

Is the EU Data Act regulation an opportunity or challenge for the construction equipment industry?

# The impact of the EU Data Act regulation

In less than a year, the new Data Act regulation will enter into application. Perceived as a real game-changer by the industry since the beginning, the Data Act will ultimately alter the existing business models on data sharing by introducing new obligations for manufacturers of all connected products, including construction equipment. The new legislation on industrial data is indeed centred around data holders' access and usage rights over industrial data rather than on the ownership of the data. The essential question to better understand the logic of the Data Act is not "who owns data?", but "who has the right and ability to access it?"

CECE has been following the developments around the Data Act regulation by the time of the European Commission's proposal (published in February 2022). Since then, CECE closely cooperated with data experts from a large variety of sectors and industries, all impacted by the new IoT data-sharing requirements and obligations. Thanks to the expert support of its members, CECE structured a consolidated position and identified potential impacts for the industry.

## TRENDING TOPIC

Due to its importance for the construction equipment industry, the topic was also relevant at this year's Technical

Forum of CECE Congress 2024, which took place in Madrid on 25 October. The conference brought together industry experts, policy makers and key stakeholders. Intending to discuss the future of the European construction equipment sector, the overarching theme of this year's event focused on the new rights and obligations in relation to industrial data introduced by the Data Act Regulation.

The participants aimed at shifting through the new European framework for industrial data access and use taking into consideration both the opportunities and the challenges identified by the different economic operators. The intention was to explore and learn more about the key aspects of the Data Act legislation, talking about the different perspectives on data management and data sharing business models from a broad range of stakeholders.

## MORE OPPORTUNITY

The Technical Forum's seminar targeted the most relevant, and most of the time controversial aspects of the new Data Act regulation. The presentations and exchange of views mainly revolved around the elements to be considered by European companies operating in construction machinery to fulfil the new rules for industrial data sharing.

The first session kicked off with a presentation from Antonio Biason from the European Commission's Unit responsible for the Data Act regulation. His intervention focused on the new applicable rules for B2B data sharing in the context of the IoT market. Clarifications have

been provided in relation to key concepts and definitions under the new regulation, such as who is considered data holder in complex use cases – involving, for example, the component supplier, the manufacturer of the final machine, and the service provider. In addition, the Commission's insight on the difference between direct and indirect access to data, as well as the application of the "soft" design obligation for EU manufacturers caught the attention of the audience.

The second session of the day provided an overview of the timeline and key milestones of the project for an industry common guidance on the implementation of the Data Act regulation, which is currently in the making. Under the leadership of Orgalim, CECE played and continues to play a prominent role in defining the industry position on and interpretation of the Data Act regulation. The Data Act guidance project is planned for publication in the first quarter of 2025, and the target audience will first and foremost be the industry.

The first chunk of the Technical Forum concluded with a session on the data sharing business models in construction equipment, touching upon the company perspective and relevant use case examples.

The second part of the Forum touched upon the implications for construction equipment from the perspective of both engine manufacturers and rental companies.

The panel debate "Implementing the new data sharing obligations: opportunity or challenge for construction equipment

companies?" rounded off the CECE Technical Forum 2024. The panellists presented the perspectives of OEMs (as data holders), service providers (as either data holders or third parties), and contractors (as users) in relation to the impacts expected by companies in construction machinery.

## CHALLENGES AHEAD

Thanks to CECE's successful advocacy and consistent engagement with policymakers, the shift in perspective of EU companies and economic operators in the CECE area was evident during the event. The Data Act, initially seen as an obstacle to contractual freedom and innovation, is now seen as an opportunity rather than a challenge.

While there are challenges construction equipment manufacturers will face to get prepared for the implementation of the new requirements, the opportunities for innovation through increased data access are substantial with a focus on data development and smarter machines. This will also contribute to more value-added services and maintain a competitive edge in the market.

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