

# Public Consultation on the BEREC Draft Report on Sustainability: Assessing BEREC's contribution to limiting the impact of the digital sector on the environment

Fields marked with \* are mandatory.



During its 50th plenary meeting (10 March 2022), the BEREC Board of Regulators has approved the Draft BEREC Report on Sustainability: Assessing BEREC's contribution to limiting the impact of the digital sector on the environment for public consultation.

This Draft Report on Sustainability provides an overview of the results of BEREC's groundwork on ICT sustainability to assess and better understand the impact of the digital sector, including electronic communications networks and services, on the environment. It sets out an outline of BEREC's approach to environmental sustainability of the sector.

This Draft report constitutes the first step: BEREC will continue to build up its knowledge on the important topic of sustainability to be able to contribute with its expertise in shaping the green and digital twin transition. Collaboration with relevant stakeholders will be of importance in this process, notably to share analysis and experiences related to ICT sustainability.

For structured responses to this consultation, BEREC kindly asks you to submit your comments/remarks per each chapter of the draft report in the following questions below. You will have also the opportunity to upload a supporting document at the end of the survey (file size limit: 1 MB).

Responses should not be submitted later than **14 April 2022 (17:00 CET)**.

\* Name

breteau

Organisation

green IT

EU member states

FR - France

\* email

lb@breteau-legal.fr

## **Feedback on each chapter of the Draft Report**

1) Please enter your comments on Chapter 1 (Introduction) here:

On the figures relating to the impacts and annual rise, we note that you referred to the Greens-EFA 2022 report to which Green IT contributed through the NegaOctet consortium.

Please also refer to the following reports, made by Green IT and accessible on the Green IT website, for the purpose of informing the general public (vulgarisation):

- France 2021 (in French only): <https://www.greenit.fr/impacts-environnementaux-du-numerique-en-france/>
- World 2019: <https://www.greenit.fr/empreinte-environnementale-du-numerique-mondial/>
- At the level of an organisation (in French only), yearly reports since 2016: <https://club.greenit.fr/benchmark2021.html>

Although destined to popularise the subject and therefore remaining high-level, these reports are all high-level, science-based, multi-criteria life-cycle assessments based on the ISO 14040 & 14044 methodologies. All the sources are cited.

We also add for reference the French Ademe-Arcep study released in 2022, to which Green IT contributed. This study is based on the PEF standards developed by the EU Commission's Joint Research Center (JRC), standards that Green IT strongly recommends to use for a harmonized standardisation of LCA practices throughout the European Union.

As to the indicators, we note that Berec intends to focus not only on GHG but also on other key environmental indicators, in particular fossil energies use and resources use. We draw your attention on the water consumption indicator, which some of the above-mentioned reports deal with; although the Greens-EFA and Ademe-Arcep works left it aside, due to lack of data, for the purpose of these reports which were more specific and complex than the other above-mentioned reports. We nevertheless are of the opinion that the water indicator is key and should be clearly identified and worked on by the NRAs and Berec, in particular due to the critical importance of water for many uses, and the conflicts of use which are already experienced (mineral processes, data centers, agriculture, nuclear, domestic, etc. uses).

Lastly, we are of the opinion that the social aspects should not be ignored: accessibility and inclusion should be taken into account in the works on the adverse and positive effects of ICT. In particular, legislators and NRAs should monitor and follow-up on how digital services can be accessed: only on recent devices, with the latest OS and best performance and memory capacities, or also on old, second-hand, low-capacity devices? The environmental cost of accessing digital services may be closely related to its social and financial cost.

In this respect, in France, Green IT establishes a parallel between ecodesign of digital services and their accessibility. Digital services accessibility is regulated in France with a General Reference Regulation (Règlement General d'Amélioration de l'Accessibilité – RGAA, see <https://references.modernisation.gouv.fr/espace-presse/accessibilite-numerique-publication-quatrieme-version-du-rgaa/>). We are of the opinion that digital services ecodesign should be regulated on the same basis and scope: applying to the public services and biggest private companies, in order to pull the whole market toward the best practices. A first step could be to limit the material scope to websites (not all digital services, which are too diverse to be regulated under a unique reference book).

Green IT is highly interested in participating in the Berec technical and general working groups and in integrating the workstreams on ICT sustainability matters. In particular, our contribution as daily users of LCA methods and standards would benefit to these works.

2) Please enter your comments on Chapter 2 (Case studies) here:

Green IT is active in France to promote the UE PEFs (Product Environmental Footprint) and life-cycle assessments science-based and data-driven methodologies, see: <https://eplca.jrc.ec.europa.eu/EnvironmentalFootprint.html> and <https://ec.europa.eu/environment/eussd/smgp/index.htm>

The use of PEFs is recommended by the EU Commission: [https://ec.europa.eu/environment/publications/recommendation-use-environmental-footprint-methods\\_en](https://ec.europa.eu/environment/publications/recommendation-use-environmental-footprint-methods_en) (last update of the recommendation, dated 16 December 2021 by the EU Commission).

As experts on ecodesign of digital services, Green IT is strongly interested in participating in works on ecodesign led by Arcep, Ademe and Arcom.

3) Please enter your comments on Chapter 3 (Outcomes on BEREC's previous work on sustainability) here:

We agree with the concern that the enabling role of ICT is subject to its own environmental footprint and to the rebound effects generated in particular by energy efficiency gains. The enabling and adverse effects of ICT are closely linked. The effects of ICT, positive and negative, should be assessed methodologically and thoroughly.

Due to time constraints we do not react in detail on the issues of BCRD revision and EC Guidelines on State aid for broadband networks in this document.

However please note that a science-based methodological basis exists, in the form of PEF developed by the EU Commission JRC, which should be used as a basis to develop standards for LCA and ecodesign of digital products and services.

4) Please enter your comments on Chapter 4 (Inputs from stakeholders) here:

Due to time constraints we cannot fill in this section. Please refer to our comments in other sections.

5) Please enter your comments on Chapter 5 (Key findings of the external study) here:

Due to time constraints we cannot fill in this section. Please refer to our comments in other sections.

6) Please enter your comments on Chapter 6 (Conclusions and outline for BEREC's future work on sustainability) here:

Green IT is of the opinion that the role of NRAs and the Berc are key, in particular as the legitimate authorities to guide organisations and markets to the relevant tools and methodologies to evaluate impacts. In this respect, the Berc has a specific role of ensuring the use of tools that are harmonised at the EU level. Here again we mention the PEFs which are, to our knowledge, the best-advanced tools to date and the ones which will allow the best-harmonised approach at the EU level.

NRAs and the Berc have also a role to enhance visibility of such tools on the market and in the eyes of all stakeholders.

Secondly, NRAs and the Berc have a strong role to play as trusted third parties, notably on the matter of data collection, as data is often a sensitive subject – industries may oppose disclosure of data on the grounds of intellectual property, business secrets, confidentiality, etc. thus preventing the possibility of analysis and measurement. In this context, the role of NRAs and the Berc acting for the sole general interest -- with no ambiguity as to potential conflicts with other interests or goals -- may be key to collect relevant and complete data from industries.

Thirdly, we are of the opinion that NRAs and the Berc may have an important role to play in monitoring and following up on the results in practice and in the real world, of environmental regulations and policies. In this respect, it has been seen in France that the government can be sued and condemned for not following up on environmental regulations, although it had committed for objectives of reduction of GHG emissions (eg Paris Administrative Tribunal, 3 February 2021 and 14 October 2021, N° 1904967, 1904968, 1904972, 1904976/4-1, so-called “Affaire du Siècle” case).

Lastly, there will be a clear need for coordination between NRAs at the EU level to ensure a harmonised approach and sharing of experience, where the Berc will take the important role of coordination.

7) Please enter any other comments you may have:

We are holding a public web conference on the latest version of the referentiel of ecodesign of websites on 10 May 2022, 17:15-18h45 (CET), link to register: <https://www.greenit.fr/agenda/decouvrez-la-4eme-edition-du-referentiel-decoconception-web/>

To our knowledge, this frame of reference is a unique example of a complete (ie composed of good practices and of the technical rules for scoring and control) and operational (ie destined to technical teams) guidance for web ecodesign, which has been tried and tested by numerous organisations and professionals for many years.

Please upload here any supporting document that you deem relevant:

In accordance with the BEREC policy on public consultations, BEREC will publish all contributions and a summary of the contributions, respecting confidentiality requests. Any such requests should clearly indicate which information is considered confidential.

Confidential contribution:

- Yes  
 No

If yes, please specify the information which should be treated as confidential:

**Background Documents**

Draft BEREC Report on Sustainability

**Contact**

Sustainability\_PC@berec.europa.eu