

## EGMF comments on the European Commission Work Programme 2020

Brussels, 24 April 2020

Today, European society is facing an extraordinary challenge from the outbreak of Covid-19, which is significantly impacting citizens, workers and businesses.

Only a spirit of cooperation will help to respond to the current challenge: we welcome the coordinated European approach to the exit strategy, which prepares us for the recovery.

As a next step, EU and national leaders are now working on their recovery strategies so that our economy and society return to a normalised functioning. We call on Member States to work closely with EU institutions, as well as industry, to ensure that European and national strategies are harmonised as much as possible. Cooperation and solidarity are prerequisite for a successful future.

In the preparation of the recovery strategy, the European Commission is reassessing its 2020 Work Programme. We support the intention to focus first on initiatives that will directly and tangibly contribute to overcoming the crisis.

In this context, EGMF submits its view on the regulation reviews and new initiatives included in the work programme. We also point out impending compliance deadlines of existing regulations that require flexibility.

### *The Covid-19 crisis seriously impacts the garden and outdoor power equipment sector*

EGMF is the European Federation representing **manufacturers of garden, landscaping, forestry and turf maintenance equipment**. **Our members also produce equipment for food production**. We represent about 18 million units placed every year on the European market and our members employ over 120,000 people in the EU.

Like many industries, the garden and outdoor power equipment sector is severely impacted by the current pandemic. **We face a situation where orders have suddenly dropped and previous orders have been cancelled. Our companies are experiencing a dramatic slowdown, if not a complete shutdown, of their businesses**, which were imposed by national or local rules in many cases. Necessary containment and sanitary protection measures have been implemented all over Europe, thus disrupting work and organisation.

In addition, manufacturers are facing **obstacles to the free flow of goods, workers and services, resulting in interruptions in the supply of parts and components**. While the supply of parts and components, from China started to cease first, further interruptions have then been experienced in the supply chain in Europe and in the US. In addition, the diverging interpretation of which economic activities are considered as essential has further hindered the smooth functioning of the Internal Market.

Green area maintenance and food production operates according to natural cycles and weather conditions. Therefore, **the market for garden and outdoor power equipment is seasonal**: about 70% of sales are made in the first half of the year. Production and sales are scheduled to match the market demand. This period is shaping the business outlook for the whole year.

### *Surviving this unprecedented crisis is the immediate priority*

The situation is critical for the garden and outdoor power equipment industry. Besides production, R&D and product compliance departments dealing with existing and future regulations are shut down or have significantly reduced their workforce.



**Today, we are still missing clarity on when and how activities will re-start.** Besides the duration of the current outbreak, the possibility of further waves raises another major uncertainty concern. Indeed, the recovery depends on the ability and speed of manufacturing sectors to re-mobilize complex multi-country supply chains, which in turn depends on their supply chain.

As the situation and the exit strategy also varies country by country, recovery will not be at the same pace in all regions. This will have a continuous and long-term impact on the European and global activities of our industry.

Therefore, **the immediate priority for our companies is to survive this unprecedented crisis, requiring them to dedicate all available resources to recover.** First, our industry will have to recover from the multiple disruptions and current economic damages caused by the Covid-19 pandemic and, then, strive to survive through the forecasted global recession.

### *A balanced European regulatory framework is vital for the recovery*

**The revised 2020 Work Programme should support the European industry and its competitiveness, while achieving the digital and climate transition objectives.**

The garden and outdoor power equipment **industry is driven by the main principles of quality, safety, innovation and sustainability.** Our mission is to deliver safe, high-quality, durable and innovative products that fully contribute to the green transition and digital transformation in Europe.

As an industry that is close to nature, we depend on the protection of the environment for our jobs and businesses. Our customers rightly expect to maintain their green areas and produce food products not only efficiently, but also with a minimum impact on the environment in general.

Therefore, EGMF does not call to fully freeze all existing and future initiatives. Instead, **initiatives should be assessed or re-assessed on a case by case basis** and decisions should be based on the economic impact, positive or negative, of such measures.

### *Current and planned consultations should be postponed by at least six months*

This situation significantly prevents companies and, consequently trade associations such as EGMF, to properly contribute to consultations and respond to questions raised during stakeholder meetings, e.g. Machinery Working Group. Such exercises are essential to shape a balanced regulatory framework.

Therefore, **all current and planned consultations should be delayed by at least six months.** We require this principle to be applied for both public and targeted consultations.

### *Regulatory pressure on businesses must be lifted*

Today, this unprecedented crisis requires flexibility about impending requirements in existing legislation. **Our industry needs more time to meet applicable EU regulations or those entering into force soon.**

This unexpected crisis seriously impacts our companies, including production facilities, R&D and product compliance departments. It has also stopped laboratory testing of newly developed equipment, and has severely impacted logistics and warehousing operations. Consequently, it upsets the plans to prepare for complying with regulations within the applicable deadlines.

**EGMF's objective is neither to soften, nor to decrease the stringency of the European regulatory framework.** Our members manufacture products that are compliant with ever more demanding EU legislation on safety, ergonomics and the environment, and are committed to continue our efforts in this important progressive process.



Furthermore, postponing the impending requirements listed below will have no environmental impact for the reasons that are detailed below.

However, the lack of action from the European Commission and EU decision makers will cripple Europe's industries, resulting in enormous economic damage. It will also lead to unnecessary waste of raw materials and resources.

**EGMF calls on the European Commission to delay the implementation of the following obligations by at least 12 months:**

- **The application of 2020 and 2021 transition deadlines for non-road mobile machinery and tractors listed in Regulation (EU) 2016/1628 and (EU) 2018/985 for agricultural vehicles.**

As highlighted in the joint industry letter of 25th March, such a postponement will have absolutely no impact from an air quality point of view, as no more transition engines can be manufactured for our industry. It would only give us the necessary time to install the engines already acquired in machines and place these on the market. In fact, a failure to delay these deadlines will have a negative environmental effect since it would result in the scrapping of many thousands of engines, as well as partially built machines and related components.

- **The application of deadline of 5 January 2021 for suppliers of articles to provide information to the ECHA SCIP database (Substances of Concern In articles as such or in complex objects) established under the Waste Framework Directive (2008/98/EC).**

Before this crisis, the deadline of January 2021 was already extremely challenging considering the very high number of articles and complex articles to be included for which information needs to be collected throughout the supply chain. Today, the current supply chain disruption does not allow industry to maintain the completion rate for the information collection. Thus, inputting the required information into the database ahead of the deadline is no longer possible.

In addition, this database requires companies to dedicate both human and IT developments to be tested and implemented under a tight timeline and limited resources. Keeping the current pressure on our businesses is highly questionable considering an impact assessment has never been made.

It should be underlined a delay will not result in damages for human health or the environment. In fact, manufacturers and importers should communicate on the presence of REACH Candidate List substances in their products and, notify ECHA under certain conditions. In addition, manufacturers should also provide information to allow the safe use of the product to the recipients. However, an article contains an SVHC does not necessarily mean that consumers are exposed to it or that there is a risk for consumers.

- **The next updates of the Candidate list in July 2020 and January 2021 under the REACH Regulation (1907/2006/EC).**

The candidate list updates will trigger communication and notification obligations for suppliers of articles pursuant to Articles 33 and 7 of REACH Regulation. The global supply chain disruptions and the related uncertainty about the restart will make it extremely challenging for equipment manufacturers to obtain the necessary information. Today, the Candidate List already includes more than 200 substances, notably ones of very high concerns.

We also suggest putting on hold the update of the restriction and authorisation lists under the REACH Regulation since the contribution to the process and evaluation of alternatives requires sufficient time.



**Regarding market surveillance, EGMF calls on the European Commission to pursue its implementation work on the compliance and enforcement Regulation (EU) 2019/1020.**

We strongly encourage the Commission to pursue the drafting of guidelines for the practical implementation of Article 4 about the tasks of economic operators. This will contribute to build a safer EU single market with a chain of responsible economic operators.

EGMF takes this opportunity to remind the European Commission of the importance of effective and pro-active market surveillance, including the physical testing of products. Effective market surveillance is the only way to ensure product conformity and a level playing field between all manufacturers placing products on the EU market.

### ***The timing of regulations under review should be adjusted***

EGMF recommends the European Commission to take into consideration the effects of the Covid-19 outbreak in the ongoing revision work of EU regulations, notably their timing.

**Specifically, EGMF calls on the European Commission to delay the evaluation and revision processes of the following pieces of legislation to 2021:**

- **Machinery Directive (2006/42/EC)**
- **Outdoor Noise Directive (2000/14/EC)**
- **Low Voltage Directive (2014/35/EU)**
- **Electromagnetic Compatibility Directive (2014/20/EU)**
- **Batteries Directive (2006/66/EC)**
- **General Product Safety Directive (2001/95/EC)**

The primary reasons are that, firstly, we currently face an absence of expertise within our industry, both in terms of time and resources. Some of our companies have had to furlough their staff, while others imposed short-time work or compulsory annual leave. Such measures result in a significant number of compliance experts being absent from work. This absence prevents the experts from contributing to consultations, questionnaires and developing association positions.

The second primary reason is that, as previously explained, the immediate priority for our companies is to survive this unprecedented crisis, requiring them to dedicate all available resources to recover. Therefore, this prevents EGMF and other trade associations to participate in the revision process in a comprehensive and meaningful manner.

In addition, the Covid-19 outbreak negatively impacts the European economy and trade, including our industry. Despite the recovery plan, such impact is likely to have a knock-on effect beyond 2021. Consequently, the socio-economic conditions have changed since the forecasts used to analyse the various policy options are not valid anymore. Such changes should be fully reflected in impact assessment studies and staff working documents written before March 2020, prior to shaping additional requirements and future regulations.

**Although the revision process of some regulations can be maintained, such as the RoHS Directive (2011/65/EU), Covid-19 impacts should be properly considered regarding the enforcement timing.**

**Furthermore, the revised Working Plan 2020 should dedicate European Commission's resources and work on regulatory measures that support the recovery.**



**To this end, we have identified two revision processes and horizontal issues to be continued:**

➤ **Revision of the Blue Guide**

The Blue Guide is essential to maintain harmonisation of the different EU product rules and alignment with the NLF definitions and concepts. We strongly support its key goal of further improving market surveillance in the EU internal market. The Blue Guide revision is necessary to clarify the application of the new Regulation (EU) 2019/1020 with the existing EU acquis.

➤ **Changes to the EC interpretation of Regulation (EU) No 1025/2012 on European Standardisation**

Resolving the increasingly problematic procedure for requesting, monitoring and citing harmonised standards in the Official Journal of the EU cannot be further delayed. Indeed, the newly established procedure results in unacceptable delays. The timely availability of harmonised standards is a cornerstone of the Single Market and is ever more needed in the current situation when supply chains need to be reconstructed. EGMF therefore strongly urges the Commission to continue to work to resolve these issues.

***New initiatives should be reassessed in the light of recovery needs***

We would like to reiterate that we are fully committed to the green and digital transition and therefore do not request any new initiative to be recalled. We firmly believe in innovation: we have continuously invested in technologies to increase efficiency, reduce exhaust and noise emissions and improve product safety.

In line with our request to adjust the timing of the revision process of some regulations, effects of the Covid-19 outbreak should be considered as regards new initiatives listed in the Working Plan 2020. Industry expertise should be primarily dedicated to overcoming this unprecedented challenge and economic impacts should be evaluated.

**Concretely, we call on the European Commission to delay the development of New delegated acts under the Radio Equipment Directive (Directive 2014/53/EU) to 2021.**

Considering the link with cybersecurity and emerging technologies, which will also be addressed in the revision of the Machinery Directive, time and coherence are necessary to properly address these matters. A patchy approach will be detrimental to the recovery and the future of our industries.

**On the contrary, the work on the future EU harmonised rules for the road circulation of mobile machinery should be pursued.**

Although this issue was not listed in the Working Plan 2020, significant progress has already been achieved, which required substantial investment from the industry in terms of time and expertise. In addition, setting harmonised rules will contribute to the industry recovery, notably by cutting unnecessary costs and removing disproportionate administrative burden on equipment manufacturers.

***BREXIT: more time is needed for EU-UK trade negotiations***

The UK ceased its EU membership on 31 January 2020. Although the future EU-UK relationship should be negotiated by the end of the year, **we call on EU leaders to extend the transition period beyond 31 December 2020.**

The current situation does not allow proper negotiation of the future free trade arrangements. It is of utmost importance to avoid any further disruptions to our highly integrated value chains, which are already under pressure due to the current pandemic.





*For further information, please contact EGMF Secretary General,  
[secgen@egmf.org](mailto:secgen@egmf.org)*

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*The European Garden Machinery Industry Federation – EGMF – has been the voice of the garden machinery industry in Europe since 1977. With [30 European corporate members](#) and [7 National Associations](#) representing manufacturers of garden, landscaping, forestry and turf maintenance equipment, we are the most powerful network in this sector in Europe.*

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