

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

Thursday, 15 November 2018, 10h  
Cambre Associates, Rue Defacqz 52, 1050 Brussels

### PARTICIPANTS

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| Name                     | Company                                    |
|--------------------------|--|
| 1. Joshua Aslan          | Sony                                       |
| 2. François Barry        | Cambre Associates, VA Administrator        |
| 3. Tim Calland           | Microsoft                                  |
| 4. Julie Cheung-Rueckert | Nintendo                                   |
| 5. Kasia Colombani       | Interel Group, consultant to Sony          |
| 6. Lauren del Gallego    | Microsoft                                  |
| 7. Noam El Mrabet        | Interel Group, consultant to Sony          |
| 8. Ceri Fenwick          | Sony                                       |
| 9. Jane Lee              | Intertek, Independent Inspector (by phone) |
| 10. Adriana Mattei       | Zetacast, consultant to Microsoft          |
| 11. Kieren Mayers        | Sony                                       |
| 12. Cesar Santos         | European Commission (EC)                   |
| 13. Kiyoto Sasaki        | Sony                                       |
| 14. Ferial Saouli        | Cambre Associates, VA Administrator        |
| 15. Emil Schweiger       | Nintendo                                   |
| 16. Masahiro Takase      | Sony                                       |

### AGENDA

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1. Welcome and introductions
2. 6<sup>th</sup> Steering Committee meeting (5 June 2018)
  - Approval of minutes
  - Review of actions
3. Update from the Signatories
4. Update from the European Commission
5. AOB and date of next Steering Committee meeting
6. End of meeting

## MEETING MINUTES

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### 1. Welcome and introductions

As Chairman of the Steering Committee (SC), Tim Calland (Microsoft) opened the meeting at 10h00 and reviewed the agenda. No additional agenda items were brought forward. Participants then introduced themselves.

Tim Calland (Microsoft) announced that, under the terms in the SRI, he would be stepping down as Chair of the Steering Committee. The Signatories confirmed that they will appoint a new Steering Committee Chair at the next (8<sup>th</sup>) Steering Committee meeting.

### 2. Sixth Steering Committee meeting (June 2018) 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 (<http://efficientgaming.eu/docs/>) after receiving comments from all stakeholders.

Feriel Saouli (Cambre Associates, VA Administrator) pointed out that all actions agreed at the sixth SC meeting had been completed.

### 3. Update from Signatories

#### Products update

Kieren Mayers (Sony) kicked off the discussion by explaining that no new models were introduced on the market by the Signatories in 2018.

He went on to describe the main conclusions of a “Green Gaming” report by Lawrence Berkeley National Laboratory (LBNL), commissioned by the California Energy Commission and published in 2018 (<http://efficientgaming.eu/links>). The LBNL researchers, who are widely recognised for their high-level expertise in energy efficiency, concluded that, among other findings:

- Console producers have achieved substantial energy savings;
- Performance benchmarking is not possible for gaming because of the nature of the product; and
- Voluntary Agreements are better than mandatory regulations for consoles estimates.

Kieren Mayers (Sony) welcomed the fact that the conclusions of this independent study from such a respected entity supports the work undertaken by the Signatories of the GC Self-Regulatory Initiative (SRI). LBNL’s conclusions should be referred to in the next SRI review, he added.

The Signatories have reviewed energy savings calculations, Joshua Aslan (Sony) explained, reflecting on consoles usage data from studies by NRDC (2014)<sup>1</sup> and Fraunhofer (2017).<sup>2</sup> He showed that newer studies by NRDC and Fraunhofer, based on metered usage of current generation consoles, found higher active mode usage estimates for PS4 and Xbox One (almost double, as shown in slide 9 of the SC meeting presentation), when compared with those shown in the SRI 2017 review report estimates, which are based on a peer-reviewed meta-analysis of metered usage studies for previous generation consoles (assuming a 25% increase in usage between generations). This not only implies higher estimated lifetime energy use, but also higher lifetime avoided energy use (shown in slide 10) and underscores the significant energy performance improvements made by the games consoles industry. There is high uncertainty in usage estimates, and the reality likely lies between the SRI review report estimates and newer estimates from NRDC and Fraunhofer, Tim Calland (Microsoft) added. Console usage cannot be controlled by measures in the SRI, however the SRI's usage data should be updated to include these new estimates, Kieren Mayers (Sony) concluded.

### **Actions**

- Signatories to update the SRI's estimated consoles usage data.

### **Amendments to SRI and PCR since previous SC meeting (June 2018)**

Julie Cheung-Rueckert (Nintendo) provided explanations to the latest amendments made to the SRI since the previous SC meeting (as shown in slides 11-12). The amendments are essentially aimed to further improve both text clarity and test procedures. They are shown as tracked changes to the latest version of the SRI, which has been published on the GC website (<http://efficientgaming.eu/docs/>)

Julie Cheung-Rueckert (Nintendo) stated that the Signatories submitted the amendments to the Independent Inspector for review and comment, and the Independent Inspector did not raise any concerns about them but sought clarification about one point concerning the frequency of console testing that the Commission's guidelines for self-regulation measures does not directly address. Referring to slide 12, she explained that the SRI specifies two circumstances that can lead to testing of a console:

- when a new or a revised model of an existing console is launched; or
- when there is an allegation of non-compliance (supported by evidence).

The Signatories discussed this open point about frequency of testing and explained that "a revised model of an existing console" is defined as one where the change effected caused an increase in power consumption as compared to the original version of the console. Tim Calland (Microsoft) mentioned, for example, that changes in suppliers for some of the parts of a console would require changes to the model number, but such change would not render that model "a revised model" because that does not result in a power consumption increase. The Signatories also noted that changes to the firmware was pointed out by the Independent Inspector as a possible cause for change in power consumption. Taking TVs as another example, Cesar

<sup>1</sup> <https://www.nrdc.org/sites/default/files/video-game-consoles-IP.pdf>

<sup>2</sup> <https://www.cse.fraunhofer.org/hubfs/CTA%20Energy-Consumption-of-Consumer-Electronics-in-U-S-Homes-in-2017.pdf>

Santos (EC) mentioned that it has been shown that system updates (of TVs already on the market) sometimes lead to increased energy consumption. Tim Calland (Microsoft) explained that it is part of the Signatories' quality control to make sure that any change in either hardware or firmware does not lead to increased energy consumption. In addition, Kieren Mayers (Sony) noted the SRI determines that system updates should not lead to increased energy consumption.

In response to a query on the Commission's feedback on this, Cesar Santos (EC) indicated that since the guidelines are silent about the issue of frequency of testing, it is a matter left up to the Signatories and the Independent Inspector to determine. Kieren Mayers (Sony) queried Jane Lee (Intertek) whether the Independent Inspector was in agreement with Annex C, as amended. She confirmed that Intertek was in agreement.

Finally, Emil Schweiger (Nintendo) explained that, building on the minor updates to the SRI, the Signatories and the Independent Inspector also revised and updated the Product Compliance Report (shown in slides 13-14).

Cesar Santos (EC) approved all the amendments to the SRI.

### **Actions**

- Cambre/VA Administrator to upload version 2.6.3 on the website.

### **Update on the 2019 review of the SRI**

Kieren Mayers (Sony) indicated that discussions among Signatories ahead of the next review are at an early stage. Signatories plan to start drafting the Review Report in January 2019, with a view to have a first draft ready by June 2019 – which would be shared with the European Commission beforehand – and a final Review Report ready by October 2019, ahead of a possible Consultation Forum meeting in November (as shown in slide 16). Unforeseen delays in the independent review study, of the GCVA or the announcement by at least one of the Signatories of a new game console model launch, may result in the Signatories having to revise this timeline accordingly.

## **4. Update from the European Commission**

### **Update on independent study on VAs**

Cesar Santos (EC) agreed with the indicative timeline proposed by the Signatories (as shown in slide 16). He expects the independent consultant to be operational by 1<sup>st</sup> December 2018 and the study to be finalised within 9 months, i.e. by August 2019. This would in principle leave the Signatories two months to assess the conclusions of the independent study and, if considered appropriate, to include them in the final version of the SRI Review Report.

Kieren Mayers (Sony) added that the Signatories are ready to provide any reasonable information and data to the independent consultant to help with the process so that the conclusions are robust. Cesar Santos (EC) confirmed that he will get in touch with the

Signatories and the Independent Inspector in due course to organise a kick-off meeting with the independent consultant, preliminarily set for a date in December 2018.

### Other Commission updates

Cesar Santos (EC) gave an overview of the implications of the General Court's decision of 8 November 2018 to annul the Regulation on the energy labelling of vacuum cleaners (Case T-544/13 RENV, Dyson Ltd v Commission).<sup>3</sup> This judgement raises legal and technical questions about the use of harmonised standards in general, and may imply that the European Commission could consider the drafting of a new Regulation and that new standards will have to be developed for vacuum cleaners. Cesar Santos (EC) clarified that the use of VAs for eco design purposes was however not called into question.

Additionally, Cesar Santos (EC) mentioned the draft Regulation setting the eco design requirements for servers and data storage products, issued by the Commission and approved by the Member States on 17 September 2018.<sup>4</sup> This Regulation features circular economy requirements (e.g. critical raw materials, firmware versions, data deletion tools, disassembly to ease reparability and recycling) which will likely set a precedent for data integration in future eco design initiatives.

Finally, Cesar Santos (EC) briefly mentioned some upcoming initiatives, in particular:

- a last round of 17 eco design implementing measures to be sent to the European Parliament by April 2019;
- a study on ICT products and eco design which should highlight some of the difficulties faced when regulating ICT, expected in the course of 2019; and
- a non-legislative text on product policy and the circular economy, expected in March 2019, which should take stock of the EU policy on eco design and help set the scene for future discussions on the matter under the next Commission, to be operational from November 2019.

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

There was no AOB put forward. Tim Calland (Microsoft) said that the next Steering Committee meeting will be tentatively held in June 2019, with exact date to be discussed and confirmed in due course.

#### Actions

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

### 6. End of meeting

Tim Calland (Microsoft) thanked all participants and closed the meeting at 11:30.

<sup>3</sup> <https://curia.europa.eu/jcms/upload/docs/application/pdf/2018-11/cp180168en.pdf>

<sup>4</sup> [http://ec.europa.eu/transparency/regcomitology/index.cfm?do=search.documentdetail&Dos\\_ID=16742&ds\\_id=58881&version=2&page=1&AttLang=en](http://ec.europa.eu/transparency/regcomitology/index.cfm?do=search.documentdetail&Dos_ID=16742&ds_id=58881&version=2&page=1&AttLang=en)