



Embracing a changing society: Diversity in construction

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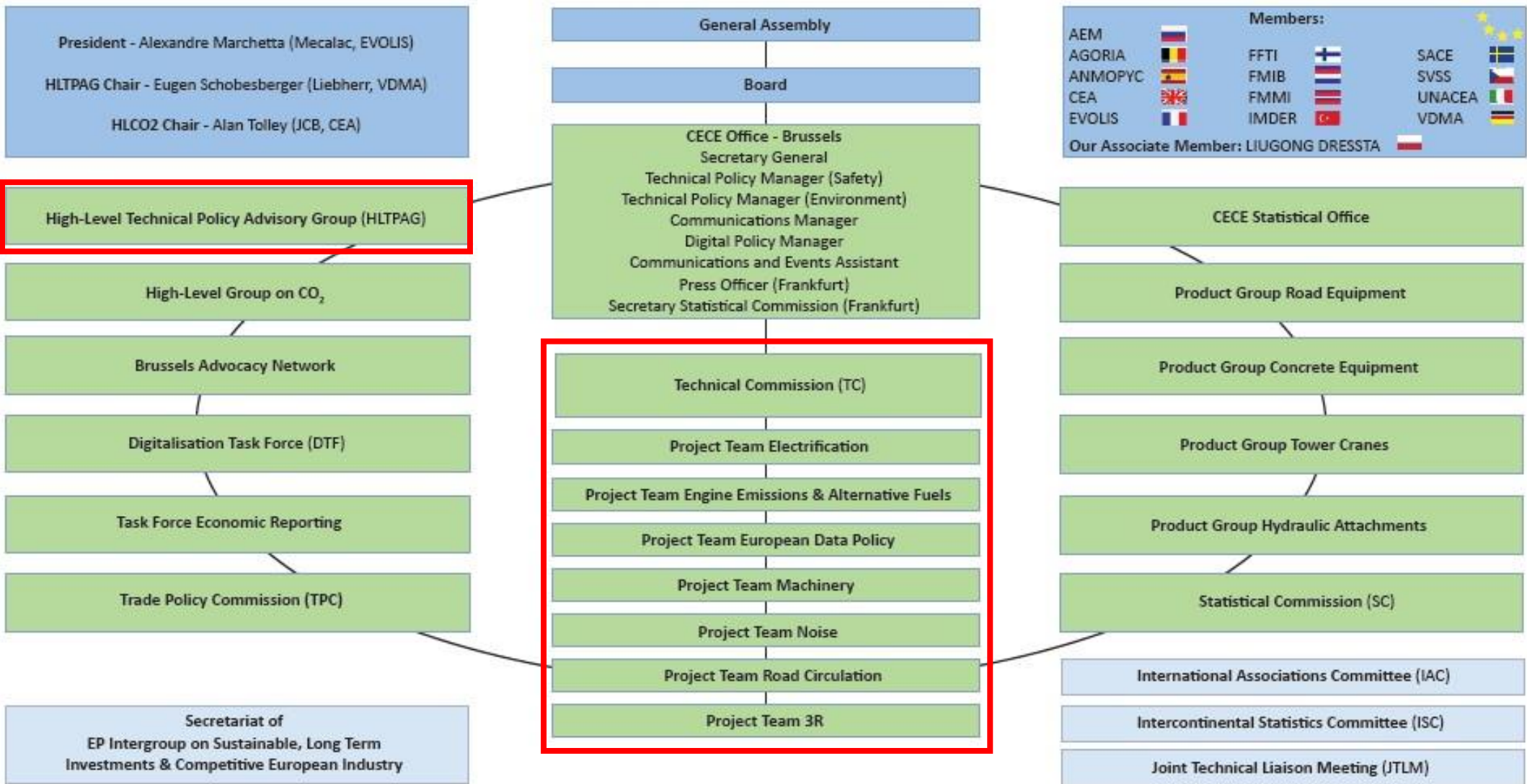
Regulatory update

20th January 2023

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ORGANISATION CHART



Regulatory Update – Our work together



High Level Technical Policy Advisory Group

- Executive managers from companies. The HLTPAG meets two times per year. 22 members.
- Advisory group on CECE actions related to strategic issues.

Technical Commission

- Technical experts from companies and national associations. The TC meets four times per year. 79 experts.
- Steering of main activities of the Project Teams.

Project Teams

- Seven active Project Teams including technical experts from companies and national associations. 390 experts.
- More than 25 technical files followed.

Joint Technical Liaison Meetings

- Yearly international exchange on main technical topics.
- Activities by regions covering: standardisation, safety, environment...



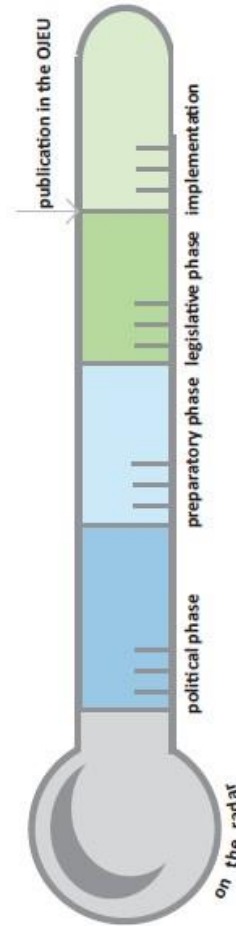
Environment

Digitalisation

	2022	2023
Artificial Intelligence	■	■
Cybersecurity	■	■
Data management	■	■
E-privacy	■	■

Market access

	2022	2023
Economic & industrial policy	■	■
Standardisation policy	■	■
Trade policy	■	■



2022 2023

Chemicals	■	■
Circular economy	■	■
CO ₂ emissions	■	■
Engine emissions	■	■
Noise	■	■
LEZ	■	■
Waste	■	■

Safety

2022 2023

Electric & electronic	■	■
Machinery legislation	■	■
Road circulation	■	■

Legend

on the radar - on the CECE radar

political phase - political discussions at the EU level

preparatory phase - evaluation studies; impact assessments; stakeholders consultations

legislative phase - EU Commission proposals; readings by EU Parliament and Council; trilogue negotiations; final proposals & publication in the OJEU

implementation - entry into force & monitoring

Regulatory Update – PT Machinery



Team leader

Jason Ong (CEA)

Team secretary

Martina Griffo (CECE)

Main topics followed

- Revision of the Machinery Directive
- The work of the Commission Machinery Expert Group
- Development of harmonised standards and other standardisation-related matters
- Other legislations e.g.
 - Radio Equipment Directive (Delegated act on interconnected radio equipment; Delegated act on the reconfigurable radio systems);
 - Targeted amendment of the Standardisation Regulation;
 - Pressure Equipment Directive.

Revision of the Machinery Directive

On 15 December 2022, the European Parliament, Council and Commission reached a **provisional agreement** on the **new Machinery Regulation**

- *Being a Regulation: greater legal certainty*
- *Digital instruction: will be the default option; paper instructions will remain an option*
- *Conformity assessment: 6 categories of machinery will be listed under Annex I, Part A and hence require a mandatory third-party conformity assessment*
- *Standards: Commissions intention is that, as far as possible, existing standards listed under the Machinery Directive will continue to be valid. The mechanism for this is under review*
- *New essential health and safety requirements (EHSRs) regarding Cyber/Artificial Intelligence*
- *The Machinery Regulation will be applicable 42 months after its entry into force.*

Regulatory Update – PT Machinery



Revision of the Machinery Directive: CECE (main) activities

- ✓ Strong advocacy actions including the development of amendments to the MPR proposal and establishing an efficient network for advocacy vis-à-vis the Parliament and Council;
- ✓ Formalised a shared position paper to promote the importance of horizontal criteria for common specifications under the MPR;
- ✓ Presented the construction sector to some high-level representatives of the European Commission during the 2022 World's Leading Trade Fair for Construction Machinery (Bauma).

Standardisation-related legislation

- **Targeted amendment of the Standardisation Regulation 1025/2012**

- On 19 December 2022, the targeted amendment to the Standardisation Regulation has been published in OJEU. The Regulation shall apply from 9 July 2023.

Radio Equipment Directive

- **Delegated act on inter-connected radio equipment**

- On 21 October 2022, the delegated act was adopted and will come into force on 1 August 2024
 - ✓ *CECE supported a position paper aimed at clarifying the definition of **inter-connected** radio equipment in the delegated regulation (EU) and to support the request for guidance to achieve a common understanding of the term*

- **Delegated act on the reconfigurable radio systems (update of software)**

- The EC reported that to avoid duplication of requirements the initiative has been put on hold until the Cyber Resilience Act (CRA) is finalised

Regulatory Update – PT Machinery



Next Steps...

New Machinery Regulation (MPR)

- Linguistic checks still ongoing
- Publication of the final text of the MPR can be expected in Q2 2023
- ✓ CECE will work to make sure that standards are (correctly) cited in the new MPR
- ✓ CECE will work to ensure that the guidelines provided by the European Commission are clear and helpful for manufacturers

Radio Equipment Directive: Delegated act on reconfigurable radio systems

- Once it is clarified how the CRA addresses software updates, the EC will re-start this discussion (expected timeframe: 2024)
- ✓ CECE will closely monitor the file

Pressure Equipment Directive

- ✓ CECE will participate as an 'observer' (as other association stakeholders) at future meetings of the Pressure Equipment Expert Group in order to monitor any activity that may have an impact for our sector

Regulatory Update – PT Engine emissions & alternative fuels



Team leader

Jason Ong (CEA)

Team secretary

Belén Bravo (CECE)

Main topics followed

- **Follow of Regulation (EU) 2016/1628** (stage V) on requirements relating to gaseous and particulate pollutant emissions limits and type-approval for internal combustion engines for non-road mobile machinery.
- UK- GB engine type-approval after **BREXIT** (covered on the Brexit presentation)
- **European Low Emissions Zones (LEZ)** and requirements
- **Retrofitting** requirements for construction machinery
- **Worldwide engine emissions** requirements for NRMM
- **Alternative fuels for construction machinery** **NEW**

Regulatory Update – PT Engine emissions & alternative fuels



Team leader

Jason Ong (CEA)

Team secretary

Belén Bravo (CECE)

Regulation (EU) 2016/1628 (stage V)

- No revision of stage V foreseen in 2023.
- December 2022 - publication of the amendment to the delegated act on in-service monitoring.

CECE is member of the European Commission Non-Road Mobile Machinery working group - GEME.

[CECE FAQ document](#) updated in March 2022.



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Regulatory Update – PT Engine emissions & alternative fuels




Team leader	Jason Ong (CEA)
Team secretary	Belén Bravo (CECE)

European Low Emissions Zones (LEZ) and requirements (for members only)


- Compilation of requirements for construction machinery in the Low Emission Zone (LEZ) per country/region or local area.
- Compilation of national initiatives for carbon reduction.

Alternative fuels

- Identify alternative fuels and suitability for construction machinery.
- Monitor developments in distribution and handling of alternative fuels.
- Identify and map existing legislation & standards related to alternative fuels.



Last review: 21 March 2022
Last update: 25 March 2021

Germany 

Requirements				
Area (region/city)	Deadline (date)	Affected NRRM (products / power category)	Minimum requirement	Source (hyperlink)
Baden-Württemberg	1 Jan 2018	All	all DPF to comply with UN ECE R132 (REC)	
All construction sites in Stuttgart, Ludwigsburg, Markgröningen, Reutlingen, Tübingen	1 Jan 2019	<19kW 19-37kW 37-56kW 56-560kW	No requirements Stage IIIA + DPF Stage IIIB or DPF Stage IV or DPF	
Berlin	1 Jan 2016	<19kW handheld petrol machinery <19kW non-handheld petrol machinery 19-37kW 37-560kW	SH Stage II SN Stage I or II Stage IIIA or DPF Stage IIIB or DPF	For all public contractors
Mainz	1 Jan 2015	All	DPF required	For all public contractors
Bremen		19-37kW 37-560kW	Stage IIIA or DPF Stage IIIB or DPF	DPF certified FAD, VERT, StVO annex XXVII or according to the Swiss conformity declaration. Link to Bremen requirements

Regulatory Update – PT Electrification



Team leader

Dale Camsell (CEA)

Team secretary

Belén Bravo (CECE)

NEW Project Team established in April 2022

Main objectives:

- Identify and map existing legislation & standards applicable to electrically driven machines, the energy supply and related systems for construction equipment products, at a European and international level.
- Perform a gap analysis identifying needs of further legislation & standards for construction machinery sector.
- Advocacy actions in coordination with other non-road mobile machinery associations and stakeholders.

Ongoing **CECE** activities:

- Running expert group.
- Definition of the scope of activities.
- Identification of most relevant legislation & standards applicable to electrically driven.

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Regulatory Update – PT Data



Team leader

Marie Poidevin (EVOLIS)

Team secretary

Laura Fiumara (CECE)

Main topics followed

- **Data Act** – Proposal for a regulation on harmonised rules on fair access to and use of data
- **Cyber Resilience Act (CRA)** – Proposal for a regulation on horizontal cybersecurity requirements for hardware and software products with digital elements
- **Artificial Intelligence Act (AIA)** – Commission proposal for a Regulation laying down harmonised rules on artificial intelligence

Other legislations monitored

- **Directive (EU) 2022/2555** on measures for a high common level of cybersecurity across the Union (NIS2)
- **Radio Equipment Directive** (Delegated act on interconnected radio equipment)
- **AI Liability Directive** (Proposal for a Directive on adapting non contractual civil liability rules to artificial intelligence)

Regulatory Update – PT Data



Data Act

On 23 February 2022, the European Commission published the Data Act proposal establishing new data sharing obligations for data holders/manufacturers towards users (B2B/B2C), third parties and public bodies' sector (B2G).

Key issues identified

- Scope and data definition
- B2B data sharing requirements
- B2G mandatory data sharing
- Exemptions from data sharing obligations for SMEs
- Compensation for making data available
- Transition period before the regulation applies

CECE advocacy activities

- ✓ *Position paper approved and published on the CECE website on 10 October 2022 ([link](#))*
- ✓ *Recommendations for amendments (35 proposals in total) approved and shared with the committees responsible for the file within the European Parliament (ITRE, IMCO, JURI, LIBE)*
- ✓ *Exchange and cooperation with other European industry associations (Orgalim, CEMA, ACEA, APPLiA)*

Cyber Resilience Act

On 15 September 2022, the European Commission published the Cyber Resilience Act (CRA) proposal aimed at establishing cybersecurity rules for the placing on the market of all connected digital products and components, including both hardware and software.

Key issues identified

- In-scope products (Need to clearly state that machinery products embedding compliant critical products/components are not considered final critical products)
- Timeframe-related issues (development of harmonised standards, CRA requirements implementation and transition period, accreditation of notified bodies)
- Criticality criteria and list of critical products (conformity assessment procedures to follow)

CECE advocacy activities

- ✓ *Response to the EC questionnaire on the CRA initiative submitted in May 2022*
- ✓ *Feedback to the EC public consultation on the CRA proposal submitted on 22 December 2022 and published on 'Have your say' ([link](#))*
- ✓ *Exchange of views with the European Commission (DG CNECT Unit responsible for the file)*

Artificial Intelligence Act

On 21 April 2021, the European Commission published the AI Act proposal with the aim to introduce harmonised rules for the development, placement on the market and use of AI systems in the Union (risk-based approach). Part of a legislative package including the proposal for the new Machinery Regulation, the negotiations on the AI act (less advanced) were decoupled from those on the draft machinery regulation – see *Annex 1, item 24* on high-risk AI.

Key issues identified

- Single future-proof definition of “AI system” (system that uses software, clear set of techniques, focus on machine-based along human-based inputs, elements of autonomy – *in line with the Council mandate*)
- Definition of high-risk AI (*self-evolving behaviour* concept, AI as main safety component, system generating recommendations that do not require human intervention – *still under discussion in Parliament*)

CECE advocacy activities

- ✓ *Recommendations for amendments to the “AI system” definition vis-à-vis the Council of the EU*
- ✓ *Analysis of the amendments proposed by co-legislators to identify those in line with CECE views on the file*
- ✓ *Supported actions aimed at raising awareness of policy makers on the construction machinery sector concerns through cooperation with other European industry associations (e.g. Orgalim)*

Regulatory Update – PT Data



Next Steps...

Data Act proposal

- Council and EP mandates expected in Q1 2023
- Interinstitutional negotiations expected to start in Q2 2023
- Adoption of the final text expected by the end of 2023
- ✓ CECE will continue with the advocacy on the file

Cyber Resilience Act (CRA) proposal

- Allocation of competences on the file among the committees responsible in the European Parliament & Swedish Presidency of the Council to continue the work on the file initiated under the previous mandate (Czech presidency)
- Adoption of the final text by mid-2024 (end of current parliamentary mandate)
- ✓ CECE will publish a position paper on the proposal and start advocacy on the file

Artificial Intelligence Act (AIA) proposal

- Council's General Approach adopted on 6 December 2022 ([link](#) to the text)
- EP mandate expected end of Q1 2023
- Interinstitutional negotiations expected to start in Q2 2023
- Adoption of the final text expected in Q1 2024
- ✓ CECE will closely monitor the legislative developments of the file

Regulatory Update – PT 3R



Main topics followed

- Review F-gas regulation
- Ecodesign for Sustainable Products Regulation (ESPR)
- Batteries and Waste Batteries regulation
- REACH:
 - REACH revision
 - Restrictions follow-up

Team leader

Sofia Cerny (SACE)

Team secretary

Belén Bravo (CECE)

Ecodesign for Sustainable Products Regulation (ESPR)

On 30 March 2022, the European Commission published the Ecodesign for Sustainable Products Regulation proposal as part of the **Circular Economy package I**. The ESPR aims to set a framework for the establishment of both information and performance ecodesign requirements.

The ESPR will repeal the **Ecodesign Directive** and extend its scope beyond energy-related products. It will maintain its core principles, including setting tailored requirements per product group in coordination with relevant stakeholders (Ecodesign Forum) and via delegated acts.



Key issues identified

- New definition of **Substance of Concern (SoC)**.
- New definitions introduced such as remanufacturing, refurbishing, product, components, etc.
- Set up a **Digital Product Passport (DPP)**.

CECE advocacy activities

- ✓ Coordination with Orgalim and follow-up of the working plan.

Batteries and Waste Batteries regulation

On 9 December 2022, the European Parliament and Council reached a provisional agreement on the new Batteries and Waste Batteries regulation. The new regulation aims to boost batteries' sustainability and safety throughout their full life cycle, and it repeals Directive 2006/66/EC.

The regulation applies to all type of batteries including automotive, electric vehicle, industrial and portable batteries and covers aspects such as:

- **Carbon footprint** requirements
- Mandatory requirements for **recycled content**
- **Durability and performance requirements**
- Removability and replaceability
- **Labelling** requirements and use of a **QR code, digital passport**
- Information on the **state of health and expected lifetime** of batteries
- **Due diligence** requirements
- **Register of producers**
- Repurposing and **remanufacturing**

CECE advocacy activities

- ✓ Position paper published on the CECE website on 1 June 2021 ([link](#)).
- ✓ CECE advocacy vis-à-vis of the EU Parliament and Council. Positive feedback.

REACH

1. REACH review process

The ongoing review of REACH is one of the actions from the Chemical Strategy and it aims, among others, to reform the **REACH authorisation and restriction** processes, strengthen REACH compliance and extend to professional users under REACH the level of protection granted to consumers.

Complementary studies support the review, this includes the assessment of mixture assessment factor(s); the definition of 'essential uses' and the simplifying communication in the supply chains (Safety Data Sheets).

A public consultation took place on April 2022. The proposal from the European Commission is expected on **Q4 2023**.

CECE advocacy activities

- ✓ **CECE** follows-up the review process and provided input to the public consultation.
- ✓ **CECE** follows-up the definition of essential uses.



REACH

2. PFAS restriction

Germany, the Netherlands, Denmark, Sweden and Norway agreed to prepare a joint **REACH restriction proposal** for the manufacture and use of a wide range of **per-and polyfluoroalkyl substances (PFAS)**.

All PFAS are highly persistent in the environment and some of them have been documented as toxic and/or bioaccumulative substances, both with respect to human health as well as the environment.

The restriction proposal was submitted to ECHA on 13 January 2023 and it will be published on 7 February.

CECE advocacy activities

- ✓ October 2021 - CECE provided input on the (broad) identified impact of the restriction and uses and applications of PFAS in construction machinery.

Next Steps...

Ecodesign for Sustainable Products Regulation (ESPR)

- The European Commission will launch a public consultation on the categories of products to be selected under the first Ecodesign for Sustainable Products Regulation **working plan** by beginning of 2023.
- ✓ **CECE** will assess the scope of the working plan and its impact on the sector.

Batteries and Waste Batteries Regulation

- Publication of the final text expected in Q1 2023.
- ✓ **CECE** will assess the final text in coordination between PT Electrification and PT 3R.

REACH review

- Proposal expected Q4 2023.
- ✓ **CECE** will assess the proposal and follow-up the ‘essential use’ definition study.

PFAS restriction

- Public consultation on the Annex XV restriction proposal expected on 7 February.
- ✓ **CECE** will assess the proposal and discuss a possible input to the public consultation.

Regulatory Update – PT Road



Team leader	Alessandro Rossi
Team secretary	Martina Griffo (CECE)

Main topics followed

- Industry initiative on harmonizing road circulation requirements for mobile machinery in the EU
- Commission initiatives and work in progress (workshops and consultations)
- National initiatives on national homologation or type approval

Regulatory Update – PT Road



Initiative on harmonizing road circulation requirements for mobile machinery

• Context

- Missing harmonization in public road circulation requirements
- Need for 1 single harmonised set of rules common to all EU member states.
- Need for a simplified approach due to several subjects already covered by harmonised legislation

• State of play

- ITF technical document submitted to the European Commission (EC) back in 2019
- Proposal from EC based on the ITF technical proposal undergoing internal approval
- Framework proposal expected to be published in 2023

✓ CECE (main) activities

- ✓ European Commission workshop to discuss the key characteristics of the legal proposal
- ✓ Feedback related to the validity of EU-type approvals

Next Steps...

- Publication of the framework proposal
- Publication of the delegated acts to the framework proposal
- ✓ CECE will be involved at every stage of the legislative process

Regulatory Update – PT Noise



Team leader

Darius Soßdorf

Team secretary

Martina Griffo (CECE)

Main topics followed

- Revision of the Outdoor Noise Directive (OND)
- The work of the Commission Outdoor-Noise Working Group

Revision of the Outdoor Noise Directive

- **2-step revision process**
 - Annex III: the European Commission is currently revising the noise test codes and measurement methods in the OND Annex III
 - Full revision: After the revision of the OND Annex III, the Commission will revise the whole legislation, including conformity assessment procedures and noise levels.

Regulatory Update – PT Noise



Revision of the Outdoor Noise Directive (OND)

- **State of play**

- Annex III of the OND is still under internal legal review. Its publication is expected in early 2023
- A public consultation will be launched in early 2023

- ✓ **CECE (main) activities**

- ✓ CECE worked actively to provide input at all stages of the revision of Annex III
- ✓ CECE prepared an updated table of test codes and measurements for CECE products

Next Steps...

- Publication of the revised Annex III and the (future) full revision of the Directive
- ✓ CECE will follow the publication of Annex III and provide feedback to the public consultation

Regulatory Update – Brexit



- Easements to UKCA requirements
 - CE marking deadline
 - Conformity assessments by third-parties
 - Labelling of imported stock
 - Spare parts
 - UKCA mark & importer information
- Designated standards
- Advocacy
- GB type-approvals

Regulatory Update – Brexit



- CE marking deadline
 - CE marked machines can be placed on the GB market until 31st December 2024.
 - This represents further 2 year delay to the 1 year previously advised.
 - Note: This has no affect UKCA marking, which is already valid and can be used today.
- Conformity assessments by third-parties
 - Where legislation calls for mandatory third-party conformity assessments:
 - UK will continue to accept conformity assessments performed by EU recognised Notified Bodies as the basis for applying the UKCA mark.
 - This means that conformity assessment approvals obtained in the course of CE marking activity will be accepted as the basis for UKCA marking, provided that the conformity assessment was performed by 31st December 2024.
 - This is a temporary measure; approvals from EU recognised Notified Bodies will remain valid for UKCA marking until the expiry of their certificate or until 31st December 2027, whichever is sooner.

Regulatory Update – Brexit



- Labelling of imported stock
 - To ease the 2024/2025 transition, CE marked goods that have been imported under contract into GB by the end of 2024 will not need to be retested and remarked.
 - This means that manufacturers will not need to conduct UKCA labelling of stock that is CE marked and imported under contract into the UK by the end of 2024.
- Spare parts
 - UK will continue to accept the placing of CE marked spare parts onto the GB market after 31st December 2024 provided that they comply with the same conformity assessment requirements that were in place at the time the original product or system they are intended to replace was placed on the market.
 - This means that CE marked spare parts can be placed on the GB market after 31st December 2024 provided that they are to be installed in a CE marked machine.

Regulatory Update – Brexit



- UKCA mark & importer's information
 - Until 31st December 2025 the UKCA mark itself and the importer's details~ can be either on a label(s) affixed directly to the machine or they can be provided on an accompanying document(s).
 - From 1st January 2026 these pieces of information must be provided on a label(s) affixed directly to the machine, i.e. they cannot be provided on an accompanying document(s) from that date.
 - ~ This easement applies only to products imported to GB from EU/EEA countries. For products imported from RoW, the information must already be on a label(s) affixed directly to the machine.
- Designated standards
 - UK maintains a list of so-called designated standards, which are equivalent to EU harmonised standards, i.e. they offer a presumption of conformity to UK regulations.
 - This list currently mirrors the OJEU publications covering harmonised standards, hence EU/GB alignment is maintained.

Regulatory Update – Brexit



- Advocacy – UK Equipment and Machinery Industry Forum
 - This forum comprises UK trade associations that represent machinery manufacturers.
 - Was established in 2022 and has an ever growing membership, with 13 trade associations currently participating.
 - Aim is to work on matters of mutual interest to form common industry positions on interpretations of UK law.
 - Is also main channel for advocacy from industry to UK machinery regulators.
 - Successful outcome for all stakeholders to date.

Regulatory Update – Brexit



- NRMM engines – Provisional GB type-approval
 - As of 1st January 2023, NRMM engines placed on the GB market must have a provisional GBTA.
 - This is primarily an administrative/paperwork matter.
 - Will not require any additional engine marking.
 - Engine manufacturer will receive letter from VCA confirming that provisional GBTA approval has been granted and providing the type approval number.
 - OEMs are therefore recommended to seek verification from their engine supplier that a valid provisional GBTA has been obtained.
 - This could be in the form of obtaining a copy of the confirmation letter to be stored in their technical file.
 - Provisional GBTAs remain valid for 24 months.
- NRMM engines – Full GB type-approval
 - The provisional GBTA scheme remains open until 31st December 2027.
 - The full GBTA scheme will then be implemented.

Contact us



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A woman wearing a white hard hat, safety glasses, and a high-visibility orange and yellow safety vest over a white shirt. She is wearing black gloves and is looking intently at a piece of industrial equipment. The background is a blurred industrial environment with warm lighting.

**Thank you for your
attention!**

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