

## GAMES CONSOLES VOLUNTARY AGREEMENT (GCVA) NINTH STEERING COMMITTEE MEETING

Tuesday, 31 March 2020, 16h45-18h00  
Conference call

### PARTICIPANTS

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<b>BEIS (UK)</b>	1. Saro Thomas
<b>EEB</b>	2. Jean-Pierre Schweitzer
<b>ECOS</b>	3. Ernestas Oldyrevas
<b>European Commission (EC)</b>	4. Cesar Santos
<b>Independent inspector (Intertek)</b>	5. Jane Lee
<b>Microsoft</b>	6. Ted Eckert 7. Adriana Mattei, Zetacast, consultant to Microsoft 8. Lauren del Gallego
<b>Nintendo</b>	9. Julie Cheung-Rueckert 10. Eiichiro Morisaki 11. Emil Schweiger
<b>NRDC</b>	12. Noah Horowitz
<b>Sony</b>	13. Josh Aslan 14. Zara Churton 15. Ceri Fenwick 16. Lenka Jancova, Interel Group, consultant to Sony 17. Kieren Mayers 18. Nicolas Gyss, Interel Group, consultant to Sony
<b>VA Administrator (Cambre Associates)</b>	19. Laura Carre-Diaz 20. Ferial Saouli
<b>Excused:</b>	
	21. Olaf Mätzner, BAM
	22. Dirk Jepsen, Oekopol

## AGENDA

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1. Welcome and introductions
2. Appointment of the new Steering Committee Chair
3. 8<sup>th</sup> Steering Committee meeting (22 October 2019)
  - Approval of minutes
  - Review of actions
4. Update from Signatories
  - Games Consoles industry response to CF comments December 2019
  - SRI 2019 Review – status
  - SRI 2020 Review – overview, timeline
5. Update from the European Commission
6. Adoption of revised 2019 SRI
7. AOB and date of next Steering Committee meeting
8. End of meeting

## MEETING MINUTES

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### 1. Welcome and introductions

Feriel Saouli (Cambre Associates, VA Administrator) opened the meeting and reviewed the agenda. No additional items were brought forward. Participants then introduced themselves. This Steering Committee meeting was held online via teleconference, due to meeting/travel restrictions related to Covid-19.

### 2. Appointment of the new Steering Committee Chair

Kieren Mayers (Sony) announced that he would be stepping down as Chair of the Steering Committee. Ted Eckert (Microsoft) volunteered to take up the position and the Steering Committee proceeded to appoint him as new Chair.

### 3. 8<sup>th</sup> Steering Committee meeting (October 2019) approval of minutes and review of actions

Feriel Saouli (Cambre Associates, VA Administrator) recounted that the minutes were circulated, approved, and uploaded on the Games Consoles (GC) [website](#). She also noted that all the actions agreed at the 8<sup>th</sup> Steering Committee meeting had been completed.

### 4. Update from Signatories

#### Games Consoles industry response to CF comments December 2019

Kieren Mayers (Sony) recounted that 2019 had been a review year for the SRI, with the completion of the Independent Consultant's study, which the Signatories' reviewed and responded to before presenting their own proposal to the Consultation Forum (CF) in December

2019. After the CF, stakeholders (France, Germany, Denmark, EEB & ECOS) sent written comments to the Commission (some as late as 24 February 2020).

Kieren Mayers (Sony) mentioned the industry response was shared with the Commission on 10 March 2020. Topics raised by stakeholders included the level of ambition, scope, terminology, energy and resource efficiency. Industry responses included clarifications and amendments to the SRI to address concerns and set objectives for the 2020 SRI review, which is triggered by two of the Signatories launching new game consoles. For other issues, the Signatories have provided additional clarification.

Ernestas Oldyrevas (ECOS) and Jean-Pierre Schweitzer (EEB) mentioned they had not seen the industry response document, to which Cesar Santos (European Commission) confirmed he had not circulated them. The VA Administrator was asked to share the document with participants after today's call.

Ted Eckert (Microsoft) and Emil Schweiger (Nintendo) presented the additional SRI revisions made to address key stakeholder inputs:

- Next generation consoles were defined ahead of the 2020 review: *“8K Definition Capable Consoles: Games Consoles having potential of rendering video output with resolutions greater or equal to 8K (7680 pixels × 4320 lines) in addition to capability defined for Ultra-High-Definition Consoles”*. Signatories wanted to already include the definition in the 2019 SRI review, since next generation consoles will come into the market late in the 2020 review process.
- The SRI agreement now includes commitments for the 2020 SRI review:
  - Define and review power caps for low-power and active modes.
  - New features for next generation.
  - Method to identify key & proprietary components for availability for repair.
  - Consider impact of flame retardants and recyclability of plastic enclosure parts.
- The new SRI proposal will be submitted at the next Steering Committee, before the launch of next generation consoles.
- The SRI was also revised to replace ‘should’ with ‘shall’ where applicable.
- Definition of ‘authorised repairer’ was added: *“‘authorised’ meaning selected and used by each Signatory for the repair of their specific product[s]”*.
- Various issues raised by stakeholders are already addressed in the SRI (more details are provided in the Industry response document circulated after the call):
  - Circumvention text is already based on wording used for other ErP Lots.
  - Active & low-power already reported to users where applicable.
  - Location of BFRs already specified in marking/instructions for recyclers.
  - Removal of key components for repair using commercially available tools.
  - Automatic power-down already required under lot 6, even if using <20 W.
  - All consoles comply with lot 26 networked standby limits where applicable.

Kieren Mayers (Sony) presented some clarifications to address other issues raised by stakeholders:

- Current generation power consumption should not set a baseline for next generation consoles with increased performance & new functions. A proposal on power consumption will be brought forward in the next period, but no commitments can be made at the moment.
- Battery life is not an issue for controllers and the lifetime of consoles; where battery is needed for memory backup it is not user replaceable.
- The ErP requires only 90% of market coverage for SRIs (as reflected in the SRI), but Signatories represent 100% of console manufacturers.
- Arcade-style gaming devices are technically different from game consoles and are not considered in the current scope for this SRI, as they do not have a gaming console operating system and are more like emulators.

### **SRI 2020 review – overview, timeline**

Ted Eckert (Microsoft) presented the proposed timeline for the 2020 SRI review:

- April 2020: Draft proposal agreed between Signatories.
- May 2020: Calculation of energy saving/preparation of proposal.
- June 2020: Presentation of draft to European Commission (complying with 30 days deadline ahead of next Steering Committee).
- July 2020: SRI Steering Committee meeting.
- October 2020: Final version of proposal completed.
- December 2020: Consultation Forum.
- January 2021: Adoption of revised SRI if agreed.

With regards to industry compliance with the SRI, the following points were made by Ted Eckert (Microsoft):

- There have been four reporting periods completed since the SRI was endorsed: 2015-2018.
- The Microsoft Xbox was found compliant except for APD in three modes. The Independent Inspector has reviewed and accepted Microsoft's corrective action.
- Product Compliance Reports for the 5th reporting period (2019) have now been submitted by Signatories.
- The Independent Inspector will produce the Annual Compliance Report with its conclusion in May.

Ted Eckert (Microsoft) gave additional details on the issue with the Microsoft Xbox and corrective actions taken:

- The SRI requires consoles be brought into compliance within 12 months.
- Microsoft has adjusted the APD times to within tolerances.
- The update has been sent to all Xbox consoles in February 2020.
- Microsoft is working with the Independent Inspector and is preparing an additional update to further improve APD times.

### **Actions**

- VA Administrator to share Industry response document to CF stakeholder comments. *Done after the call.*

## 5. Update from the European Commission

Cesar Santos (EC) gave the following updates:

- The 2019 SRI review has been a structured and participative process
- The Commission acknowledges that the process will never be to the full satisfaction of all stakeholders and recognises that Signatories have made reasonable efforts to accommodate recommendations from the independent study, as well as comments from Member States and other CF stakeholders into the SRI, as well as making their own proposals to update the VA.
- The Commission takes note of the dissenting views from stakeholders and gives ECOS and EEB the opportunity to document their views in these minutes.

Ernestas Oldyrevas (ECOS) said he disagrees with how Signatories have handled the process and that adding some definitions and promises was not sufficient. The points raised during the CF clearly indicate where stakeholders want the VA to go. He considers none of them were taken on board: energy efficiency requirements for next generation consoles, power caps for navigation, media playback mode (insufficient), caps for rest modes, looking into active game modes, improvements on information requirements, no steps taken on material efficiency requirements to meet/match current Ecodesign requirements, battery lifetime, disassembly, flame retardants, plastics, scope of the agreement, etc. In his view, some elements have been watered down (exemption in marking of plastic parts, information requirements replaced by an encouragement to do so: the SRI previously said '*would*' be published and it now says '*should*' be published on the VA website).

He believes there have been insufficient efforts by Signatories to take on board the comments made at the CF, so the SRI should not be endorsed given the current European Commission priorities on the Green Deal and the Circular Economy Action Plan.

Kieren Mayers (Sony) thanked ECOS for their review. To set the record straight, he pointed out that many comments have already been taken on board and others are being taken into consideration for the 2020 review. He clarified the following:

- Power caps: It was clear from the Consultant's Study and from Member States' comments that the request was for Signatories to include power caps for next generation consoles during the next review. Signatories have responded why they cannot include them in this review (when the 2019 process started the next generation consoles were not on the table), but they will be included in the 2020 review.
- Material efficiency: Signatories have already responded on a number of those issues and there is a commitment to cover others in the next review. Some issues are more complicated, such as not making IP-protected spare parts available due to the risk of piracy.
- An exemption on marking translucent plastic parts is necessary for the same reasons as for transparent parts.

- Information requirements: the SRI has clear information requirements. There was a thorough review of the use of ‘should’ and ‘shall’ throughout the text, and he explained why the provisions on the marking of plastic parts have not been watered down.

Jean-Pierre Schweitzer (EEB) noted it was difficult to follow the Signatories’ response to stakeholders without having seen the written Industry response document sent to the Commission. He asked Signatories about the issue of next generation consoles and why game consoles should be treated differently from other products covered under the Ecodesign Directive. He asked why Signatories cannot already set requirements for next generation?

Kieren Mayers (Sony) reclarified that at the start of the current review next generation consoles had not been announced, which means another review is needed to address them in 2020<sup>1</sup>. He added that Signatories can then set power caps for next generation consoles, but clarified again that Signatories cannot use the current generation of products to determine requirements/set caps for the next generation of products, which is consistent with other product lots. Power caps for next generation need to go through the review process that will start now in 2020. Additionally, Signatories have done a good job keeping power consumption down over product generations.

Jean-Pierre Schweitzer (EEB) added that on the issue of marking of plastics and brominated flame retardants, the original comment from France and other stakeholders was that markings should be in line with marking for electronic displays and should cover all flame retardants, not just brominated flame retardants.

Noah Horowitz (NRDC) said good progress has been made to further improvement and the transparency of the EU game consoles VA. He suggested that for increased transparency, console power data should be made more prominent on the SRI website and made easier to find by the general public (the EU VA website is not currently user friendly). For instance, the Administrator could generate, based on input data from the industry, estimates of the annual energy consumed by game consoles on an EU-wide basis (this will require annual sales data and best estimates of stock of each generation console and its respective power use). He added that without this summary information, it is not possible to estimate whether or not the VA is resulting in lower EU-wide energy use and carbon emissions due to video game console usage, and by how much. He encouraged the VA to achieve data reporting and transparency similar to that being achieved in the VA in the US for Set Top Boxes.

Mr. Horowitz noted NRDC would like to see the following topics addressed in the next review:

- Improved implementation on lower power modes, particularly Microsoft consoles.
- Duty-cycle: consider whether it is up-to-date and do a field study to see how many people maintain APD.
- Power levels for media play continue to be higher than many stand-alone devices.

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<sup>1</sup> Section 7.1 of the SRI establishes that the SRI should be reviewed every 2 years or “earlier if any Signatory announces specifications for a new console with significantly improved computing performance (e.g. improved GPU performance), requiring a new category of console and new requirements to be defined and determined.”

Kieren Mayers (Sony) replied Signatories would discuss how to report the power calculations on the website and how to improve implementation of low power modes in the next review. Duty-cycle information currently used is the NRDC one from 2014 which has not been updated, so this should indeed be looked at during the next review. On the media-play issue, the goal is to drive power consumption down and Sony products already have a separate chip to reduce media-play consumption. The discussion on this topic will continue during the next SRI review.

Emil Schweiger (Nintendo) asked ECOS/EEB which of the points they raised required immediate attention from Signatories (during the 2020 review). Ernestas Oldyrevas (ECOS) replied he felt none of the CF comments had been taken on board during the 2019 review process.

Kieren Mayers (Sony) responded that this is not correct and reiterated that Signatories have indeed responded to CF comments and have taken a lot of comments on board and included them in this SRI review, and that clarification was provided on additional points and items to be discussed further in the 2020 review.

Emil Schweiger (Nintendo) pointed out that Signatories understand that stakeholders want responses immediately, but every company has an internal process they need to follow, checking with their respective HQs to make sure any technical requirements included in the SRI are technically or economically feasible. Some points are still being discussed internally and will be addressed in the 2020 review. It is not that Signatories do not want to address them now, some are already taken on board and others will be addressed in 2020.

Kieren Mayers (Sony) referred to the ambitious 2020 review timeline presented today and said the Signatories will endeavour to have a proposal ready for discussion with stakeholders at the next Steering Committee in July (date TBD).

Jean-Pierre Schweitzer (EEB) said he agreed with ECOS' disappointment over the SRI document shared ahead of the Steering Committee, as there was an expectation from stakeholders that some of their comments would be already included in it. He asked the Signatories to think about the overall footprint of gaming consoles in the future, to make sure next generation consoles consume less energy and consider the total number of consoles on the market and their overall impact. He recognised the time taken by Signatories to consult NGOs (i.e. very productive call in January 2020), but reiterated their genuine disappointment about the final text.

Kieren Mayers (Sony) said Signatories had followed the same approach taken in previous reviews, where they have looked at the overall footprint and delivered on less energy consumption. He added he was sorry the document did not meet the NGOs' expectations, but that does not mean the work is not being done. There is no lack of intention from the Signatories. He added that parallel work was also being carried out with the UN 'Playing for the Planet' Alliance ([website](#)).

Jean-Pierre Schweitzer (EEB) added that the consumption of consoles in general is growing over time.

Kieren Mayers (Sony) replied that was not what the consultants' study said. There has been energy reduction and significant improvement.

Ted Eckert (Microsoft) reiterated Sony's comments on lower energy consumption from one generation of consoles to the next. Signatories keep working to reduce power with each generation of consoles as the technology improves.

Replying to Noah Horowitz (NRDC), Kieren Mayers (Sony) replied Signatories are moving forward on renewed power caps and reduction of tiers in the future. Sony's next generation console (8K) will have a suspended mode of 0.5 watt.

Other participants were invited to ask questions and both Saro Thomas (BEIS) and Jane Lee (Intertek, Independent Inspector) said they had no comments. Kieren Mayers (Sony) mentioned minutes of the meeting would be circulated to participants for comment.

## 6. Adoption of revised 2019 SRI

Kieren Mayers (Sony) summarised that the latest revisions are reflected in SRI version 3.0:

- Amendments proposed in 2019 review report.
- Recommendations agreed from Consultant's study.
- Requests from Stakeholder and Member States.

The revised 2019 SRI was endorsed by the four voting members of the Steering Committee: the three Signatories and the Commission.

## 7. AOB and date of next Steering Committee meeting

There was no AOB put forward. Ferial Saouli (Cambre Associates, VA Administrator) said that the date of the next Steering Committee meeting is still being discussed and will be confirmed in due course (TBD July).

Noah Horowitz (NRDC) asked for clarification to include stakeholder feedback in the 2020 review process, to which Kieren Mayers (Sony) replied that between now and May-June the Signatories will come up with a proposal to be discussed with Cesar, to make sure the draft meets the Commission's expectations. The draft can then be shared informally with stakeholders interested in reviewing it, with formal comments to be made during the next Steering Committee in July and then a final proposal to be presented at the end of the year at the Consultation Forum, which gives stakeholders a third opportunity for comments.

### Actions

- VA Administrator to prepare and share the minutes of the current meeting.

## 8. End of meeting

Kieren Mayers (Sony) thanked all participants in his last meeting as Steering Committee Chairman and closed the meeting at 18h20.