Throughout the document, compliance verification is expressed in the following way: **Verification:** The tenderer shall submit test reports carried out according to the test methods laid down in the latest version of … These shall be supplied upon award of the contract. Comment: this is not reasonable and not in line with the principle of proportionality as explained above. For years, public purchase specifications in the Member States have set the requirements, list examples of acceptable compliance verification documents and ask these to be provided at any time during performance of the contract, not when the contract has been awarded For the following criteria **A1, A2, C9 and C10,** compliance verification is expressed in the following way: Products holding the EU Ecolabel for personal, notebook and tablet computers (Com-mission Decision 201xx/xxx/EUxx) or another relevant Type 1 Eco-label fulfilling the listed requirements will be deemed to comply.

					Comment: This is NOT in line with the EU Public Procurement Directive, where, in addition to Ecolabels type I, any other supplier self-declaration, ECMA-370 standard and/or test report, containing the requirement must be accepted. Reference: see current GPP criteria for various products including IT. IMPORTANT: this does not change with the new EU Public Procurement Directive. Also, be informed that the average procurer does not have the required knowledge to decipher test reports on e.g. energy, battery durability.

1	DIGITAL-EUROPE	Sylvie Feindt	**A4 Discrete graphics units in desktop and integrated computers**	Not supported.	Discrete graphics units in desktop and integrated computers This criterion seems to require GPU manufacturers to test and declare power consumption of the GPU individually. GPUs however are usually integrated within the product and its power consumption will be dependent on the power supply efficiencies and how System manufacturers implement the GPU. We also don't see how this could be verified.
2	DIGITAL-EUROPE	Sylvie Feindt	Page 8 Selection Criteria Comprehensive criteria	Supported if amended.	This is the only place were selection criteria is used. For consistency, use either Technical Specifications or Award criteria throughout the whole document.

No.	Comment from	Contact person	Reference: - document - section/task - page	Subject of the comment	Comment
3	DIGITAL-EUROPE	Sylvie Feindt	**B.1 Page 8 Selection Criteria Comprehensive criteria.** Supplier chemical management system	Not supported.	**B1. Supplier chemical management system** *This criterion shall be used in conjunction with Criterion B2 which requires declarations based on the system.* Comment: this should not be included in GPP, which should focus on final pro-duct attributes. It is the decision of each individual supplier to set up internal processes to ensure identification of candidate list substances. These processes may include the listed elements, but other means of control also exist.
4	DIGITAL-EUROPE	Sylvie Feindt	**B.2 Technical Specification**	Not supported.	**B2. Declaration for REACH Candidate List substances** The tenderer shall provide a declaration of the presence of any REACH Candidate List substances in the product in accordance with Article 33(2) of the REACH Regulation. Comment: This is a legal requirement/compliance, which does not differentiate the suppliers. GPP is about criteria beyond regulation, therefore suggest to delete. NOTE: current EU GPP criteria for IT products do not contain any legal requirements.

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5	DIGITAL-EUROPE	Sylvie Feindt	**B.3** **Plasticisers in external cables**	Not supported	**B3. Plasticisers in external cables** B3 seems to be too stringent and excessive, especially if we have to prepare test reports for every item. In addition, some substances have already been restricted by existing regulations / directives or will likely be added to it. For example, 4 phthalates (DEHP, DBP, BBP, DIBP) we are now restricted by EU RoHS. Regulating substances beyond RoHS and REACH could lead to prioritizing substan-ce out of order from the needed rigor to ensure alternatives are not worse, related resources are focused on the appropriate priority substances, etc. Other issues include: • Concentration: the 0.01% concentration limit goes beyond RoHS and REACH • Compliance verification is shown via DoCs not individual power cord testing. • manufacturers can not test for “shall not be present” – should edit to “shall not exceed specified thresholds” • Test methods: the test method (IEC 61249-2-21) is not an analysis method, is not applicable to cables (only pc boards) and will not give any information on the presence of MCCPS and should therefore be removed. Methods for detecting high molecular weight chemicals are usually based on GC or HPLC combined with Mass spec technologies and have not been standardized for these chemicals specifically. Therefore general methods like EPA 3550C or EPA 8270D should be used here. In the absence of actual test methods for this chemical in electronics, we suggest keeping the test requirements vague and only suggesting methods that could be developed. Otherwise, specifying methods that are known to be deficient will not accomplish the task of assuring compliance. The test method EN 14372 is not appropriate for non-PVC samples and will not give accurate results when non-PVC

					plastics are tested. In the test method, clause 6.3.2.1 states "...contained in PVC samples". Also, this test method is not applicable for all phthalates listed. Therefore, a more general test method like the EPA 8270D semi-volatiles method should be suggested, but not required. The IEC TC 111 group is also developing a test method for general phthalate use in electronics, so the wording should be written to allow for this eventual standard to be used as well. • ISO 18219 is another valid MCCP test method with a 100ppm MDL that should be recognized. - Selection of substances: the list of phthalates here seems arbitrary. DINP, a primary use phthalate is missing, and several very rare phthalates are not generally used are listed here. The requirement needs to be further developed. For example, if they are trying to single out low molecular weight phthalates, then that should be specifically mentioned here. If other phthalates become the target for GPP requirement, it will lead to tremendous confusion. Restrictions controlled by two standards may cause trouble, because it may become double standards. All of the above comments also apply to the restriction of MCCP. **NOTE: if kept, all of the above must be considered and then made into an AWARD criterion to avoid market distortion.**

6	DIGITAL-EUROPE	Sylvie Feindt	**B4** **Hazardous end of life emissions from mother-board laminates and power cords.**	Not supported.	This seems overly complicated. If kept, why not just specify halogen free printed circuit boards, which couldn't possibly emit dioxins and furans of the type listed here? This would harmonize with all other guidance, eco labels and legislation around the world, which chooses to require halogen free laminates instead of dioxin and free emissions. We believe this is an attempt by certain parties in industry to create conditions under which a halogenated printed circuit board could potentially pass this testing. The problem is that combustion conditions in some areas (Africa, rural China) could pro-duce dioxins and furans because the combustion conditions are not very well con-trolled, and the propensity for a halogenated material to produce these chemicals is dependent on the combustion conditions.

					Therefore, the only way to ensure that no dioxins and furans are produced is to re-quire halogen free materials, which are readily available today. This is an unrealistic criterion as nobody tests PWB/ cables on this. While the intent is to move to BFR-free PWB/PVC-free power cables, the proposed means to realize this intent is unworkable.. What is the basis for these thresholds? Too prescriptive on tests; e.g. ISO 19700, EN 1948 and ISO 11338 are not necessary if the laminate/power cord are otherwise specified and tested to be "halogen free". Requiring this set of tests is quite costly and imposes significant overhead as com-pared with other approaches that focus on homogenous materials and/or halogen content. Seems to be too stringent and excessive, especially if we have to prepare test reports for every item. In addition, some items have already been prescribed by the existing regulation / directive or are decided to be added to it. For example, we are now handling 4 phthalates prohibition in response to EU RoHS. If other phthalates beco-me the target for GPP requirement, it will lead to tremendous confusion. Restrictions controlled by two standards may cause trouble, because it may become double standards.

7	DIGITALE UROPE	Sylvie Feindt	**C1. Warranty and service agreements**	Supported if amended.	Needs clarification What is the meaning of "pickup and return" option? Requirement should regardless not be prescriptive on how warranty services are provided. What is the meaning of "including all indicated usage" (in verification section)? Instead of "pick-up and return option" we suggest "pick-up and return or in-home options".

8	DIGITALE UROPE	Sylvie Feindt	**C2. Continued availability of spare parts**	Supported if amended	Too prescriptive in requiring backwards compatibility – could limit technology advancements. Unclear what would be considered a “previous model”? Requirement to have a user replaceable battery should include exception for products with batteries that are designed to outlast the product.

9	DIGITALE UROPE	Sylvie Feindt	**C3 Design and support for reparability**	Not supported	It should be made clear that repair instructions need to be (shall) provided to a (professional) service provider and can (may) be in hardcopy or on a website. “Universal tools” should be changed to “commercially available tools” (as it is referred to in requirement D3). Overly prescriptive. Criteria should not dictate which modules should be replaceable – every design is different, and modules are combined at an increasing rate. Smaller, thinner modules with less material and greater integration means one module often contains multiple functions, e.g. SSD + memory + CPU. Needs clarification: How would the “stands” aspect be addressed if there is no separate stand, i.e. the stand is integrated with the enclosure? Requirement to have a replaceable stand should include exception for products where the manufacturer can demonstrate that the stand is designed in a way that it is unlikely to break under normal use conditions.

10	DIGITAL EUROPE	Sylvie Feindt	**C4. Ease of replace-ment for rechargeable batteries**	Not supported.	Overly prescriptive in defining the number of steps it should take to remove a battery – without a basis for the limits they are arbitrary. This requirement should be written in a way so as to avoid penalizing integrated products with batteries that are designed to outlive the product. Could be done by adding a sentence which says that this clause only applies for products with a battery that lasts less than for example 1.000 cycles, with reference to an applicable test standard. Requirement should either require the manufacturer to offer a battery replacement service or to design the product to enable the user to replace the battery. In the electronic devices industry, the trend is to embed batteries in the devices rather than making them user replaceable. The entire industry is moving in this direction. Among the reasons for the shift is an increased miniaturisation, the ambition to deliver lighter and thinner devices. This has a positive impact on the amount of resources used. In order to achieve such a more resource efficient design, the integration of internal components is necessary. The soft enclosure of embedded batteries saves resources but implies that the device's casing becomes the protective layer between the consumer and the battery. For safety, environmental and performance reasons, user replace ability is discouraged. Needs clarification: What is the definition for "sub-notebook"? How are each of these product categories differentiated and defined clearly? (Products are merging, so this type of approach to a requirement is decreasingly feasible.)

11	DIGITAL EUROPE	Sylvie Feindt	**C5. Cost compe-titiveness of spare parts**	Not supported.	Not clear what the environmental benefit of this criteria is. Even if a spare part is inexpensive the cost of replacing the part (due to working hours and working rates) can be pretty high. Suggest to remove. This criterion seems difficult to enforce in practice. What criteria are used to determine “competitiveness”? It is necessary to clarify what is considered as “competiveness”.

12	DIGITAL EUROPE	Sylvie Feindt	**C6. Longer warrantees and service agreements**	Not supported regarding batteries. Supported for general product warranty	Requiring batteries to be supported indefinitely (i.e. since the 50% capacity might happen sooner or later) means: A manufacturer can’t inventory for an indefinite timeline – need a specific duration (e.g. X years after final product sale). Needs clarification: What qualifies as a battery “defect”? Regarding general product warranty, suggest to harmonize with US EPEAT.

13	DIGITAL EUROPE	Sylvie Feindt	**C9 / C10 Notebook / Tablet durability testing**	Supported if mended.	Should allow for alternative but equivalent durability testing to be performed, i.e. for manufacturers who have designed a more thorough set of custom durability tests in-house. There is not *one* durability test that accounts for all the trade-offs in a product design. The tests specified in Annex II are not complete. Should not require testing and verification to be carried out by a third party only. In-house tests with an equivalent certification should be allowed as well. Several computer manufacturers test against the US MIL810G standard, which should be equally accepted. Not acceptable to have to retest for IEC if a MIL standard test has already been performed.

14	DIGITAL-EUROPE	Sylvie Feindt	**Comprehensive criteria** **D1(b) Recyclability of plastic casings, enclosures and bezels**	Supported if amended.	To delete “flame retardants and their synergists” Other equivalent test standards exist and should be included, e.g. ASTM D256-05. Suggest to harmonise with US EPEAT.

15	DIGITAL-EUROPE	Sylvie Feindt	**Core and comprehensive criteria** **D2. Marking of plastic casings, enclosures and bezels**	Supported if amended.	It is necessary to clarify that speakers are exempted. Marking requirement should not apply to plastic parts weighing less than 25 g or with surface area less than 50 cm2 Tape; plastic protective and stretch wraps and labels; or plastic pieces should be excluded when due to shape marking is not possible.

16	DIGITAL-EUROPE	Sylvie Feindt	**Comprehensive criteria** **D3. Monitor dismantling potential** **and** **D4. Computer dismantling potential**	Not supported	**Main argument for rejection is the lack of agreed industry standard.** Time limits are subjective, i.e., are dependent on the individuals’ skills. Smaller devices due to size restrictions often are more integrated than larger ones and thus should not be given less time for disassembly. Disassembly times vary widely depending on the tools used, and training of the person doing the disassembly. Unless the same person is performing disassembly for all manufacturers, this is not a consistent measure. Studies on tablets (Fraunhofer IZM) have shown trade-offs be-tween recyclability and durability of products. The same very likely applies to portable computers in general.

					• How can manufacturers design for a target 'extraction' time when neither the process, methodology, tools or skill level of the operative performing the extraction can be predicted? • Without more details of the standardised methodology for extraction or measurement of extraction times, it is impossible for us to evaluate the feasibility of this proposal, or whether it could be enforceable by Member States. • What environmental benefit can be derived from incurring additional costs to design for a targeted extraction time when in practice WEEE recyclers are likely to shred the whole display and separate PCBs from the outflow using automatic sorting technology? What is the definition for "sub-notebook" (not defined in ENERGY STAR)? How are each of these product categories differentiated and defined clearly? (Products are merging, so this type of approach to a requirement is decreasingly feasible.) The word "widely" should be removed from "widely commercially available" – the tool is either commercially available, or it's not. There is no way to measure or reasonably define "widely".

17	DIGITAL EUROPE	Sylvie Feindt	**D3. Monitor dismantling potential**	Not supported.	Unclear why this is a Technical Specification criteria for monitors and for computers it is an Award criterion. No apparent reason. The criteria needs to be dropped. No apparent reason why the time limits are set as they are now. Also this criteria does not reflect the current (and future) recycling technologies used. The dismantling report will be just another administrative task that nobody will use (certainly not the procurer).

18	DIGITAL EUROPE	Sylvie Feindt	**D4. Computer dismantling potential**	Not supported.	See comments above to item 17. Criteria needs to be deleted.

19	DIGITAL-EUROPE	Sylvie Feindt	**Core criteria and Comprehensive criteria** **D5. Secure computer sanitisation, re-use and recycling**	Not supported	Setting a “minimum re-use target” will be arbitrary and is not under a manufacturers control. Instead a re-usability assessment to be carried out by the re-use/recycling service provider could be required. Needs clarification: The sentence “Equipment dating back to prior to Energy Star v4.0… ” needs to be edited for clarity. It should instead say something regarding “products that were introduced when ENERGY STAR spec XYZ were required…” or “products that only comply with ENERGY STAR spec XYZ”.

20	DIGITAL-EUROPE	Sylvie Feindt	**D5 Secure computer sanitation, re-use and recycling**	Not supported.	Note that the last owner decides what happens with their WEEE. This is not under the control of the equipment provider. While industry provides such end of life services, it is questionable if this is criteria makes general sense. Sometimes procurers want to contract their End-of-life management to another company than the one providing the equipment. Also the criteria requires a certain % of reused systems, however does not provide information on how this is determined.

21	DIGITAL-EUROPE	Sylvie Feindt	**Core criteria** **D6. Improvement in the re-use targets**	Not supported	It is necessary to clarify what is considered as “re-use”. How is a “higher level of reuse” determined? Manufacturers usually don’t have access to information on the destination of equipment after purchase.

22	DIGITAL-EUROPE	Sylvie Feindt	**Comprehensive criteria** **D6. Improvement in the re-use targets, recycling upgrading levels and equipment tracking**	Not supported.	It is necessary to clarify what is considered as “re-use”. Comment: EN 50625-1 has only just been finished but is not yet endorsed by all member states. PAS 141 (UK) is not widely adopted across Europe yet.

23	DIGITAL EUROPE	Sylvie Feindt	**D6. Improvement in the re-use tar-gets, recycling upgrading levels and equipment tracking**	Not supported.	Not sure why the procurer needs to know where the old system exactly went to (item by item). Same applies to criteria D7. SEE comment on D5 – EoL service could be tendered out to an external service provider, should be left to the tenderer

24	DIGITALEUROPE	Sylvie Feindt	**D7. Reporting on equipment status and destination.**	Not supported	Manufacturers don't have access to information on the destination of equipment after purchase. Needs clarification: Regarding the requirement to report on "*The location or end-destination of the equipment (in case a tracking system is used)*", is this only applicable if a tracking system is in use?

25	DIGITALEUROPE	Sylvie Feindt	Annex III Protocol for the dismantling test	Supported if amended.	The definition of tools is overly prescriptive ("*standard comercially available tools (i.e. pliers, screw-drivers, cutters and hammers as defined by ISO 5742, ISO 1174, ISO 15601*"). Requiring that a tool should be commercially availability can achieve the same purpose and is easier to verify.. Are the photos and video to be taken for *each* type of product, or each model number or for a representative product from each product family? What if there are minor physical differences between products within a product family? Requiring photos and video to be taken of the disassembly "with a time code displayed" is a considerable administrative burden. A more efficient alternative would be third party witnessing and/or attestations. The definition of a disassembly step is problematic. ("*An operation that finishes with the removal of a part or with a change of tool*.") This definition would treat the removal of a bottom panel of a product that has 30 screws of the same type as *one* step, and would treat another bottom panel with 3 screws of different types as three steps. Need a method that will consistently and fairly provide an indication of time or burden.