



REINDUSTRIALIZING EUROPE

WHERE IS THE CONSTRUCTION
EQUIPMENT SECTOR GOING?

23-25 Oct
2024
MADRID

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Regulatory Update

PT Machinery

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Main topics followed

Team leaders	Jason Ong (CEA) Marie Poidevin (EVOLIS)
Team secretary	Martina Griffo (CECE)

- **Machinery Regulation (MR)** and its implementation phase
- Development of **harmonised standards** and other **standardisation-related matters**
 - **EN 474-1**
 - Regulation **1025/2012** → under evaluation → CECE contributed to the PC via Orgalim ([link](#))
- Other legislations e.g.
 - Radio Equipment Directive (**RED**)
 - Delegated Regulation (EU) **2023/2444** → Application date: August 1, 2025 ([link](#))
 - Pressure Equipment Directive (**PED**)
 - Product liability Directive (**PLD**)

CECE is member of the European Commission **Machinery & PED Expert Group(s)** and observer within CEN-CENELEC

PT Machinery

Machinery Regulation:

- December 2022: the EU institutions reached a provisional agreement
- OJEU publication in June 2023 ([link](#))
- Entry into force: **19 July 2023**

Application Date: 20 January 2027

- **No voluntary application** of MR by manufacturers before 2027
- **Transitional period** provided in the new Regulation is 42 months (3½ years)

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CECE current key actions

CECE Advocacy for **Interpretation Guide** on New Health & Safety Requirements

- **Editorial Group:** within the European Commission (to be activated)
- **Orgalim Project Teams:** Coordination/drafting groups to propose preliminary industry interpretations

Ongoing:

- Contact with overhead-powerlines (3.5.4)
- Protection against corruption (1.1.9-1.2.1)
- Supervisory function (3.2.4)
- Seating (3.2.2)

Upcoming:

- Self-evolving behavior (Annex I)
- Digital instructions



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Standardisation related matters

EN 474-1

- Commission [Implementing Decision 2023/1586](#): Entered into force August 2, supporting the Machinery Directive.
- Harmonised Standards for **Earth-Moving Machinery**: Part 3 references standards from EN 474-1:2022 to EN 474-13:2022.
- Date of withdrawal: **2 February 2025**

Next Steps: Monitoring publication of the first Machinery Regulation standards in the OJ and the last under the Machinery Directive (MD)

Continuity of Presumption of Conformity: Ensuring that hENs cited under MD maintain their presumption of conformity when carried over to the MR.



Key Exercise: Transfer as many hENs from MD OJEU to MR OJEU as possible.

- **Challenge:** Most current hENs don't fully cover the new EHSRs of MR, and revising all by Jan. 2027 is unrealistic.
- **Solution:** Perform a **gap analysis** to assess the impact of new or modified EHSRs on hENs under MD.
 - *Deadline:* End of **October 2024** for hENs already cited in OJEU, with a longer deadline expected for those to be cited in 2025.

Draft Standardization Request

- Important to finalise Standardization Request very soon → legal basis for hENs for MR
- The EC confirmed that the work is coming to an end

Radio Equipment Directive

- Citation of **EN 18031-1/2/3** Standards (RED)
- Guide to **application** → task under AdCo
- RED **Cybersecurity** standardisation developments (Common security requirements for radio equipment)
 - **EN 18031-1:2024** - Part 1: Internet connected radio equipment
 - **EN 18031-2:2024** - Part 2: radio equipment processing data
 - **EN 18031-3:2024** - Part 3: Internet connected radio equipment processing virtual money or monetary value



Status: Awaiting EUOJ citation; approved by NSBs but negatively assessed by the HAS consultant.

Scope & Use: Applies to radio equipment with cybersecurity elements, ensuring RED compliance, and could aid CRA compliance despite its broader scope.

Citation expected for **Directive 2014/53/EU**

Regulatory Update

PT Data

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Team leaders	Marie Poidevin (EVOLIS) Onayemi Onabiyi (FMIB)
Team secretary	Laura Fiumara (CECE)

Main topics followed

- **Data Act** – New horizontal regulation on data access and use
- **Cyber Resilience Act (CRA)** – Proposal for a regulation on horizontal cybersecurity requirements for products with digital elements
- **Artificial Intelligence Act (AIA)** – New regulation on harmonised rules on artificial intelligence

Other legislation monitored

- **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)

Data Act

- Published in the EU's Official Journal in **December 2023** ([link](#))
- Entered into force on **11 January 2024**
- Application will start in **September 2025**
 - ↳ With no design changes for products available on the market
- Design obligation applicable to **new product** after **September 2026**
 - ↳ With certain flexibility for manufacturers' discretion on design choices

CECE advocacy & activities

- ✓ ***CECE Ad-hoc Group of experts*** to assess the impact on the sector
- ✓ Participation in ***sectoral workshops*** organised by the Commission
- ✓ Development of ***industry common guidance*** for the Data Act implementation

Cyber Resilience Act (CRA)

- Provisional agreement reached in **November 2023**
- Final legal text officially adopted on **10 October** ([link](#))
- Publication in the EU's Official Journal expected in the coming weeks
- The new regulation will be applicable in **Q4 2027**
 - ↳ **Transition period** equal to 36 months (3-years time after entry in force)

CECE advocacy & activities

- ✓ *Main theme of the **CECE Summit 2023** in Brussels (Panel discussion)*
- ✓ *Cooperation with other industry associations on **application timeline and implementation***
- ✓ *Focus on the **interplay with the Machinery regulation** (Commission's guidance will be published)*
- ✓ *Monitor the transition from the RED DA to **CRA standards** (to be published by Q3 2026)*

Artificial Intelligence Act (AIA)

- Published in the EU's Official Journal in July 2024 ([link](#))
- Entered into force on **1 August 2024**
- **Gradual phasing-in:** Fully applicable in **August 2026**
 - ↳ **High-risk AI machinery obligations** applicable from **2 August 2027**

CECE advocacy & activities

- ✓ *Focus on **AI system definition** in comparison with the Machinery Reg (& high-risk machinery)*
- ✓ *Focus on the **interplay with the RED** (EC interpretation of radio equipment classified as high-risk AI)*
- ✓ *Cooperation with Orgalim on next steps & implementation*

Regulatory Update

PT 3R

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Main topics followed

Team leaders	Sofia Cerny (SACE) Holger Kellerbauer (CEA)
Team secretary	Laura Fiumara (CECE)

- **Revised F-gases regulation** – New regulation on fluorinated greenhouse gases
- **Ecodesign for Sustainable Products Regulation (ESPR)** – New framework regulation for setting ecodesign requirements on specific product groups
- **Batteries and Waste Batteries regulation** – New regulation on sustainability, safety, labelling, marking and information requirements for the placing on the market or putting into service of batteries in the EU
- **REACH**
 - **REACH revision** to reform the REACH authorization and restriction processes & extend to professional users the level of protection granted to consumers
 - **Universal restriction proposal on Per- and polyfluoroalkyl substances (PFASs)**, including when used in articles

Other legislation monitored

- **EU Deforestation Regulation** – New regulation on the making available on the market and the export from the Union of certain commodities and products associated with deforestation and forest degradation

Revised F-gases regulation

- Published in the EU's Official Journal in **February 2024** ([link](#))
- Entered into force on **11 March 2024**
- The Commission started implementation in **September 2024** ([link](#))

Key issues identified

- New registration and labelling requirements for **R-1234yf** and **R-134a**, and new import and export rules.

CECE advocacy & activities

- ✓ *CECE engaged with the Spanish Presidency of the Council on R-1234yf*
- ✓ *CECE monitors the publication of secondary legislation (Implementing Acts)*

Ecodesign for Sustainable Products Regulation (ESPR)

- Published in the EU's Official Journal and entered into force on **18 July 2024** ([link](#))
- Commission's Standardisation Request on DPP published in late July 2024
- **Measures on steel and iron** expected in **Q3-Q4 2025** (applicable in mid-2027)
- **FAQs document** published on 25 September 2024 > clarifications on new definitions and DPPs
- **The ESPR Working Plan is expected in March 2025**



Key issues identified

- New definitions of **Substances of Concern (SoC)**, remanufacturing, refurbishing, component
- **Digital Product Passport (DPP)**

CECE advocacy & activities

- ✓ *CECE is monitoring the implementation workplan & new measures for product categories*
- ✓ *CECE is involved in consultation on Commission's Preparatory Study on Steel and Iron*

Batteries and Waste Batteries regulation

- Published in the EU's Official Journal in **July 2023** ([link](#))
- Entered into force in **August 2023**
- Application started in **February 2024**
- Batteries Directive will be repealed in August 2025
- Fully applicable in **August 2036**
- Commission's Standardisation Request on **DPP** published in **late July 2024**

CECE advocacy & activities

- ✓ *CECE successful advocacy on the SLI definition, BMS scope and date of placing on the EU market*
- ✓ *CECE submitted feedback on **Commission's Guidelines** in March 2024*
- ✓ *CECE is involved in stakeholder consultations (public and closed) and Commission's workshops on **Performance & Durability** and **Due Diligence requirements***
- ✓ *CECE monitors the standardization works regarding the DPP (incl. Battery Passport)*

PFAS restrictions (under REACH)

- The **European Chemicals Agency (ECHA)** published PFAS restriction proposal on **7 February 2023**
- **ECHA committees** on Risk Assessment (**RAC**) and Socio-Economic Analysis (**SEAC**) started evaluation
- F-gases applications & **Transport** (incl. NRMM - *tbc*) sectors to be evaluated in **March 2025**
- ECHA RAC and SEAC to publish Opinions by end 2025
- New ECHA Stakeholder Consultation expected in 2025

CECE advocacy & activities

- ✓ ***CECE Position Paper released on 17 May 2023 ([link](#))***
- ✓ *Joint industry letter to DG GROW and DG ENV (CECE, CEMA, EGMF, FEM)*
- ✓ ***Joint industry questions on the sectors' scope to ECHA (CECE, EUROMOT, CEMA, EGMF)***
- ✓ *CECE will submit feedback on ECHA's SEAC Opinion*
- ✓ ***The JTLM Joint Declaration on PFAS published in May 2024 (International advocacy) ([link](#))***



Regulatory Update

PT Engine emissions & alternative fuels

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PT Engine emissions & alternative fuels



Main topics followed

Team leaders	Jason Ong (CEA) Igor de Liefde (FMIB)
Team secretary	Martina Griffo (CECE)

- **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**

PT Engine emissions & alternative fuels



Regulation (EU) 2016/1628 (stage V)

- **Stage V Report:** Expected in 2025 (but no precise timeline), potentially sparking preliminary discussions for a **Stage VI**.
- Some **Member States** are already beginning to develop positions on the future of Stage VI.
- Next Steps: New European Commission to **assess potential revision** of the regulation in the coming years.

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

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PT Engine emissions & alternative fuels



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.

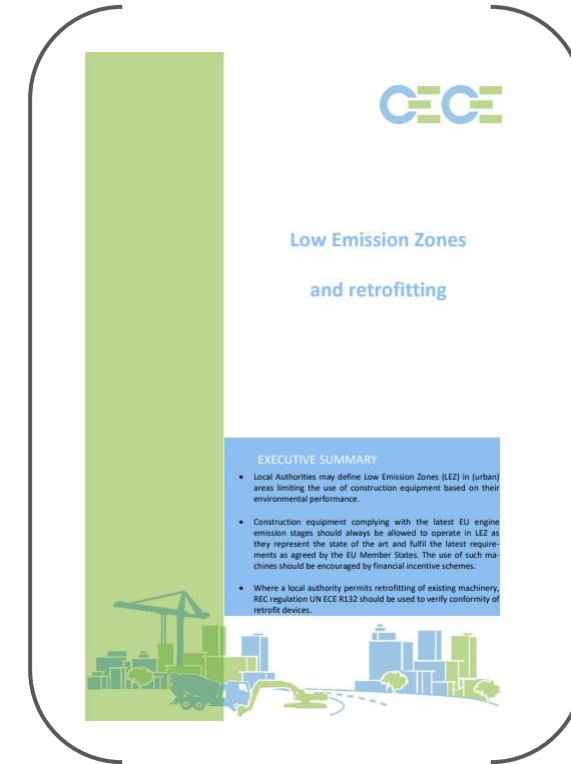
Alternative fuels

- 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.

PT Engine emissions & alternative fuels

CECE key actions:

- **Retrofitting** – update the [position paper](#) to only focus on retrofitting
- **Monitoring:** Revised Ambient Air Quality Directive (**AAQD**)
 - Assessment Thresholds for Health Protection
 - Short-term action plans defining emergency measures mitigate the immediate risk to human health in areas where the alert thresholds will be exceeded.



Regulatory Update

PT Electrification

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Main topics followed

Team leader	Dale Camsell (CEA)
Team secretary	Martina Griffo (CECE)

- 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.

CECE key actions:

- Interpretation of **UNECE R100 & UNECE R85** by the Notified Bodies across the EU → joint with PT Road
- **Outdoor Noise Directive**, in reference to electric driven machines → joint with PT Noise.
- Identification of most relevant **legislation & standards** applicable to electrically driven.

Regulatory Update

PT Road Circulation

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Main topics followed

- Industry initiative on harmonizing road circulation requirements for mobile machinery in the EU
- Commission initiatives and work in progress (e.g., public consultations)
- National initiatives on national homologation or type approval
- Electric driven machines

CECE is member of the European Commission **Road Circulation Expert Group**

Team leaders	Alessandro Rossi (CEA) Andrea Galassi (UNACEA)
Team secretary	Martina Griffo (CECE)

Regulation on Non-Road Mobile Machinery (NRMM) circulating on public roads

- Proposal in March 2023
- EP Plenary: adoption provisional agreement in May
- Publication and **entry into** force expected in **Q4**

Key characteristics:

- **U-category**
- **Small series** threshold: 70
- **Individual** approval
- Scope: **self-propelled machinery** only (towed machinery equipment not covered)
- *Delegated* acts to establish the **methodology** for calculating the threshold values
- *Implementing* acts to set the **threshold** values themselves
- Member States retain the power to prohibit the use of **fully autonomous machinery**

Next Steps:

- Publication of the delegated acts to the framework proposal (2 years)
- ✓ **CECE** will be involved at every stage of the legislative process

FKA/TRL study on the type approval of NRMM (ongoing)

- Focus: development of the EU technical requirements for NRMM intended to circulate on the road that will be included in the secondary legislation to the EU NRMM Type approval regulation
- Expected to be published in **Q4**

Regulatory Update

PT Noise

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Main topics followed

- Outdoor Noise Directive (OND): Directive 2000/14/EC
 - Main focus: *Annex III* on the methodologies for measuring the sound power levels of equipment used outdoors.
- Electric driven machines

CECE is member of the European Commission **Noise Expert Group**

Team leader	Alessandro Rossi (CEA)
Team secretary	Martina Griffo (CECE)

Revision of Annex III of OND

- Delegated Regulation (EU) 2024/1208 amending [Annex III OND](#)
- Publication in OJEU on **2 May 2024**
- Application (12 months) → **22 May 2025**
- Transition period for existing products (**3-year**)
 - Different transition period for Art. 12 and 13

Full Revision of the OND:

- **No Current Plans:** no initiatives planned in the coming future.
- **CECE Monitoring:** CECE will closely monitor potential new plans under the new European Commission.

Simplifying Reporting Requirements – Article 16 OND

- EC aims to **simplify reporting** for manufacturers by removing Article 16 of the OND and reducing reporting requirements by 25%.
- **Consultation:** CECE submitted a position paper supporting the proposal.
- Institutions' adoption:
 - ✓ On March 14, 2024: the [EP](#) fully endorsed the EC proposal.
 - ✓ On 8 October : [Council](#) approved EP's first reading.

Next Steps: finalisation and publication in the Official Journal of the EU