

FEM

Newsletter

ISSUE 03/2022

**Quarterly publication of the European
Materials Handling Federation**



TABLE OF CONTENTS

FEM NEWS	3
CHRISTOPHE LAUTRAY IS THE NEW PRESIDENT OF FEM	3
FEM BOARD 2022-2024	4
FEM CONGRESS: AN ITALIAN SUCCESS!	4
TASK FORCES ACTIVITIES	5
MACHINERY DIRECTIVE	5
OUTDOOR NOISE	6
ROAD CIRCULATION	6
DIGITALISATION	7
BATTERIES	8
EXHAUST EMISSIONS	9
EU LEGISLATIVE ISSUES	10
GENERAL ISSUES	10
STANDARDISATION POLICY	10
PUBLICATIONS AND EVENTS	11
FEM CONGRESS 2022	11

FEM News

CHRISTOPHE LAUTRAY IS THE NEW PRESIDENT OF FEM

Christophe Lautray, KION ITS EMEA, Executive Vice-President Sales and Services, was unanimously elected as FEM President on 23rd September. The election took place during the General Assembly meeting held on the occasion of the FEM Congress in Franciacorta, Italy.

Members paid tribute to the outgoing President, Jos De Vuyst, CEO of stow, and thanked him for his highly valued contribution and dedication, while welcoming the new President.

Christophe has been member of the FEM Board since 2014. This is his second term as President of FEM, having previously held the role from 2016-2018, and he comes to the position once again bringing a wealth of experience.

Following his election, Christophe stated *"I am excited to take the role of FEM President once again. Our industry is faced with many challenges including the energy crisis, record inflation and geopolitical instability. At the same time, we are experiencing a tsunami of EU legislation that directly impacts our businesses. In these demanding times, I am more convinced than ever that FEM's work is crucial for protecting our companies' interests and creating conditions that support innovation and competitiveness in Europe."*



Left to right: Jos De Vuyst, Christophe Lautray and Olivier Janin

FEM BOARD 2022-2024

On 23rd September, members elected a new Board of FEM for the period 2022-2024. The Board now consists of the following Directors:

- Christophe Lautray, President, representing EVOLIS (France)
- Jos De Vuyst, Past President, representing Racking and Shelving Equipment Product Group
- Ernesto Dominguez, representing Industrial Trucks Product Group
- Alf-Gunnar Kalgren, representing MHG (Sweden)
- Rodolfo Occari, representing AISEM (Italy)
- Luisa Parisotto, representing Mobile Elevating Work Platforms Product Group
- Sascha Schmel, representing VDMA (Germany)
- Franz Schulte, representing Cranes and Lifting Equipment Product Group
- Frank van Dijk, representing Intralogistic Systems Product Group

FEM CONGRESS: AN ITALIAN SUCCESS!

More than 100 delegates gathered in Franciacorta, Italy for the FEM 2022 Congress. Since 2018 in Antwerp, it was the first opportunity for all the FEM families to come together and meet in person. The event was a real success, not least thanks to the spotless organisation from FEM's Italian member federation, AISEM. Special thanks to Sabrina Cairoli for a great job whether before or during the event.

On 22nd September, Product Groups held their meetings. Ernesto Dominguez, CEO of Toyota Material Handling Europe, was elected President of PG IT, whilst Frank van Dijk, CTO of Vanderlande became President of PG IS. Luisa Parisotto (PG MEWPs) and Frank Schulte retained their position.

After a great evening at the winery CONTADI CASTALDI, the General Assembly met on 23rd September. The 2023 budget was adopted, and a new Board was elected. Olivier Janin then gave a review of FEM's busy policy work with developments on hot topics such as machinery, battery and digital.



Left to right: Jos De Vuyst, Christophe Lautray, Olivier Janin, Massimiliano Bariola (AISEM President) and Sabrina Cairoli

Task Forces Activities

MACHINERY DIRECTIVE

This summer saw some developments in the revision of the Machinery Directive. After Czechia took over the Presidency of the EU, the proposal was the subject of a first high-level triologue on 15 July.

With the start of this new stage of the decision-making process aimed at reaching a compromise on a future Regulation, FEM has continued its analysis and advocacy work.

Together with the members of our Task Force, FEM worked on the formulation of recommendations on specific articles to formulate recommendations on specific articles for input to the inter-institutional triologue negotiations. These recommendations were communicated to all relevant decision-makers early September. The document includes, among others, a call to remove AI-related definitions, a request to continue to rely on harmonised standards and not to assimilate "new type of product/ new technologies" with "products posing a risk" and recommendations on the transition period between the Directive and the future Regulation.

Moreover, FEM has issued a [specific position](#) on the proposed essential health and safety requirement of Annex I, Risk of contact with live overhead power lines. Indeed, for high mobile machinery, such as cranes or aerial work platforms, the requirements of the draft are technically not feasible. FEM therefore strongly recommends further revision of the present draft, taking into account the current state of the art.

Recently, we have been informed that inter-institutional discussions are continuing in the form of technical meetings addressing each part of the proposal in blocks of topics.

The Parliament has published its [4-column comparison table](#) for this purpose.

As for the next steps, the next high-level dialogue was scheduled for 11 October but will be postponed. The Czech Presidency seems to want to finalise the work by the end of its mandate. Therefore, despite disagreements and delays, an agreement should be reached around Christmas. FEM will continue to follow closely these developments.

OUTDOOR NOISE

Not much progress was made on the revision of the Outdoor Noise Directive (OND), as the European Commission is taking longer than expected to share the final draft of the revised Annex III of the OND (through a Delegated Act).

The public consultation that was foreseen for the autumn 2022 is still pending, meaning that the official date has not yet been set. Therefore, delays might occur.

After the public consultation, the text will pass to the Parliament and Council for scrutiny in Q1 2023. The publication of the Delegated Act is planned for Q1/Q2 2023. Application will probably follow in 2023, although no answer was yet given on the transitional period.

ROAD CIRCULATION

The upcoming European Commission's proposal for a [Regulation on road circulation for non-road mobile machinery](#) that was expected for October/November 2022 is now postponed to December 2022.

The Task Force work will resume when more information on the legislative proposal will be made public.

DIGITALISATION

Artificial Intelligence Act

The FEM Task Force Digitisation is continuing to follow the legislative developments related to the Commission proposal for an [Artificial Intelligence Act](#) (AIA).

The Task Force is currently preparing a voting list suggestion on the amendments that the IMCO-LIBE Committees tabled in the Parliament on the AIA. The voting recommendation will support the already published FEM amendments on the AIA, and will be sent to the rapporteurs, shadow rapporteurs and coordinators.

The Task Force is currently also monitoring the IMCO-LIBE progress in publishing different batches of Compromise Amendments on the AIA, and the progress made by the Council of the EU.

The voting on the IMCO-LIBE report that was scheduled for the end of October was further delayed, and might take place before Easter, next year. The plenary vote might, therefore, be postponed to after Easter. The delays are, once again, reflecting the Parliament's challenges in reaching agreements on such a politicised piece of legislation like the AIA.

The Task Force will continue to follow the upcoming developments on the file and proceed with further advocacy actions to bring forward the FEM voice.

Data Act

The FEM Task Force Digitisation met on 27 September to analyse the ITRE Committee draft report on the Data Act, which reflected a good amount of points FEM presented in the position paper on the Data Act, especially on IPRs and trade secrets. The Task Force, however, still believes that some aspects should better reflect our views, especially on the definition on 'data' and data sharing obligations exemptions for small and micro enterprises.

The Task Force is currently working on amendments that will be sent to the ITRE, IMCO and JURI Committees before their deadlines for amendments (late October/first part of November).

Additionally, the Task Force is currently collecting additional content to support our positions on IPRs, trade secrets and contractual agreements, to prepare for a meeting that the FEM Secretariat, together with the Chair of the Digitisation Task Force, will attend on 13 October, with MEP García del Blanco,

shadow rapporteur on the Data Act, member of the JURI Committee. The JURI Committee was allocated exclusive competences exactly on those three core aspects of the Data Act.

The Task force is continuously closely monitoring the developments on the file.

Cyber Resilience Act

The FEM Task Force Digitisation welcomed the European Commission's proposal for a [Cyber Resilience Act \(CRA\)](#), which was published on 15 September. Members are currently analysing the text and cooperating with Orgalim on the development of initial advocacy actions, notably on a response to a [public consultation](#) initiated by the European Commission.

The CRA introduces mandatory horizontal cybersecurity requirements for hardware and software products with digital elements. The aim is to ensure that such products are less vulnerable, and that manufacturers are responsible for the cybersecurity of a product throughout its life cycle. The upcoming legislation will therefore have an impact on all FEM products containing digital elements.

The European Parliament and the Council are now starting to examine the CRA proposal. The Task Force Digitisation will continue to make sure that the FEM interests are reflected in the Orgalim positions on this file.

BATTERIES

In the last months, the revision process of the Battery Directive – to become a Regulation – kept FEM and its TF Battery busy. As a reminder, at the end of 2020, the European Commission published its [proposal for a new Regulation on batteries and waste batteries](#), which will be replacing and repealing the current Batteries Directive (2006/66/EC). Through this new Regulation, the European Commission aims that all batteries placed on the EU market become sustainable, high-performing and safe all along their entire life cycle. According to the proposal, the materials handling industry will be highly impacted since many new information and sustainability requirements will apply to industrial batteries – the relevant category for materials handling equipment.

The FEM Task Force Battery has continued to closely follow the legislative process. In addition, FEM submitted comments to influence discussions during the ongoing trilogue negotiations between MEPs, the Council, and the Commission. The Task Force Battery also liaised with the Czech Presidency of the Council of the European Union and shared FEM key messages.

The delay in the decision process will also postpone the finalisation of the future regulation, which is now expected for Q2 2023.

EXHAUST EMISSIONS

The UK Vehicle Certification Agency (VCA) has issued new information regarding the GB Provisional Scheme for non-road mobile machinery engines. VCA expects to be able to accept applications from the start of October 2022 through an online portal on their website. Applications should be processed within 10 days. You may note that this is a different application process to those currently using the Provisional GB Scheme. The compulsory deadline to obtain approval to the Provisional GB Scheme is 1 January 2023.

Approvals for NRMM engines cannot be issued until further legislation is in place later this year, however VCA intend to prepare these approvals in advance of this to ensure no delays to the industry.

Currently, non-road mobile machinery engines can still be sold in the GB market using existing EU approval until 1 January 2023. Regarding existing stock, if the NRMM engine is located within the United Kingdom before 1 January 2023 then that engine can continue to be sold without GB Provisional Approval.

A detailed information document from VCA can be obtained from the [secretariat](#).

EU Legislative Issues

General Issues

STANDARDISATION POLICY

The European Commission has adopted the Decision to establish the High-Level Forum (HLF) on European Standardisation on 1 September 2022, as announced in the [Standardisation Strategy](#). The document [Decision C\(2022\)6189](#), which provides the legal basis to set up the High-Level Forum on European Standardisation Expert Group Forum has now been made publicly available in the Commission's Register of Documents.

We are still awaiting the official call for expression of interest for members of the Expert Group. This is expected to come in early October, with a first meeting expected in the last quarter of 2022.

Publications and Events

FEM CONGRESS 2022



Pictures, videos and GA presentations will be circulated to the participants shortly.

Make sure you already mark your calendar for the next FEM meetings in Dortmund on 29-30 March, at the occasion of the 2023 IFOY days.

THIS NEWSLETTER IS RESERVED

TO FEM MEMBERS



FOR ANY ENQUIRY, PLEASE CONTACT:

FEM Aisbl

Olivier Janin, Secretary General

BluePoint Brussels

Bd. A. Reyers 80

B-1030 Brussels (Belgium)

Tel: +32 2 206 68 66

Email: info@fem-eur.com

www.fem-eur.com