



Plenary sitting

A9-0260/2023

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*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) 168/2013, (EU) 2018/858, 2018/1724 and (EU) 2019/1020 (COM(2023)0160 – C9-0061/2023 – 2023/0079(COD))

Committee on Industry, Research and Energy

Rapporteur: Nicola Beer

Rapporteurs for the opinions of associated committees pursuant to Rule 57 of the Rules of Procedure:
Hildegard Bentele, Committee on Development
Anna Michelle Asimakopoulou, Committee on International Trade
Jessica Polfjård, Committee on the Environment, Public Health and Food Safety

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) 168/2013, (EU) 2018/858, 2018/1724 and (EU) 2019/1020 (COM(2023)0160 – C9-0061/2023 – 2023/0079(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0160),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0061/2023),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 12 July 2023¹,
 - having regard to the opinion of the Committee of the Regions of 5 July 2023,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinions of the Committee on International Trade, the Committee on the Environment, Public Health and Food Safety, the Committee on Foreign Affairs, the Committee on Economic and Monetary Affairs, and the Committee on Regional Development,
 - having regard to the report of the Committee on Industry, Research and Energy (A9-0260/2023),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C ... / Not yet published in the Official Journal.

Amendment 1

AMENDMENTS BY THE EUROPEAN PARLIAMENT*

to the Commission proposal

2023/0079(COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) 168/2013, (EU) 2018/858, 2018/1724 and (EU) 2019/1020

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Access to raw materials is essential for the Union economy, ***digital and green transition, security and defence*** and the functioning of the internal market. There is a set of non-energy, non-agricultural raw materials that, due to their high economic importance and their exposure to high supply risk, often caused by a high concentration of supply from a few third countries, are considered critical. Given the

* Amendments: new or amended text is highlighted in bold italics; deletions are indicated by the symbol ■ .

² OJ C , , p. .

key role of many such critical raw materials in realising the green and digital transitions, ***in line with the European Green Deal***, and in light of their use for defence and ***aerospace*** applications, demand will increase exponentially in the coming decades, ***and it is therefore necessary to implement measures to mitigate it and protect the Union from the rising gap between supply and demand at global level. Further raw materials used in other sectors such as agriculture, health or construction, might be exposed to high supply risks in the future.*** At the same time, the risk of supply disruptions is increasing against the background of rising geopolitical tensions and resource competition. Furthermore, if not managed properly, increased demand for critical raw materials could lead to negative environmental and social impacts. Considering these trends, it is necessary to take measures to ensure access to a secure and sustainable supply of critical raw materials through ***mitigating the increase in demand***, fostering substitution and increases in efficiency to reduce the criticality of ***the expected exponential growth in demand in the Union, in order*** to safeguard the Union's economic resilience and open strategic autonomy.

- (1a) ***In addition to growing demand of primary and secondary raw materials, there is a growing demand for skilled workers. The shortage of skilled workers in the Union is already at a critical stage, also in the raw materials sector, which will require an additional 1,2 million skilled workers by 2030 in the e-mobility and renewables sector alone. The Union should therefore support Member States in providing training and skills and consider concrete actions at Union level, such as the establishment of a European raw materials academy to provide talents to the raw and advanced materials sectors, and to reskill and upskill the existing workforce.***
- (1b) ***The security situation in Europe and around the globe requires urgent reflection on how to strengthen supply chain resilience, including in the defence sector.***
- (2) Given the complexity and the transnational character of critical raw material value chains, uncoordinated national measures to ensure a secure and sustainable supply of critical raw materials have a high potential of distorting competition and fragmenting the internal market. Therefore, to safeguard the functioning of the internal market, a common Union framework should be created to collectively address this central challenge ***in a fair and equitable manner, in full compliance with applicable Union***

competition and State aid rules.

- (3) Firstly, in order to effectively ensure the Union's access to a secure and sustainable supply of critical raw materials, that framework should include measures to decrease the Union's growing supply risks by strengthening Union capacities along all stages of the strategic raw materials value chain, including extraction, processing and recycling, towards benchmarks defined for each strategic raw material. ***As regards recycling, the aim should be to improve the recycling capacity of each strategic raw material while taking into account technical and economic feasibility.*** Secondly, as the Union will continue to rely on imports, the framework should include measures to increase the diversification of ***the Unions'*** supplies of strategic raw materials, ***in particular aiming to decrease direct and indirect dependencies on non-reliable partners*** while at the same time ***fostering use of alternatives and substitutions to these critical raw materials, aiming to achieve a lower environmental footprint, to reduce or mitigate the demand for them.*** Thirdly, ***it*** is necessary to provide measures to reinforce the Union's ability to ***identify***, monitor and mitigate existing and future supply risks ***and rapidly act accordingly.*** Fourthly, the framework should contain measures to increase the ***optimised*** circularity and sustainability of the critical raw materials consumed in the Union ***and foster research and development of alternative innovative materials and production methods to substitute raw materials consumed in the Union.*** ***Lastly, measures should be taken to limit the increasing demand for critical raw materials by increasing efficiency and the uptake of materials substitution in the whole value chain.***
- (4) In order to ensure that the measures set out in the Regulation focus on the most relevant materials, a list of strategic raw materials and a list of critical raw materials should be established. Those lists should also serve to guide and coordinate Member States' efforts to contribute to the realisation of the aims of this Regulation. The list of strategic raw materials should contain raw materials that are of high strategic importance, taking into account their use in strategic technologies underpinning the green and digital transitions or for defence or ***aerospace*** applications, that are characterised by a potentially significant gap between global supply and projected demand, and for which an increase in production is relatively difficult, for instance due to long lead-times for new projects increasing supply capacity. To take

account of possible technological and economic changes *as well as ad hoc risks, such as those resulting from geopolitical conflicts or natural catastrophes*, the list of strategic materials should be periodically reviewed and, if necessary, updated. In order to ensure that efforts to increase the Union capacities along the value chain, reinforce the Union's capacity to monitor and mitigate supply risks and increase diversification of supply are focused on the materials for which they are most needed, the relevant measures should only apply to the list of strategic raw materials.

- (5) The list of critical raw materials should contain all strategic raw materials as well as any other raw materials of high importance for the overall Union economy and for which there is a high risk of supply disruption. To take account of possible technological and economic changes, the Commission should, in continuation of current practice, periodically perform an assessment based on data for production, trade, applications, recycling, and substitution for a wide range of raw materials to update the lists of critical and strategic raw materials reflecting the evolution in the economic importance and supply risk associated with those raw materials. The list of critical raw materials should include those raw materials which reach or exceed the thresholds for both economic importance and supply risk, without ranking the relevant raw materials in terms of criticality. This assessment should be based on an average of the latest available data over a 5-year-period. The measures set out in this Regulation related to one stop shop for permitting, planning, exploration, monitoring, circularity, and sustainability should apply to all critical raw materials. *The global demand for critical raw materials is projected to soon exceed supply, making the creation of a level playing field for innovative and sustainable alternatives vital for the Union. This requires not only investments into research but also the creation of market conditions that allow renewable substitutes to compete with traditional fossil raw materials. Therefore, the Union should take anticipative measures to mitigate the expected increase in the consumption of critical raw materials compared to projections, without compromising its industrial base. The list of critical raw materials and related priorities should be taken into account in all relevant Union and national law where those materials are directly or indirectly impacted.*
- (6) To strengthen Union capacities along the strategic raw materials value chain, benchmarks should be set to guide efforts and track progress. The aim should

be to increase capacities for each strategic raw material at each stage of the value chain, while aiming to achieve overall capacity benchmarks for extraction, processing and recycling of strategic raw materials. Firstly, the Union should increase the use of its own geological resources of strategic raw materials and build up capacity to allow it to extract the materials needed to produce at least 10 % of the Union's consumption of strategic raw materials. Keeping in mind that extraction capacity is highly dependent on the availability of Union geological resources, the achievement of this benchmark is dependent on such availability. Secondly, in order to build a full value chain and prevent any bottlenecks at intermediate stages, the Union should in addition increase its processing capacity along the value chain and be able to produce at least 40 % of its annual consumption of strategic raw materials. ***Furthermore, a part of the Union's new processing capacity might be developed under strategic partnerships in the Union lead strategic projects of mutual benefit in third countries, in particular in developing countries and emerging markets.*** Thirdly, it is expected that in the coming decades a growing share of the Union's consumption of strategic raw materials can be covered by secondary raw materials, which would improve both the security and the sustainability of the Union's raw materials supply. Therefore, Union recycling capacity should be able to produce at least ***+10% volume of recycling capacity based on the 2020-2022 baseline for each strategic raw material to at least collect, sort and process 45% of each strategic raw material contained in the Union's waste taking into account technical and economic feasibility.*** These benchmarks refer to the 2030 time horizon, in alignment with the Union's climate and energy targets set under Regulation (EU) 2021/1119 of the European Parliament and of the Council³ and the digital targets under the Digital Decade⁴, which they underpin. Furthermore, quality jobs, including skills development and job-to-job transitions, will address risks in the sectoral labour market and help ensure the EU's competitiveness. ***Within that assessment, flexibility is needed to consider the unique specifications of the raw material in question, including material properties and challenges along the value chain. It should also aim to support existing capacities.***

³ Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (OJ L 243, 9.7.2021, p. 1).

⁴ Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJ L 323, 19.12.2022, p. 4–26)

- (7) For some raw materials, the Union is almost fully dependent on a single country for its supply. Such dependencies *create* a high risk of supply disruptions, ***and, in the case of the People’s Republic of China, increases the Union’s vulnerability and security risks.*** To limit such potential risk and increase the Union’s economic resilience, efforts should be undertaken to ensure that, by 2030, it is not dependent on a single third country for more than 65% of its supply of any strategic raw material, unprocessed and at any stage of processing, giving however special consideration to countries with whom the Union has established a Strategic Partnership on raw materials giving rise to greater assurances regarding supply risks.
- (8) It is necessary to put in place appropriate measures to support Strategic Projects aimed at the extraction, processing or recycling of strategic raw materials in the Union that should, together with Member State efforts, contribute to increasing capacities towards the benchmarks. Other measures, notably on exploration or circularity, ***are equally important*** to the reinforcement of different stages of the value chain and thereby contribute to the achievement of the benchmarks. To ensure that the benchmarks are met in time, the Commission, with the help of the European Critical Raw Materials Board (‘the Board’) should track and report progress towards the benchmarks. In case the reported progress towards the benchmarks is generally insufficient, the Commission should assess the feasibility and proportionality of additional measures. A lack of progress only on a single or small set of strategic raw material should in principle not trigger the need for additional Union efforts.
- (9) In order to build capacities in the Union, the Commission should, with the support of the Board, identify Strategic Projects in the Union that intend to become active in the extraction, processing or recycling of strategic raw materials, ***or in the development and scale-up of substitutes. Strategic Projects should be flagship projects in terms of technological innovation and sustainability.*** Effective support to Strategic Projects has the potential to improve access to materials for downstream sectors as well as to create economic opportunities along the value chain, including for ***small and medium-sized enterprises (SMEs) and local communities*** and contribute to the creation of employment. Therefore, to ensure the development of Strategic Projects across the Union, such projects should benefit from streamlined and predictable permitting procedures and support in gaining access to finance ***which could, if proven successful,***

be a role model for permitting procedures and access to finance for critical or other raw materials. In order to focus support and ensure their added value, projects should, before receiving such support, be assessed against a set of criteria. Strategic Projects in the Union should strengthen the Union's security of supply for strategic raw materials, show sufficient technical feasibility and be implemented in an environmentally and socially sustainable manner. They should also provide cross-border benefits beyond the Member State concerned. Where the Commission assesses these criteria to be fulfilled, it should publish the recognition as a Strategic Project in a decision. As a speedy recognition is key to effectively supporting the Union's security of supply, the assessment process should remain light and not overly burdensome. *Mitigating the increase in demand for critical raw materials is one of the levers by which to strengthen the strategic autonomy of the Union and reduce its global environmental footprint. Therefore, the Commission should develop an indicator to monitor the evolution of the level of criticality and material efficiency of intermediate and final products containing critical raw materials.*

- (10) In order to diversify the Union's supply of strategic raw materials, the Commission should, with the support of the Board, *and in cooperation with like-minded partners,* identify Strategic Projects in third countries *and in the overseas countries and territories referred to in Annex II of the TFEU* that intend to become active in the extraction, processing or recycling of strategic raw materials. *Such projects should respect international standards and conventions related to environmental protection and human rights, and encourage the use of inclusive business models in which local communities participate in decision-making.* To ensure that such Strategic Projects are effectively implemented, they should benefit from improved access to finance *and de-risking mechanisms for investment.* In order to ensure their added value *and mutual benefits for the Union and third countries concerned, including for third countries where they are located,* projects should be assessed against a set of criteria. Like projects in the Union, Strategic Projects in third countries should *contribute to the strengthening of* the Union's security of supply for strategic raw materials, show sufficient technical feasibility and be implemented sustainably *using the framework of a sustainability certification scheme on raw materials recognised by the Commission.* The project should be mutually beneficial for the Union and the third country involved. *Where necessary, the Union will support*

third countries in reinforcing their legal framework, good governance capacity and transparency in the raw materials sector with the aim of making the raw material partnership a mutually beneficial situation, including for the local population. A project should add value in that country and in the case of developing and emerging countries, enable it to move up the value chain while taking into account also its consistency with the principles enshrined in the Treaties, the Union's common commercial policy and strategic priorities as well as the principle of policy coherence for development laid down in Article 208 TFEU. Such value may be derived from the project's contribution to more than one stage of the *raw materials* value chain as well as from creating through the project wider economic and social benefits, including the creation of employment in compliance with international standards *of the International Labour Organization (ILO)*. Where the Commission assesses these criteria to be fulfilled, it should publish the recognition as a Strategic Project in a decision.

- (11) In order to ensure the sustainability of increased raw material production, new raw materials projects should be implemented sustainably. To that end, the Strategic Projects receiving support under this Regulation should be assessed taking into account international instruments covering all aspects of sustainability highlighted in the EU principles for sustainable raw materials⁵, including ensuring environmental protection *including marine and coastal environment*, socially responsible practices, including respect for human rights such as the rights of women and *children, as well as* transparent business practices. Projects should also ensure engagement in good faith as well as comprehensive and meaningful consultations with local communities, including with indigenous peoples. To provide project promoters with a clear and efficient way of complying with this criterion, compliance with relevant Union legislation, international standards, guidelines and principles or participation in *an environmental* certification scheme recognised under this Regulation should be considered sufficient. *Furthermore, the Commission should further engage, in close dialogue with Member States, third countries, industry, standardisation bodies and other relevant stakeholders, in discussions about the development of European*

⁵ European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, EU principles for sustainable raw materials, Publications Office, 2021, <https://data.europa.eu/doi/10.2873/27875>

standards of critical raw materials extraction, processing and recycling. Sustainable and environmentally respectful mining projects, incorporating innovative processes and conducting mineral and metallurgical processing close to the extraction sites, could be regarded as important projects of common European interest. Such projects must significantly contribute to economic growth, job creation, the green and digital transition, and enhance competitiveness for the Union industry and economy. Furthermore, to align with Union values and objectives, such projects should exhibit an unwavering commitment to transparency, education, and community engagement, avoiding the use of fossil fuels through the integration of renewable energy sources, reducing waste, and utilizing sustainable water usage practices. Strategic raw materials are, in most cases, extracted as by-products of a carrier mineral. For the Union to meet the objectives of this Regulation, the by-product nature of strategic raw materials does not impact the strategic nature of such extraction projects. Projects with the aim of extraction can therefore be deemed strategic, both where the strategic mineral is extracted as a main product and where it is extracted as a by-product.

- (12) Any promoter of a strategic raw materials project should be able to apply to the Commission for the recognition of their project as a Strategic Project. The application should include **relevant** documents and evidence related to the criteria. To better assess the social, environmental and economic viability, the feasibility of the project as well as the level of confidence in the estimates, the project promoter should also provide a classification of the project according to the United Nations Framework Classification for Resources, and to allow for objective validation, they should support this classification with relevant evidence. A timetable for the project should also be attached to an application, in order to estimate when the project would be able to contribute towards the benchmarks for domestic capacity or for diversification. As public acceptance of mining projects is crucial for their effective implementation, the promoter should also provide a plan containing measures to facilitate public acceptance. ***This is also valid for projects in third countries.*** Special attention should be paid to social partners, civil society and other oversight actors. The promoter should also provide a business plan providing information regarding the project's financial viability and giving an overview of funding, ***including the ownership structure in order to ensure that project funding does not contradict the aim of increasing the***

cooperation with like-minded partners, especially as regards projects in or financed by partners from third countries. Furthermore, information should be provided on off-take agreements already secured as well as estimates for potential job creation and for the project's needs in terms of skilled workforce, including upskilling and reskilling, and the initiatives envisaged to improve participation of women as well as the overall working conditions.

- (13) To ensure the effective and efficient treatment of applications, the Commission should be able to prioritise the processing of applications for projects related to specific underrepresented value chain stages or strategic raw materials, in order to be able to ensure the Union's balanced progress towards all benchmark for Union capacity included in this Regulation. *The Commission should be able to prioritise Strategic Projects that contribute to circularity of raw materials or submitted by SMEs provided that a balance of projects between the different stages of the value chain is maintained. The Commission should also proactively seek out partner countries to promote strategic collaborations.*
- (14) As the cooperation of the Member State on whose territory a Strategic Project will be implemented is necessary to ensure its effective implementation, that Member State should have the right to object to and thereby prevent that a project is granted the status of Strategic Project against its will. If it does so, the relevant Member State should provide a reasoned justification for its refusal referring to the applicable criteria. Similarly, the Union should not grant the status of Strategic Project to projects that will be implemented by a third country against the will of its government and should therefore refrain from doing so where a third country government objects.
- (15) To prevent misuse of the recognition as Strategic Project, the Commission should be able to repeal its initial decision to recognise a project as strategic if it no longer fulfils the conditions or the recognition was based on an application containing incorrect information. Before it can do so, the Commission should consult the Board and hear the project promoter. *Project promoters should remain entirely liable for any deliberate deceit, and can be subject to potential corresponding judicial proceedings.*
- (16) In light of their importance for ensuring the security of supply of strategic raw materials, Strategic Projects should be considered to be in the public interest *or of public security concern*. Ensuring the security of supply of strategic raw materials is

of crucial importance for the success of the green and digital transitions as well as the resilience of the defence and *aerospace* sectors. To contribute towards security of supply of strategic raw materials in the Union, Member States may provide for support in national permit granting procedures to speed up the realisation of Strategic Projects in accordance with Union law.

- (17) National permit-granting processes ensure that raw materials projects are safe, secure and comply with environmental, social and safety requirements. Union environmental legislation sets common conditions for the process and content of national permit-granting processes, thereby ensuring a high level of environmental protection and allowing for the sustainable exploitation of the Union's potential along the raw materials value chain. Being granted the status of Strategic Project should therefore be without prejudice to any applicable permitting conditions for the relevant projects, including those set out in Directive 2011/92/EU of the European Parliament and of the Council⁶, Council Directive 92/43/EEC⁷, Directive 2000/60/EC⁸ of the European Parliament and of the Council, Directive 2010/75/EU⁹ of the European Parliament and of the Council and Directive 2004/35/CE¹⁰ of the European Parliament and of the Council, Directive 2009/147/EC¹¹ of the European Parliament and of the Council, and Directive 2006/21/EC¹² of the European Parliament and of the Council.
- (18) At the same time, the unpredictability, complexity and, at times, excessive length of national permit-granting processes undermines the investment security needed for the effective development of strategic raw material projects. Therefore, in order to

⁶ Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1).

⁷ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206 22.7.1992, p. 7).

⁸ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

⁹ Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

¹⁰ Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ L 143, 30.4.2004, p. 56).

¹¹ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7-25).

¹² Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC - Statement by the European Parliament, the Council and the Commission (OJ L 102, 11.4.2006, p. 15-34).

ensure and speed up their effective implementation, Member States should apply streamlined and predictable permitting procedure to Strategic Projects. To that end, Strategic Projects should be given priority status at national level to ensure rapid administrative treatment and urgent treatment in all judicial and dispute resolution procedures relating to them. This Regulation should not prevent competent authorities from streamlining permitting for other projects on the critical raw materials value chain that are not Strategic Projects.

- (19) Given their role in ensuring the Union's security of supply for strategic raw materials, and their contribution to the Union's open strategic autonomy and the green and digital transition, Strategic Projects should be considered by the responsible permitting authority as being in the public interest ***and public security concern***. Strategic Projects which have an adverse impact on the environment, to the extent it falls under the scope of Directive 2000/60/EC, Council Directive 92/43/EEC and Directive 2009/147/EC¹³ may be authorised where the responsible permitting authority concludes, based on its case-by-case assessment, that the public interest served by the project overrides those impacts, provided that all relevant conditions set out in those Directives are met. The case-by-case assessment should ***duly*** take into account the geological specificity of extraction sites, which constrains decisions on location ***due to the absence of alternative solutions to extraction sites***.
- (20) In order to reduce complexity and increase efficiency and transparency in permitting process, project promoters of critical raw materials projects should be able to interact with a single national authority, which is responsible for facilitating, coordinating ***and streamlining*** the entire permit granting process and in the case of Strategic Projects shall issue a comprehensive decision within the applicable time limit. To that end, Member States should designate a single national competent authority. ***A case officer providing an easy point of contact should be assigned. That appointed case officer could also be part of another authority with respect to the different national structures of the one stop shop.*** Where needed in light of a Member State's internal organisation, the tasks of the national competent authority should be able to be delegated to a different authority, subject to the same conditions. ***Without affecting***

¹³ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

the speed of the proceedings, the designated competent authority should be able to request the opinion and involvement of other competent ministries. To ensure the effective implementation of its responsibilities, Member States should provide their national competent authority, or any authority acting on its behalf, with sufficient personnel and resources.

- (21) In order to ensure clarity about the permitting status of Strategic Projects and to limit the effectiveness of potential abusive litigation, while not undermining effective judicial review, Member States should ensure that any dispute concerning the permit granting process for Strategic Projects is resolved in a timely manner. To that end, national competent authorities should ensure that applicants and project promoters have access to simple dispute settlement procedure and that Strategic Projects are granted urgent treatment in all judicial and dispute resolution procedures relating to the projects. *In addition, this Regulation should facilitate the exchange of best practices to resolve disputes, such as ad hoc working groups under neutral arbiters to solve open issues.*
- (22) In order to allow citizens and businesses to directly enjoy the benefits of the internal market without incurring an unnecessary additional administrative burden, Regulation (EU) 2018/1724 of the European Parliament and the Council¹⁴, which established the Single Digital Gateway, provides for general rules for the online provision of information, procedures and assistance services relevant for the functioning of the internal market. The information requirements and procedures covered by this Regulation should comply with the requirements of Regulation (EU) 2018/1724. In particular, it should be ensured that project promoters of Strategic Project can access and complete any procedure related to the permit granting process fully online, in line with Article 6(1) of and Annex II to Regulation (EU) 2018/1724.
- (23) In order to provide project promoters and other investors with the security and clarity needed to increase development of Strategic Project, Member States should ensure that the permit granting process related to such projects does not exceed pre-set time limit.

¹⁴ Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1-38).

For Strategic Projects involving only processing or recycling, the length of the permit granting process should not exceed 1 year. However, for Strategic Projects that involve extraction the length of the permit granting process should, considering the complexity and extent of the potential impacts involved, not exceed 2 years. To effectively achieve those time limits, Member States should ensure that the responsible authorities have sufficient resources and personnel. Through the Technical Support Instrument, the Commission supports Member States, upon their request, in designing, developing and implementing reforms including the strengthening the administrative capacity related to national permitting.

- (24) The environmental assessments and authorisations required under Union law, including in relation to water, habitats and birds, are an integral part of the permit granting process for a raw material project and an essential safeguard to ensure that negative environmental impacts are prevented or minimised. However, in order to ensure that the permit granting processes for Strategic Projects are predictable and timely ***and do not exceed the pre-set time limit for a particular stage in the permit granting process, streamlining*** the required assessments and authorisations while not lowering the level of environmental protection should be realised. In that regard, it should be ensured that the necessary assessment are bundled to prevent unnecessary overlap and it should be ensured that project promoters and responsible authorities explicitly agree on the scope of the bundled assessment before it is implemented to prevent unnecessary follow-up, ***without prejudice to the quality of those assessments.***
- (25) Land use conflicts can create barriers to the deployment of critical raw material projects ***notably in developing countries, where forced eviction is a common feature of mining operations.*** Well-designed plans, ***which are based on close and justified cooperation of the relevant competent authorities on national, regional and local level,*** including spatial plans and zoning, that take into account the potential for implementing critical raw material projects and whose potential environmental impacts are assessed, have the potential to help balance public goods and interests, decreasing the risk of conflict and accelerating the sustainable deployment of raw materials projects in the Union ***and in third countries.*** Responsible national, regional and local authorities should therefore consider including provisions for raw materials projects when developing relevant plans.

- (26) Within the Union, critical raw materials projects often face difficulties with access to finance. Critical raw materials markets are often characterised by high volatility of prices, long lead times, high concentration and opacity. Additionally, financing for the sector requires a high level of expert knowledge *and financial instruments aiming to de-risk investments, such as raw materials funds, tax breaks, financial guarantees, grants or other risk-mitigation financial measures that are* often lacking among financial institutions. To overcome these factors and contribute towards ensuring a stable and reliable supply of strategic raw materials, Member States and the Commission should *tackle hurdles in terms of policies and* assist in access to finance and administrative support. *Member States should take into account environmental, social and labour commitments taken by the relevant project promoters when deciding on financial support. In order to be competitive, innovative and resilient, as well as to be able to ramp up its production, processing and recycling as well as substitution capacities, the critical raw materials sector needs to access both public and private financing. In its urgency to act and in order to achieve the benchmarks set out in this Regulation, it is equally important to ensure that other horizontal policies, such as initiatives on sustainable finance, remain consistent with the Union's efforts to facilitate the Union's critical raw materials industry's sufficient access to finance and investment.*
- (27) A strong value chain in Europe can be built only with adequate financial means. The Commission will work with InvestEU implementing partners to seek ways to scale up support to investment in line with the common objectives set out in Regulation (EU) 2021/523¹⁵ and in this Regulation. The InvestEU Advisory Hub can contribute to the build-up of pipeline of viable projects.
- (27a) *This Regulation should enhance synergies with actions currently supported by the Union and Member States through programmes and actions in research and innovation (R&I) in relation to critical raw materials and in developments of part of the supply chain, in particular the Horizon Europe Framework Programme*

¹⁵ Regulation (EU) 2021/523 of the European Parliament and of the Council of 24 March 2021 establishing the InvestEU Programme and amending Regulation (EU) 2015/1017 (OJ 64, 26.3.2021, p. 30-89)

established by Regulation (EU) 2021/695 of the European Parliament and of the Council¹⁶ (Horizon Europe) and Council Decision (EU) 2021/764¹⁷.

(28) In order to overcome the limitations of the currently often fragmented public and private investments efforts, facilitate integration and return on investment, the Commission, Member States and promotional banks should better coordinate and create synergies between the existing funding programmes at Union and national level as well as ensure better coordination and collaboration with industry and key private sector stakeholders. To that end, a dedicated sub-group of the Board bringing together experts from the Member States and the Commission as well as relevant public financial institutions should be set up. This sub-group should discuss the individual financing needs of Strategic Projects and their existing funding possibilities in order to provide project promoters with a suggestion on how to best access existing financing possibilities. When discussing and making recommendations for the financing of Strategic Projects in third countries *including emerging markets and developing countries, the Commission and, the Board, in cooperation with the potential partner countries should make Strategic Projects a priority under the Global Gateway strategy, and coordinate with national and international development finance institutions¹⁸.*

(28a) Continuous efforts at Union and national level are needed to foster and support R&I regarding critical raw materials, as fundamental research will be key to discover new materials and substitute materials.

(28b) Specific financial and support instruments and targeted R&I funds to improve efficiency, substitution, recycling processes and closed material cycles are needed at Union and national level via R&I programmes and other instruments to boost innovation, particularly on waste processing, advanced materials and substitution,

¹⁶ *Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 (OJ L 170, 12.5.2021, p. 1).*

¹⁷ *Council Decision (EU) 2021/764 of 10 May 2021 establishing the Specific Programme implementing Horizon Europe – the Framework Programme for Research and Innovation, and repealing Decision 2013/743/EU (OJ L 167I, 12.5.2021, p. 1).*

¹⁸ Joint Communication to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank The Global Gateway (JOIN/2021/30 final).

and for the development of new and innovative technologies in the field of sustainable mining of critical raw materials in the Union.

- (29) Private investment by companies, financial investors and off takers is essential. Where private investment alone is not sufficient, the effective roll-out of projects along the critical raw material value chain may require public support, for example in the form of guarantees, loans or equity and quasi-equity investments. This public support may constitute State aid. Such aid must have an incentive effect and be necessary, appropriate and proportionate. The existing State aid guidelines, which have recently undergone an in-depth revision in line with twin transition objectives, provide ample possibilities to support investments along the critical raw materials value chain *and other objectives under the European Green Deal* subject to certain conditions. *The Commission should further consider the possibility of setting up a dedicated fund at Union level, for example in the form of a European Fund for Strategic Raw Materials including considering revolving instruments, or of earmarking of financial support through reprioritisation of funds under the Multiannual Financial Framework. Already existing knowledge, investment platforms and pipelines regarding critical raw materials projects should be used in that context.*
- (30) Public support is used to address specific identified market failures or sub-optimal investment situations in a proportionate manner, and actions should not duplicate or crowd out private financing, *impede cooperation between companies from different Member States*, or distort competition in the internal market. Actions should *be targeted and efficient and* have a clear added value for the Union.
- (31) The volatile prices of several strategic raw materials, exacerbated by limited means to hedge them on forward markets, create an obstacle both for project promoters to secure financing for strategic raw material projects as well as for downstream consumers looking to secure stable and predictable prices for key inputs. In an effort to reduce uncertainty over future prices for strategic raw materials, it is necessary to provide for the setting up of a system that enables both interested off-takers and promoters of Strategic Projects to indicate their buying or selling bids and to bring them in contact if the respective bids are potentially compatible. *Such a system is essential to foster the participation of SMEs in the value chains of strategic raw*

materials. Support should be provided to enable business consortia to access markets that are not yet covered by a Strategic Partnership or a free trade agreement.

- (31a) *The European Investment Bank should, in agreement with the Board, the Commission and the Member States, explore setting up an EU Export Credit Facility that enables Union undertakings to invest in projects that contribute to achieving the targets set in this Regulation.*
- (32) The existing knowledge and mapping of the Union's raw materials occurrences were developed at a time when ensuring the supply of critical raw materials for the development of strategic technologies was not a priority. To acquire and update information on the critical raw material occurrences *including the potential of geothermal extraction*, Member States should draw up national programmes for the general exploration of critical raw materials *and carrier metals which may contain critical raw materials*, which should include measure such as mineral mapping, geochemical campaigns, geoscientific surveys as well as the reprocessing of existing geoscientific datasets. The identification of mineral occurrences and the assessment of the technical and economic viability to extract them involves high financial *risk*. To lower that risk and facilitate the development of extraction projects, Member States should make publicly available the information acquired during their respective national exploration programme, where appropriate using the framework of the Infrastructure for Spatial Information established by Directive 2007/2/EC of the European Parliament and the Council¹⁹.
- (32a) *In order to enable the extraction, processing, and recycling goals, Member States should promote actions to face the Union shortage of geoscientist students and graduates.*
- (33) Space data and services derived from earth observation *and GNSS systems, in particular the ones derived from EU Space Programme, Copernicus, Galileo and EGNOS, should be used to the extent possible to* support the efforts towards sustainable critical raw materials value chains by providing a continuous flow of

¹⁹ Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1-14).

information, which could be useful for activities such as monitoring and management of mining areas, the environmental and socio-economic impact assessment or mineral resource exploration. As *space data and services* is also able to provide data about remote and inaccessible areas, it should be considered by Member States when drawing up and implementing their national exploration programmes to the extent possible.

- (34) Although the reinforcement of the Union's critical raw materials value chain is necessary to ensure increased security of supply, the supply chains of critical raw materials will remain global and exposed to external factors. Recent or ongoing events ranging from the COVID-19 crisis to the unprovoked and unjustified military aggression against Ukraine *as well as the impact of the Chinese Belt and Road Initiative on third countries* underlined the vulnerability of some of the Union's supply chains to disruptions *and the urgency to identify levers to mitigate the demand, in particular of strategic raw materials*. In order to ensure that Member States and European industries are able to anticipate supply disruption and prepared to withstand their consequences, measures should be developed to increase monitoring capacity, *including the exchange of information to coordinate strategic stocks where necessary*, and reinforce the preparedness of companies.
- (35) Member States do not have the same capacity when it comes to risk-awareness and anticipation, and not all Member States have developed dedicated structures that monitor the supply chains of critical raw materials and can inform companies about potential risks of supply disruptions. Similarly, although some companies have invested in the monitoring of their supply chains, others lack the capacity to do so. Therefore, in light of the global dimension of critical raw materials supply chains as well as their complexity, the Commission should develop a dedicated monitoring dashboard assessing critical raw materials' supply risks and ensure the availability of the information gathered for public authorities and private actors, thereby increasing synergies amongst Member States. In order to ensure that Union value chains are sufficiently prepared against potential supply disruptions, the Commission should conduct stress tests assessing the vulnerability of the strategic raw materials supply chains and their exposure to supply risks. Member States should contribute to this exercise by, when possible conducting such stress tests through their national

supply and information agencies covering critical raw materials. The Board should ensure the coordination of the implementation of the stress tests by the Commission and Member States. When no Member State has the capacity to perform a required stress test on a given strategic raw material, the Commission should conduct it itself. The Commission should also suggest potential strategies that can be adopted by the public authorities and private actors to mitigate supply risks *in the short and medium term*, such as *implementing additional policy measures to reduce the need of strategic raw materials* building strategic stocks or further diversifying their supply. For the purpose of gathering the information necessary to conduct the monitoring and stress tests measures, the Commission should coordinate with the relevant standing subgroup of the Board and Member States should identify and monitor *large companies* that are important to the functioning of the value chain. When no member of the standing sub-group has the capacity to perform a required stress test on a given strategic raw material, the Commission should conduct it itself.

- (36) Strategic stocks are an important tool to mitigate supply disruptions, notably for raw materials. Although the proposed Single Market Emergency Instrument allows for the possible development of strategic stocks in the event of the activation of the Single Market vigilance mode, Member States and companies do not have obligations to build up or coordinate their strategic stocks ahead of a supply disruption. In addition, there is no coordination mechanism across the European Union that allows for the development of a common assessment and of an analysis of potential overlaps and synergies. Therefore, as a first step, and taking account of the present lack of relevant information, Member States should provide to the Commission information about their strategic stocks, whether they are operated by public authorities or by economic operators on the behalf of the Member States. Such information should include the level of stock available per strategic raw material, the outlook of stock levels, and the rules and procedures applicable to these stocks. Any request should be proportionate, have regard for the cost and effort required to make the data available as well as for its impact on national security, and set out appropriate time limits for providing the requested information. Information on the stocks of economic operators may be added to the analysis, albeit this does not constitute a request for information on them. The Commission should handle the data in a secure manner, and only publish information on an aggregate level. As a second step, based on the information acquired, the *Board*

should indicate a safe level of Union stocks, taking into account the total annual Union consumption of the concerned strategic raw materials. Based on a comparison between existing stocks and the overall levels of strategic stocks for strategic raw materials across the Union, the Board, acting in agreement with the Commission, should then be able to issue non-binding opinions to Member States on how to increase convergences and to encourage them in building up their strategies stocks, *while avoiding distortion of the market including at the expense of emerging markets and developing countries*. In doing so, the Board should consider the need to main incentives for the development of strategic stocks by private operators using strategic raw materials.

- (37) So as to ensure further coordination, the Commission should ensure necessary consultation ahead of Member States' participation in international fora where such strategic stocks may be discussed, notably via the dedicated standing sub-group of the Board. Similarly, in order to increase complementarity between the present proposal and other horizontal or subject-specific instruments, the Commission should ensure that the gathered and aggregated information are passed to vigilance or crisis governance mechanisms, such as the proposed Single Market Emergency Instrument's advisory group, the proposed Chips Act's European Semiconductor Board, the HERA Board or the Health Crisis Board.
- (38) In order to ensure that they are sufficiently prepared to face supply disruptions, large companies manufacturing strategic technologies in the Union using strategic raw materials *should ensure an appropriate internal risk management*. This will ensure that they take into account the supply risks of strategic raw materials and develop appropriate mitigation strategies to be better prepared in the event of a supply disruption. Similarly, the large companies falling within this scope should run regular stress tests of their strategic raw materials supply chains to ensure that they consider all different scenarios that may affect their supply in the event of a disruption. These measures will lead to additional considerations being given to the costs of potential supply risks.
- (39) Many markets for strategic raw materials are not fully transparent and are concentrated on the supply side, which increases the negotiating power of sellers and increases prices for buyers, *posing a challenge to the market*. To help *ensure the availability of raw materials* for undertaking established in the Union, the Commission should set

up a system that is able to aggregate the demand of interested buyers. In developing such a system, the Commission should take into account experience gained in similar endeavours, in particular regarding the joint purchasing of gas as *previously established in response to the gas crisis* under Council Regulation 2022/2576²⁰. Member State authorities should also be able to participate in this system in order to build up their strategic stocks. All measures *adopted as part of that* under this mechanism should be compatible with Union competition *and national* law.

(39a) *A resilient and competitive raw material sector is of great economic and strategic importance for the Union. Given the objectives of this Regulation, namely to strengthen the Union's capacity in extraction, processing, and recycling of strategic raw materials, it is important to ensure a fair and predictable market environment for undertakings across the full raw materials value chain. Any system intended to aggregate demand in order to strengthen the market position of Union undertakings on the demand side must therefore also carefully consider the market effects on Union undertakings on the supply side.*

(40) The provisions on monitoring and strategic stocks included in this Regulation do not entail the harmonisation of national laws and regulations and do not replace existing mechanisms. Monitoring and risk preparedness incentives should be in line with European instruments. Therefore, instruments such as the Single Market Emergency Instrument proposal aiming to anticipate, mitigate and respond to crisis affecting the functioning of the Single Market or the Council Regulation (EU) 2022/2372²¹ on a framework of measures for ensuring the supply of crisis-relevant medical countermeasures in the event of a public health emergency at Union level, could still apply to critical and strategic raw materials in the event of a crisis or a threat to the extent that those materials fall within the scope of such instruments. Complementarity and coherence between this Regulation and crisis instruments should be ensured *by the Commission* through *attentive* exchange of information *between the respective advisory and governance bodies established by these crisis instruments*.

²⁰ Council Regulation (EU) 2022/2576 of 19 December 2022 enhancing solidarity through better coordination of gas purchases, reliable price benchmarks and exchanges of gas across borders (OJ 335, 29.12.2022, p. 1-35)

²¹ Council Regulation (EU) 2022/2372 of 24 October 2022 on a framework of measures for ensuring the supply of crisis-relevant medical countermeasures in the event of a public health emergency at Union level (OJ 314, 6.12.2022, p.64-78)

- (41) Most critical raw materials are metals, which can be in principle endlessly recycled, albeit with sometimes deteriorating qualities. This offers the potential to move to a truly circular economy in the context of the green transition. After an initial phase of rapid growth of demand for critical raw material for new technologies, where primary extraction and processing will still constitute the predominant source, recycling **and re-use**, should become increasingly important and reduce the need for primary extraction and its associated impacts. Today, however, recycling **and re-use** rates of most critical raw materials are low, **including due to a lack of consideration of recyclability at the design phase of products**, and recycling systems and technologies are often not adapted to the specificities of these raw materials. Action addressing the different factors holding back the circularity potential is thus required. **Regardless of the amount of strategic raw materials consumed in 2030, the Union should aim at the circularity of those raw materials.**
- (41a) **Europe needs to enhance its open strategic sovereignty and increase its resilience in preparation for potential disruptions in supply due to health or other crises. Enhancing circularity and resource efficiency with increased recycling and recovery of critical raw materials, will contribute to reaching that goal.**
- (42) Member States retain important competences in the field of circularity, for example in the area of waste collection and treatment systems. These should be used to increase collection and recycling rates for waste streams with a high potential for recovery of critical raw materials, making use for example of financial incentives such as discounts, monetary rewards or deposit-refund systems **while preserving the integrity of the internal market**. Member State authorities should also make a difference as buyers of critical raw materials and of products containing them, and national research and innovation programmes provide significant resources to increase the state of knowledge and technology for critical raw materials circularity as well as material efficiency **and substitution strategies**. Finally, Member States should promote the recovery of critical raw materials from extractive waste by improving the availability of information and by addressing legal, economic and technical barriers. One possible solution that Member States should look into are risk-sharing mechanisms between operators and the Member State to promote recovery from closed waste facilities. **The Commission should monitor the actions of Member States, benchmark and**

disseminate best practices and give recommendations to Members States for further actions, where appropriate.

- (42a) *Electronic waste contains concentrations of critical raw materials that are orders of magnitude higher than those found in the best ore grades worldwide. This presents a significant economic opportunity for urban mining, with a high potential for development.*
- (43) The Union has, in many of its regions, a legacy of raw materials extraction and thus substantial amounts of extractive waste on closed facilities which, due to their only recent rise in economic importance, have generally not been analysed for critical raw materials potential. The recovery of critical raw materials from extractive waste facilities has the potential to *avoid and mitigate negative social and environmental effects of new extractive activities*, create economic value and employment in historical mining regions, which are often affected by deindustrialisation and decline, *although those regions could play a significant role in improving resilience of the Union and reducing the negative environmental and social impacts of access to raw materials*. The lack of attention to, and information on critical raw materials content, especially on closed waste facilities, constitutes a key barrier to greater use of the critical raw materials potential of extractive waste.
- (44) The recovery of critical raw materials from extractive waste facilities should be part of the valorisation of relevant waste facilities. Directive 2006/21/EC sets out high requirements of environmental and human health protection for the waste management of the extractive industry. While these high requirements should be maintained, it is appropriate to establish additional measures to maximise the recovery of critical raw materials from extractive waste.
- (45) Operators of extractive waste facilities, both existing and new, should perform a preliminary economic assessment study regarding the recovery of critical raw materials from extractive waste present on the site *and their deposits* and from such waste being generated. In line with the waste hierarchy established in Directive 2008/98/EC of the European Parliament and of the Council²², priority should

²² Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3-30).

be given to preventing the generation of waste containing critical raw materials, by extracting critical raw materials from the extracted volume prior to it becoming waste. In elaborating this study, operators should gather the necessary information, including concentrations and quantities of critical raw materials in the extractive waste, and perform an assessment of multiple options regarding processes, operations or business arrangements that could enable a *technically feasible and* economically viable recovery of critical raw materials. This obligation comes in addition to obligations laid down in Directive 2006/21/EC and the national laws transposing it and is directly applicable. In its implementation, operators and competent authorities should seek to minimise administrative burden and integrate procedures to the extent possible.

- (46) To address the current lack of information on the critical raw materials potential of closed extractive waste facilities, Member States should draw up a database containing all information relevant to promote the recovery, notably the quantities and concentrations of critical raw materials in the extractive waste facility, in compliance with Union competition rules. The information should be made publicly available and in a user-friendly and digital form, enabling access to more detailed, technical information. To facilitate user-friendly access to the information, Member States should for instance provide a point of contact to enable more in-depth exchanges with potential developers of critical raw materials recovery projects. The database should be designed to allow potential project promoters to easily identify facilities with a high potential for economically viable recovery *in the short, medium and long term*. To focus limited resources, Member States *could* follow a staged approach in the collection of information and perform the more demanding information collection steps only for the most promising facilities. The information collection activities should be aimed at providing accurate and representative information on the extractive waste facilities and gaining the best possible indication of the critical raw materials recovery potential.
- (47) Permanent magnets are incorporated in a wide variety of products, with wind turbines and electric vehicles being the most important and fastest-growing applications but also other products, including magnet resonance imaging devices, industrial robots, light means of transport, cooling generators, heat pumps, electric motors, industrial electric pumps, automatic washing machines, tumble driers, microwaves, vacuum

cleaners and dishwashers containing significant amounts worth recovering. Most permanent magnets, especially the most performant types, contain critical raw materials, such as neodymium, praseodymium, dysprosium and terbium, boron, samarium, nickel or cobalt. Their recycling is possible but today only performed in the Union at a small scale or in the context of research projects. Permanent magnets should therefore be a priority product for increasing circularity.

- (48) A precondition for ***increasing the circularity of magnets*** is for recyclers, ***refurbishers and repairers*** to have access to the necessary information on the amount, type and chemical composition of magnets in a product, their location and the coating, glues and additives used, as well as information on how to remove the permanent magnets from the product. In addition, to ensure a business case for magnet recycling, permanent magnets incorporated in products placed on the Union market should, over time, contain an increasing amount of recycled materials. While providing transparency on the recycled content in a first stage, a minimum content of recycled content should be set after a dedicated assessment of the appropriate level and likely impacts.
- (49) Critical raw materials sold on the Union market are often certified regarding the sustainability of their production and supply chain. Certification can be obtained in the context of a broad range of public and private certification schemes available with varying scopes and stringency, creating the potential for confusion regarding the nature and veracity of claims made about the relative sustainability of critical raw materials placed on the Union market based on such certification. The Commission should be empowered to adopt implementing acts recognising certification schemes that should be considered comprehensive and trustworthy, providing a common basis for authorities and market participants for assessing the sustainability of critical raw materials. Recognition should be given only to certification schemes that cover a broad range of sustainability aspects, including environmental protection ***related to air, soil, water and biodiversity***, human rights including labour rights ***governance considerations including business transparency and participation of local communities, which guarantee high sustainability standards***, and which contain provisions for independent third party verification and monitoring of compliance. To ensure efficient procedures, promoters of projects applying to be recognised as

Strategic Projects should be allowed to rely on participation in a recognised scheme to show that their project is implemented sustainably.

- (50) The production of critical raw materials at different stages of the value chain causes *climate and* environmental impacts, *notably on* water *and biodiversity*. In order to limit such damage and incentivise the production of more sustainable critical raw materials, the Commission should be empowered to develop a system for the calculation of the environmental footprint of critical raw materials, including a verification process, to ensure that critical raw materials placed on the Union market publicly display information on such footprint. The system should be based on taking into account scientifically sound assessment methods and relevant international standards in the area of life cycle assessment. The requirement to declare the environmental footprint of a material should only apply where it has been concluded, based on a dedicated assessment, that it would contribute to the Union's climate and environmental objectives *and be proportionate to the economic costs* by facilitating the procurement of critical raw materials with lower environmental footprint and would not disproportionately affect trade flows. When the relevant calculation methods have been adopted, the Commission should develop performance classes for critical raw materials, thereby allowing potential buyers to easily compare the relative environmental footprint of available materials and driving the market towards more sustainable materials. Sellers of critical raw materials should ensure that the environmental footprint declaration is available to their customers. Transparency on the relative footprint of critical raw materials placed on the Union market may also enable other policies at Union and national level, such as incentives or green public procurement criteria, fostering the production of critical raw materials with lower environmental impacts. *The deep sea is believed to have the highest biodiversity on Earth and provides critical environmental services, including long-term carbon sequestration. Deep-seabed mining is highly likely to cause permanent biodiversity loss and ecosystem damage. In line with the precautionary principle, no deep sea mining should take place as long as its effects on the marine environment and biodiversity have not been researched sufficiently, and as long as there is no scientific consensus that deep sea mining can be managed in a way that ensures no marine biodiversity loss and ecosystem damage.*

- (51) The Environmental Footprint methods constitute a relevant basis for the development of the calculation rules. They rely on scientifically sound assessment methods which take into account *similar obligations established by other Union legislation and developments* on international level and cover environmental impacts, including climate change and impacts related to water, air, soil, resources, land use and toxicity.
- (52) It should be ensured that responsible operators assess the conformity of their products or materials with requirements to improve the circularity of permanent magnets and on the declaration of the environmental footprint of critical raw materials before placing them on the market and that those requirements are effectively enforced by competent national authorities. The conformity and market surveillance provisions established under Regulation 2019/1020 and Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], are designed to address this challenge and should therefore apply also to those requirements. To further ensure that optimal use is made of existing frameworks, it should be ensured that for products that are subject to type approval under Regulation 2018/858 or Regulation 168/2013, compliance is enforced through the existing type approval system.
- (53) The Commission should, as provided in Article 10(1) of Regulation (EU) No 1025/2012, request one or more European standardisation organisations to draft European standards in support of the objectives of this Regulation.
- (54) The Union has concluded Strategic Partnerships covering raw materials with third countries in order to implement the 2020 Action Plan on Critical Raw Materials. In order to diversify supply, these efforts should *intensify and lead to the establishment of Strategic Projects*. To develop and ensure a coherent framework for the conclusion of future partnerships *and to develop a European raw materials diplomacy in line with the Union's energy and climate diplomacy*. The Member States and the Commission should, as part of their interaction on the Board, discuss, *analyse* and ensure coordination on, inter alia, whether existing partnerships achieve the intended aims, the prioritisation of third countries for new partnerships, the content of such partnerships and their coherence and potential synergies between Member States' bilateral cooperation with relevant third countries *and the availability of sufficient access to finance*. The Union should seek mutually beneficial *and sustainable* partnerships with *such third countries, including with* emerging market and

developing economies (*EMDE*), in coherence with its Global Gateway strategy, *Team Europe approach, common commercial policy and its development and foreign policy*, which contribute to the diversification of its raw materials supply chain as well as add value in these countries. *Further efforts should also be made to invest in cooperation with international like-minded partners participating in the internal market, candidate countries or like-minded third countries that are covered neither by a Strategic Partnership nor by a free trade agreement. Those mutual interests should include the promotion and protection of environmental standards, social and human rights protection in accordance with international and national legislation, in full respect of multilateral cooperation rules.*

(54a) *The Union's strategic priority to diversify its critical raw materials supply needs to become a priority of the Union's external action and diplomacy in the framework of the Team Europe approach and in line with its energy and climate external policy. The Union's raw materials external policy should aim at explaining the Union's approach to resource-efficiency, sustainability, circularity and substitution as well as aim at cooperating and, if necessary, creating international fora for better coordination and transparency in the global raw materials markets as well as for platforms for joint purchase.*

(55) In order to support the implementation of tasks pertaining to the development of Strategic Projects and their financing, exploration programmes, monitoring capacities or strategic stocks and to advise the Commission appropriately, a European Critical Raw Materials Board should be established. The Board should be composed of Member States, a representative of and the Commission, while being able to ensure participation of *civil society and* other parties as observers *such as academics, civil society organisations, other Union institutions and Union agencies*. To develop the necessary expertise for the implementation of certain tasks, the Board should establish standing sub-groups on financing, exploration, monitoring and strategic stocks *as well as sustainability*, that should act as a network by gathering the different relevant national authorities and, when necessary, consult industry, academia, civil society and other relevant stakeholders. The Board's advice and opinions should be non-binding and the absence of such an advice or opinion should not prevent the Commission from performing its tasks under this Regulation.

- (56) The absence of progress towards the objectives, including the capacity and diversification benchmarks, may indicate the need for adopting additional measures. The Commission should therefore monitor the progress towards those objectives.
- (57) To keep administrative burden put on Member States *and undertakings, especially SMEs*, to a minimum, the different reporting obligations should be streamlined and the Commission should develop a template allowing Member States to fulfil their reporting obligations on projects, exploration *and* monitoring within a regularly published single document, that may be confidential or restricted.
- (58) In order to ensure trustful and constructive cooperation of competent authorities at Union and national levels, all parties involved in the application of this Regulation should respect the confidentiality of information and data obtained in carrying out their tasks. The Commission and the national competent authorities, their officials, civil servants and other persons working under the supervision of these authorities as well as officials and civil servants of other authorities of the Member States should not disclose information acquired or exchanged by them pursuant to this Regulation and of the kind covered by the obligation of professional secrecy. This should also apply to the European Critical Raw Materials Board. The data should be handled and stored in a secure environment.
- (59) When adopting delegated acts pursuant to Article 290 TFEU, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making²³. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (60) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards: (a) specifying the templates to be used for applications for recognition of Strategic

²³ OJ L 123, 12.5.2016, p. 1.

Projects, progress reports related to Strategic Projects, the national exploration programmes, and the reporting of Member States pertaining to exploration, monitoring, strategic stocks and circularity; (b) specifying which products, components and waste streams shall be considered to have a high critical raw materials recovery potential; and (c) determining the criteria and their application for the recognition of schemes related to the sustainability of critical raw materials. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council²⁴.

- (61) To ensure that the obligations imposed under this Regulation are complied with, in particular as regards the fact that they comply with ecodesign requirements, companies that do not comply with their obligation, including on risk preparedness, project reporting and recyclability information, should be subject to penalties. It is therefore necessary that Member States lay down effective, proportionate and dissuasive penalties in national law for failure to comply with this Regulation.
- (62) The Commission should carry out an evaluation of this Regulation. Pursuant to paragraph 22 of the Interinstitutional Agreement on Better Law-Making, that evaluation should be based on the five criteria of efficiency, effectiveness, relevance, coherence and EU value added and should provide the basis for impact assessments of possible further measures. The Commission should submit to the European Parliament, to the Council, the European Economic and Social Committee, a report on the implementation of this Regulation and progress towards achieving its objectives, including the capacity and diversification benchmarks. The report should also, based on the implementation of the measures related the transparency of the environmental footprint of critical raw materials, assess the appropriateness of establishing maximum thresholds related to the environmental footprint.
- (63) To the extent that any of the measures envisaged by the present Regulation constitute State aid, the provisions concerning such measures are without prejudice to the application of Articles 107 and 108 *of* the Treaty.

²⁴ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13-18).

- (64) Since the objectives of this Regulation, namely to improve the functioning of internal market establishing a framework to ensure the Union's access to a secure and sustainable supply of critical raw materials, cannot be sufficiently achieved by the Member States, but can rather, by reason of its scale and effects, only be achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

HAVE ADOPTED THIS REGULATION:

Chapter 1 **General provisions**

Article 1

Subject matter and objectives

1. The general objective of this Regulation is to improve the functioning of the internal market by establishing a framework to ensure the *internationally competitive*, secure, *resilient* and sustainable supply of critical raw materials *of the Union, including by fostering sustainability, efficiency and circularity throughout the value chain*.
2. To achieve the general objective referred to in paragraph 1, this Regulation aims to:
 - (a) strengthen the different stages of the strategic raw materials value chain with *the aim* to ensure that, by 2030, Union capacities for each strategic raw material have significantly increased so that, overall, Union capacity approaches or reaches the following benchmarks:
 - (i) Union extraction capacity is able to extract the ores, minerals or concentrates needed to produce at least 10% of the Union's annual consumption of strategic raw materials, to the extent that the Union's reserves allow for this;
 - (ii) Union processing capacity, including for all intermediate processing steps, is able to produce at least **50%** of the Union's annual consumption of strategic raw materials; *up to 20% of the Union's new*

processing capacity might be developed under strategic partnerships in emerging markets and developing countries;

- (iii) Union recycling capacity, including for all intermediate recycling steps, is able to produce at least **+10% volume of recycling capacity based on the 2020-2022 baseline for each strategic raw material to, at least collect, sort and process 45% of each strategic raw material contained in the Union's waste taking into account technical and economic feasibility.**
- (b) diversify the Union's imports of strategic raw materials with a view to ensure that, by 2030, the Union's annual consumption of each strategic raw material at any relevant stage of processing can rely on imports from several third countries, none of which provide more than 65% of the Union's annual consumption, **while priority should be given to decrease dependency on non-reliable partners that do not share Union values, respect for human rights, democracy and rule of law;**
- (c) improve the Union's ability to monitor and mitigate the supply risk related to critical raw materials **both in the short term and long term taking international competitiveness fully into account;**
- (d) ensure the free movement of critical raw materials and products containing critical raw materials placed on the Union market while ensuring a high level of environmental protection and **sustainability**, by improving their circularity, **durability, repairability and cost efficient availability on the internal market;**
- (da) **promote development and deployment of substitute raw materials by fostering production methods to substitute raw materials and research and development of alternative innovative materials to lower the Union's environmental footprint;**
- (db) **mitigate the Union's increase in demand of critical raw materials, including by increasing efficiency and the uptake of material substitution throughout the value chains with the aim to consume less critical raw materials than according to the projected reference scenario as a result of paragraph 4b;**
- (dc) **increase the share of secondary raw materials within the Union's consumption of strategic raw materials.**

3. Where, based on the report referred to in Article 42, the Commission concludes that the Union is likely not to achieve the objectives set out in paragraph 2, it shall assess the feasibility and proportionality of proposing measures or exercising its powers at Union level in order to ensure the achievement of those objectives.
4. The Commission shall take into account the objectives and benchmarks laid down in paragraph 2, point a(iii), as related Union priorities ***in all relevant Union law, including*** within the meaning of Article 5(4)(a)(i) of Regulation XX/XXXX [OP please insert: the Ecodesign for Sustainable Products Regulation], when preparing ecodesign requirements to improve the following product aspects: durability, reusability, reparability, resource use or resource efficiency, possibility of remanufacturing and recycling, recycled content and possibility of recovery of materials.
 - 4a. ***The value chains created and strengthened as a result of this Regulation both in the Union and in third countries shall be further strengthened after 2030. The Commission shall take this into account when conducting the review referred to in Article 46.***
 - 4b. ***The Commission shall, by means of a delegated act adopted by [3 months after the entry into force of this Regulation] in accordance with Article 36, provide projections of annual consumption of critical raw materials until 2050 with intermediary milestones and update them at least every 4 years. Those projections shall be based on a technology-rich bottom-up cost optimisation input-output modelling exercise, extending existing data and reports produced by the Commission's Joint Research Centre (JRC) considering different scenarios, including low and high demand scenarios as well as a reference scenario. These projections shall be disaggregated at the level of each Member State or below, and covering all the economic sectors. This shall include the critical raw materials incorporated in intermediate or final products placed on the Union market, and be in line with the Union's energy and climate objectives and with the ambitions enshrined into the [Net-Zero Industrial Act].***

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (1) ‘raw material’ means a substance in processed or unprocessed state used as an input for the manufacturing of intermediate or final products, excluding substances predominantly used as food, feed or combustion fuel;
- (2) ‘critical raw materials’ means the raw materials as defined in Article 4;
- (3) ‘strategic raw materials’ means the raw materials as defined in Article 3;
- (4) ‘raw materials value chain’ means all activities and processes involved in the exploration, extraction, processing and recycling of raw materials;
- (5) ‘exploration’ means all activities aimed at identifying and establishing the properties of mineral occurrences;
- (6) ‘extraction’ means the primary *or secondary* extraction of ores, minerals and plant products from their original source *as a main product or as a by-product*, including from a mineral occurrence underground, mineral occurrence under *and from* water, sea brine and trees;
- (7) ‘Union extraction capacity’ means an aggregate of the maximum annual production volumes of extractive operations for ores, minerals, plant products and concentrates containing strategic raw materials, including processing operations that are typically located at or near the extraction site, located in the Union;
- (8) ‘reserves’ means all mineral occurrences that are economically viable to extract *at a given market context*;
- (9) ‘processing’ means all physical, chemical and biological processes involved in the transformation of a raw material from ores, minerals, plant products or waste into pure metals, alloys or other economically usable forms;
- (10) ‘Union processing capacity’ means an aggregate of the maximum annual production volumes of processing operations for strategic raw materials, excluding such operations that are typically located at or near the extraction site, located in the Union;
- (11) ‘recycling’ means any recovery operation *of both pre-consumer and post-consumer waste* by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes;
- (12) ‘Union recycling capacity’ means an aggregate of the maximum annual production volume of recycling operations for strategic raw materials, including the sorting and pre-

treatment of waste, *including black mass*, and its processing into secondary raw materials, located in the Union;

- (13) ‘annual consumption of strategic raw materials’ means an aggregate of the amount of strategic raw materials consumed by undertakings established in the Union in processed form, excluding strategic raw materials incorporated in intermediate or final products placed on the Union market;
- (14) ‘supply risk’ means supply risk as calculated in line with Annex II;
- (15) ‘raw material project’ means any planned facility or planned significant extension or repurposing of an existing facility active in extraction, processing or recycling of raw materials;
- (16) ‘off-taker’ means an undertaking that has entered into an off-take agreement with a project promoter;
- (17) ‘off-take agreement’ means any contractual agreement between an undertaking and a project promoter containing either a commitment on part of the undertaking to procure a share of the raw materials produced by a specific raw material project over a certain period of time or a commitment on part of the project promoter to provide the undertaking with the option to do so;
- (18) ‘project promoter’ means any undertaking or consortium of undertakings developing a raw material project;
- (19) ‘permit granting process’ means a process covering all relevant administrative permits to plan, build and operate the Strategic Projects referred to in Article 5, including building, chemical and grid connection permits and environmental assessments and authorisations where these are required, and encompassing all administrative applications and procedures from the acknowledgment of the validity of the application to the notification of the comprehensive decision on the outcome of the procedure by the responsible national competent authority referred to in Article 8(1);
- (20) ‘comprehensive decision’ means the decision or set of decisions taken by Member State authorities not including courts or tribunals that determines whether or not a project promoter is authorised to implement a raw material project, without prejudice to any decision taken in the context of an administrative appeal procedure;

- (21) ‘general exploration’ means exploration at national or regional level, not including targeted exploration;
- (22) ‘targeted exploration’ means the detailed investigation of an individual mineral occurrence;
- (23) ‘deep ore deposits’ means mineral occurrences that are located deeper in the Earth’s crust than conventionally exploited ore occurrences;
- (24) ‘predictive map’ means a map indicating areas that are likely to contain mineral occurrences of a given raw material;
- (25) ‘supply disruption’ means the unexpected significant decrease in the availability of a raw material or significant increase in the price of a raw material ***beyond normal market price volatility***;
- (26) ‘raw materials supply chain’ means all activities and processes of the raw materials value chain up to the point where a raw material is used as an input for the manufacturing of intermediate or final products;
- (27) ‘mitigation strategies’ means the policies developed by an economic operator to limit the likelihood of a supply disruption to its supply chain or to mitigate the damages caused by such a disruption to its economic activity;
- (28) ‘key market operators’ means producers involved in the extraction, processing or recycling of critical raw materials, traders and distributors of critical raw materials, and downstream companies consuming significant amounts of critical raw materials;
- (29) ‘large company’ means any company that had more than ***500*** employees on average ***and that had a net worldwide turnover of more than EUR 150 million*** in the last financial year for which annual financial statements have been prepared;
- (30) ‘strategic technologies’ means the technologies needed for the green and digital transitions as well as for defence and ***aerospace*** applications;
- (31) ‘board of directors’ means the administrative or supervisory body responsible for supervising the executive management of the company, or, if no such body exists, the person or persons performing equivalent functions;
- (32) ‘collection’ means the gathering of waste, including the preliminary sorting and preliminary storage of waste for the purposes of transport to a waste treatment facility;

- (33) ‘treatment’ means recovery or disposal operations, including preparation prior to recovery or disposal;
- (34) ‘recovery’ means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy;
- (35) ‘extractive waste’ means extractive waste within the meaning of Directive 2006/21/EC;
- (36) ‘extractive waste facility’ means waste facility within the meaning of Directive 2006/21/EC;
- (37) ‘preliminary economic assessment’ means an early-stage, conceptual assessment of the potential economic viability of a raw material project for the recovery of critical raw materials from extractive waste;
- (38) ‘magnetic resonance imaging device’ means a non-invasive medical device that uses magnetic fields to make anatomical images or any other device that uses magnetic fields to make images of the inside of object;
- (39) ‘wind energy generator’ means the part of an onshore or offshore wind turbine that converts the mechanical energy of the rotor into electrical energy;
- (40) ‘industrial robot’ means an automatically controlled, reprogrammable, multipurpose manipulator, programmable in three or more axes, which can either be fixed or mobile for use in industrial automation applications;
- (41) ‘motor vehicle’ means any type-approved vehicle of the M or N categories in the meaning of Regulation (EU) 2018/858;
- (42) ‘light means of transport’ means any wheeled vehicle that can be powered by the electric motor alone or by a combination of motor and human power, including electric scooters, electric bicycles and type-approved vehicles of category L in the meaning of Regulation (EU) No 168/2013;
- (43) ‘cooling generator’ means the part of a cooling system that generates a temperature difference allowing heat extraction from the space or process to be cooled, using an electric vapour compression cycle;

- (44) 'heat pump' means the part of a heating system that generates a temperature difference allowing heat supply to the space or process to be heated, using an electric vapour compression cycle;
- (45) 'electric motor' means a device that converts electrical input power into mechanical output power, and with a rated output equal to or above 0.12 kW ;
- (46) 'automatic washing machine' means a washing machine where the load is fully treated by the washing machine without the need for user intervention at any point during the programme;
- (47) 'tumble dryer' means an appliance in which textiles are dried by tumbling in a rotating drum through which heated air is passed;
- (48) 'microwave' means any appliance intended to be used for the heating of food using electromagnetic energy;
- (49) 'vacuum cleaner' means an appliance that removes soil from a surface to be cleaned by means of an airflow created by under pressure developed within the unit;
- (50) 'dishwasher' means a machine which cleans and rinses tableware;
- (51) 'permanent magnet' means a magnet that retains its magnetism after being removed from an external magnetic field;
- (52) 'data carrier' means a linear bar code symbol, a two-dimensional symbol or other automatic identification data capture medium that can be read by a device;
- (53) 'unique product identifier' means a unique string of characters for the identification of products;
- (54) 'magnet coating' means a layer of material generally used to protect magnets from corrosion;
- (55) 'removal' means manual, mechanical, chemical, thermal or metallurgic handling with the result that the targeted components or materials are identifiable as a separate output stream or part of an output stream;
- (56) 'recycler' means any natural or legal person who carries out recycling in a permitted facility;

- (57) ‘making available on the market’ means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;
- (58) ‘critical raw material type’ means a critical raw material placed on the market that is differentiated by its stage of processing, its chemical composition, its geographical origin or the production methods used;
- (59) ‘placing on the market’ means the first making available of a product on the Union market;
- (60) ‘conformity assessment’ means the process demonstrating whether the requirements set out Article 27, 28 or 34 have been fulfilled;
- (61) ‘Strategic Partnership’ means a commitment between the Union and a third country to increase cooperation related to the raw materials value chain that is established through a non-binding instrument setting out concrete actions of mutual interest. ***Strategic Partnerships shall facilitate beneficial outcomes for both partners including the sharing of knowledge.***

Chapter 2

Critical and strategic raw materials

Article 3

List of strategic raw materials

1. The raw materials listed in Annex I, Section 1, ***including raw materials that are a by-product of other extraction or recycling processes***, shall be considered strategic raw materials.
2. The Commission is empowered to adopt delegated acts in accordance with Article 36 to amend Annex I, Section 1 in order to amend this Regulation by updating the list of strategic raw materials, ***including by adding raw materials to that list if supply risks are detected as a result of the monitoring and stress testing carried out pursuant to this Regulation. Any such ad hoc updating of the list of strategic raw materials shall have no impact on the updates referred to in paragraph 3 of this Article.***

An updated list of strategic raw materials shall include, from among the raw materials

assessed, the raw materials that score among the highest in terms of strategic importance, forecasted demand growth **and availability** as well as the difficulty of increasing production **and, most importantly, shall support the general objective of this Regulation referred to in Article 1(1) and (2)**. The strategic importance, projected demand growth **and availability** as well as the difficulty of increasing production shall be determined in accordance with Annex I, Section 2.

3. The Commission shall review and, if necessary, update the list of strategic raw materials by [OP please insert: **two** years after the date of entry into force of this Regulation], and every **two** years thereafter. **The Commission shall provide clear reasons for any such update. Upon request by the Board, on the basis of monitoring and stress testing in accordance with this Regulation, the Commission shall review and, where appropriate, update the list at any time and those scheduled reviews.**
- 3a. **The Commission shall use a transparent and clearly defined methodology as referred to in Annex I, Section 2 for the assessment of strategic raw materials to be included in the list, including through the use of technical factsheets, similar to the methodology applied to the critical raw materials list referred to in Article 4.**

Article 4

List of critical raw materials

1. The raw materials listed in Annex II, Section 1 shall be considered critical raw materials.
2. The Commission is empowered to adopt delegated acts in accordance with Article 36 to amend Annex II, Section 1 in order to update the list of critical raw materials.

An updated list of critical raw materials shall include the strategic raw materials listed in Annex I, Section 1 as well as any other raw material that reaches or exceeds the thresholds for both economic importance and supply risk referred to in paragraph 3. Economic importance and supply risk shall be calculated in accordance with Annex II, Section 2. **The Commission shall consider adding an additional indicator to the criticality assessment which reflects both the scarcity of materials and their energy intensity in production.**
3. The thresholds shall be 1 for supply risk and 2.8 for economic importance.
4. The Commission shall review and, if necessary, update the list of critical raw

materials by [OP please insert: *two* years after the date of entry into force of this Regulation], and every *two* years thereafter. *The Commission shall provide clear reasons for any such update.*

Chapter 3

Strengthening the Union raw materials value chain

SECTION 1

STRATEGIC PROJECTS

Article 5

Criteria for recognition of Strategic Projects

1. Following an application of the project promoter and in accordance with the procedure established in Article 6, the Commission shall recognise as Strategic Projects raw material projects that meet the following criteria:
 - (a) the project would make a meaningful contribution to the security of the Union's supply of strategic raw materials *by fulfilling one of the following two criteria*;
 - (i) *it contributes, at any stage of the value chain, significantly to the supply of any of the strategic raw materials set out in Annex I, Section I;*
 - (ii) *it contributes to the supply of strategic technologies through the substitution of any of the strategic raw materials outlined in Annex I, Section I within the value chains of those strategic technologies, while taking measures to achieve an equal or lower environmental and material footprint compared to the material that is substituted.*
 - (b) the project is or will become technically feasible within a reasonable timeframe and the expected production volume of the project can be estimated with a sufficient level of confidence;
 - (c) the project would be implemented sustainably, in particular as regards the monitoring, prevention and minimisation of *socio-environmental and climate* impacts *including but not limited to water, air and soil*, the use of socially responsible practices including respect of human and labour rights, quality jobs potential and meaningful engagement with local communities and relevant

social partners, and the use of transparent business practices with adequate compliance policies to prevent and minimise risks of adverse impacts on the proper functioning of public administration, including corruption and bribery *as set out in Annex III*;

- (d) for projects in the Union, the establishment, operation or production of the project would have cross-border benefits beyond the Member State concerned, including for downstream sectors;
- (e) for projects in third countries that are emerging markets or developing *countries*, the project would *include only project with like-minded partners, be operated under the framework of a sustainability certification scheme on raw materials recognised by the Commission and* be mutually beneficial for the Union and the third country concerned by adding value in that country *and contributing to the development of its economy and the establishment of relevant downstream industries, including local processing industries.*

(ea) Applications for the status of Strategic Project related exclusively to processing or recycling located in areas protected under Council Directive 92/43/EEC²⁵ and Directive 2000/60/EC of the European Parliament and of the Council²⁶ shall not be considered for the status of Strategic Project by the Commission, unless duly justified.

2. The fulfilment of the recognition criteria set out in paragraph 1 shall be assessed by the Commission in accordance with the elements and evidence set out in Annex III.

The Commission is empowered to adopt delegated acts in accordance with Article 36 to amend Annex III in order to adapt the elements and evidence to be taken into account when assessing the fulfilment of the recognition criteria set out in paragraph 1 to technical and scientific progress or to take into account changes to the Union legislation or international instruments listed in Annex III, point 4, or the adoption of additional Union legislation or international instruments relevant for the fulfilment of the criterion referred to in paragraph 1, point (c). *The project promoter may attest*

²⁵ *Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).*

²⁶ *Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).*

compliance with the criterion referred to in paragraph 1, point (c), through certification in a scheme or the commitment to fulfill such schemes at the time of project implementation, in accordance with Annex III, fifth paragraph. The Commission shall inform project promoters in the process of obtaining a Strategic Project permit as well as scheme owners of any delegated act adopted in accordance with Article 36 at the start of the objection period set in Article 36(4). Once the delegated act enters into force, the Commission shall inform project promoters and scheme owners thereof as well.

3. The recognition of a project as a Strategic Project shall not affect the requirements applicable to the relevant project or project promoter under international, Union or national law *including national laws of third countries.*
- 3a. *Where relevant, the Commission shall consider the feasibility of complementary infrastructural Strategic Projects that have the potential to facilitate and improve transport and communication related to the Strategic Projects, as well as generally contribute to better regional and local development and greater social acceptability of the Strategic Project and social inclusion, while taking into consideration also environmental issues.*

Article 6

Application and recognition

1. Applications for recognition of a raw material project as a Strategic Project *may* be submitted by the project promoter to the Commission *at any time*. The application shall include:
 - (a) relevant *and factual* evidence related to fulfilment of the criteria laid down in Article 5(1);
 - (b) a classification of the project according to the United Nations Framework Classification for Resources, supported by appropriate evidence;
 - (c) a timetable for the implementation of the project, including an overview of the permits required for the project and the status of the corresponding permit granting process;
 - (d) a plan containing measures to *ensure the meaningful involvement and active participation of affected communities*, including, where appropriate, the

establishment of recurrent communication channels with the local *and regional authorities*, including social partners *and local communities*, the implementation of awareness-raising and information campaigns and the establishment of mitigation and compensation mechanisms, *and ensuring that involuntary resettlement is used exclusively as a last option*;

- (e) information on the control of the undertakings involved in the project, defined pursuant to Article 3(2) and (3) of Council Regulation (EC) No 139/2004;
- (f) a business plan evaluating the financial viability of the project;
- (g) an estimate of the project's potential for quality job creation and the project's needs in terms of skilled workforce *and skill gap analysis, and a multiannual work plan to deploy upskilling and reskilling effort in order to address such gaps, if any, and promote gender equality*;
- (ga) *for projects involving extraction, a plan to improve the sites environmental state after the end of exploitation, with a view to restoring the prior environmental state while taking into account technical and economic feasibility, as well as measures to foster training and reemployment of workers*;
- (gb) *if the project involves resettlement, a plan detailing how legitimate tenure rights-holders will be identified and considered in the valuation process, and how compensation processes for loss of assets are fair and timely*;
- (gc) *for projects involving extraction within areas protected under Directive 92/43/EC or 2000/60/EC, a description demonstrating the tangible link between the project and the public interest*;
- (gd) *for projects involving extraction, a plan containing measures to ensure part of the added value will be created in the wider region of the extraction project*;
- (ge) *for projects in third countries, evidence provided by the project promoter that at least 40% of its ownership is based in the Union or in the partner country*.

2. The Commission *shall* adopt implementing acts establishing a *single* template to be used by project promoters for the applications referred to in paragraph 1 *by [OJ please insert: 6 months after the entry into force of this Regulation]*. The template may

indicate how the information referred to in paragraph 1 shall be expressed. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2). ***The single template shall provide for only information needed for assessing the application. The scope of information required to complete the single template shall be reasonable.***

3. ***The Commission shall assess the completeness of the application within 14 days of receipt thereof and shall inform the project promoter whether it is complete, and of the timetable of its assessment.*** Where the Commission considers that information provided in the application is incomplete, it shall give the applicant the opportunity to submit the additional information required to complete the application in a timely manner.
4. ***Where the Commission has informed the project promoter that the information provided in the application is complete in accordance with paragraph 3, it shall forward all the application documents to the European Critical Raw Materials Board referred to in Article 34 ('the Board'). Within 30 days of receipt of the application documents, the Board shall, based on a fair and transparent process, discuss and issue an opinion on the completeness of the application and whether the proposed project fulfils the criteria set out in Article 5(1).***
 - 4a. ***The Commission shall transmit the application to the Member State whose territory is concerned by a proposed project.***
 - 4b. ***The Commission, when assessing the application, shall take into account any proven track record in human rights or environmental infringements that took place in the 5 years prior to the application, and any mitigation measures taken.***
5. ***Any Member State whose territory is concerned by a proposed project may oppose to granting the proposed project strategic status. The Board may invite the Member State concerned to present the substantiated reasons for its objection so that the Board discusses them .***

For Strategic Projects in third countries, the Commission shall share the application received with the third country whose territory is concerned by the proposed project. The Commission shall not approve the application before receiving the explicit approval of the relevant third country, ***in accordance with the applicable***

international law and the national law of that third country.

5a. *For Strategic Projects in third countries with which the Union has negotiated a Strategic Partnership Agreement, the Commission shall conduct consultations with the authorities of this country in order to guarantee swift implementation of the project.*

6. The Commission shall, taking account of the Board's opinion referred to in paragraph 4, adopt its decision on the recognition of the project as Strategic Project within 60 days *of acknowledging the completeness of the application in accordance with paragraph 3 and shall* notify the applicant thereof.

The Commission's decision shall be reasoned, including, where applicable, where it is different from the Board's opinion. The Commission shall share its reasons with *the competent authorities in the Member State concerned*, the Board *and the European Parliament* as well as with the project promoter.

7. The Commission may prioritise the processing of applications for projects active on specific stages of the value chain in order to:

(a) ensure a balanced representation of Strategic Projects for all strategic raw materials and in all stages of the value chain;

(b) ensure progress is achieved towards all the benchmarks set out in Article 1(2), points (a) and (b);

(ba) ensure that, in line with the benchmarks and the balanced representation in point (a), priority shall be given to projects in the area of material recovery, extractive waste and integrated recycling as well as applications submitted by SMEs.

The Commission shall prioritise the processing of applications pursuant to first subparagraph of this paragraph, provided that the Commission has complied with the timelines set in paragraph 6 for all applications.

8. Where the Commission finds that a Strategic Project no longer fulfils the criteria set out in Article 5(1) or where its recognition was based on an application containing *fraudulent* information, it may, taking into account the opinion of the Board and the responsible project promoter, repeal the decision granting a project the status of

Strategic Project. *Before adopting a decision to repeal that status, the Commission shall provide the project promoter with reasons for the decision to repeal, the project promoter shall be given the opportunity to reply to the Commission's position and the Commission shall take into account the project promoter's reply.*

Any Strategic Project that is no longer considered a Strategic Project solely as the result of an update of the list of strategic raw materials referred to in Article 3 shall still be considered a Strategic Project for two years following the decision to repeal referred to in first subparagraph of this paragraph.

9. Projects which are no longer recognised as Strategic Projects shall lose all rights connected to that status under this Regulation.

Article 7

Implementation of Strategic Projects

1. Strategic Projects shall be considered to contribute to the security of supply of strategic raw materials in the Union, *in line with the objectives set out in article 1 of this Regulation.*
2. With regard to the environmental impacts addressed in Articles 6(4) and 16(1)(c) of Directive 92/43/EEC, Article 4(7) of Directive 2000/60/EC and Article 9(1)(a) of Directive 2009/147/EC, Strategic Projects in the Union shall be considered as being of public interest or serving public health and safety and may be considered as having an overriding public interest provided that all the conditions set out in those Directives are fulfilled.
3. The Member State, *together with regional and local authorities* whose territory is concerned by a Strategic Project shall take measures to contribute to its timely and effective implementation.
4. The Board shall periodically discuss the implementation of the Strategic Projects and, where necessary, measures that could be taken by the project promoter or the Member State whose territory is concerned by a Strategic Project to further facilitate the *implementation and successful execution of the Strategic Projects.*
5. The project promoter shall, every two years after the date of recognition as a Strategic Project, submit a report to the *Commission* containing information on at least:

- (a) progress in the implementation of the project, in particular with regard to the permit granting process;
- (b) where relevant, reasons for delays compared to the timetable referred to in Article 6(1), point (c) and a plan to overcome such delays;
- (c) progress in financing the project, including information on public financial support;

The Commission shall submit a copy of the report to the Board, to facilitate the discussion referred to in paragraph 4.

- 6. The Board may request additional information from project promoters relevant to the implementation of the Strategic Project at any moment.
- 7. The project promoter shall notify the Commission of:
 - (a) changes ***that constitute hurdles*** to the ***project's*** fulfilment of the criteria set out in Article 5(1);
 - (b) changes in control of the undertakings involved in the project on a lasting basis, compared to the information referred to in Article 6(1), point (e).
- 8. The Commission is empowered to adopt implementing acts establishing a template to be used by project promoters for the reports referred to in paragraph 5. The template may indicate how the information referred to in paragraph 5 shall be expressed. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2).

Those implementing acts shall provide for a single template to cover all information required for the report The scope of information required to complete the single template shall be reasonable.

- 9. The project promoter shall establish and regularly update ***the company website or*** a dedicated project website with information ***relevant to the local population and to foster public acceptance*** about the Strategic Project, including information on the environmental ***and*** social and economic impacts and benefits associated with the Strategic Project. The website shall be freely accessible to the public and shall be available in a language or languages that can be easily understood by the local population.

SECTION 2 PERMIT GRANTING PROCESS

Article 8

One stop shop

1. By [OP please insert: 3 months after the date of entry into force of this Regulation], Member States shall designate one national competent authority which shall be responsible for facilitating, coordinating ***and streamlining*** the permit-granting process for critical raw material projects and provide information on the elements referred to in Article 17. ***Without affecting the speed of the proceedings, the designated competent authority may request the opinion and involvement of other competent authorities.***

2. The national competent authority referred to in paragraph 1 shall be the sole point of contact for the project promoter in the permit granting process leading to a comprehensive decision for a given critical raw material project and shall coordinate the submission of all relevant documents and information. ***It shall ensure that all matters regarding permit granting processes for critical raw materials projects are dealt with in a timely manner.***

A case officer shall be assigned by the one-stop shops to critical raw materials projects that have been granted the status of Strategic Projects. The case officer shall provide an easy point of contact and assist the project promoter in understanding any administrative matter. The case officer may also be part of another authority with respect to the different national structures of the one-stop shop.

3. The responsibilities of the national competent authority referred to in paragraph 1 or the tasks related to it may be delegated to, or carried out by, another authority, for each critical raw material projects, provided that:
 - (a) the national competent authority referred to in paragraph 1 notifies the project promoter of that delegation;
 - (b) a single authority is responsible for each critical raw material project;
 - (c) a single authority coordinates the submission of any relevant documents and information;

(ca) the national competent authority referred to in paragraph 1 ensures that no delays result from the delegation of tasks.

4. Project promoters shall be allowed to submit all documents relevant to the permit granting process in electronic form.
5. The national competent authority referred to in paragraph 1 shall take into consideration any valid studies conducted and permits or authorisations issued for a given critical raw material project before the project entered the permit granting process in accordance with this Article, and shall not require duplicate studies and permits or authorisations, unless otherwise required under Union law.
6. The national competent authority referred to in paragraph 1 shall ensure that applicants have easy access to information on and simple procedures for the settlement of disputes concerning the permit granting process and the issuance of permits for critical raw materials projects, including, where applicable, alternative dispute resolution mechanisms.
7. Member States shall ensure that the national competent authority referred to in paragraph 1 ***or any authority to which tasks are delegated pursuant to paragraph 3 have*** a sufficient number of qualified staff and sufficient financial, technical and technological resources necessary, including for up- and re-skilling, for the effective performance of its tasks under this Regulation.

Where Member States do not initially have the resources to fulfil the requirements set out in this paragraph in terms of technical resources, the Commission shall assist them with resources aiding the member state in fulfilling those requirements.

8. The Board shall:
 - (a) periodically discuss the implementation of this Section and share best-practices for speeding up permitting procedure for critical raw material projects as well as to improve their public ***participation and consultation***;
 - (b) where relevant, propose to the Commission guidelines for the implementation of this Section to be taken into account by national competent authorities referred to in paragraph 1.

Article 9

Priority status of Strategic Projects

1. For the purpose of ensuring efficient administrative processing of the permitting processes related to Strategic Projects in the Union, project promoters and all authorities concerned ***including national authorities referred to in Article 8(1) and (3)*** shall ensure that those processes, ***including contact between project promoter and any authority before the application is officially submitted and complete***, are treated in the most rapid way possible in accordance with Union and national law.
2. Without prejudice to obligations provided for in Union law, Strategic Projects in the Union shall be granted the status of the highest national significance possible, where such a status exists in national law, and be treated accordingly in the permit granting processes, ***including building, chemical and grid connection permits and environmental assessments and authorisations where required, and encompassing all administrative applications and procedures***.
3. All dispute resolution procedures, litigation, appeals and judicial remedies related to the permit-granting process and the issuance of permits for Strategic Projects in the Union in front of any national courts, tribunals, panels, including mediation or arbitration, where they exist in national law, shall be treated as urgent, if and to the extent to which national law provides for such urgency procedures and provided that the normally applicable rights of defence of individuals ***and*** of local communities would be ***strictly*** respected. Project promoters of Strategic Projects shall participate in such urgency procedure, where applicable.

Article 10

Duration of the permit granting process

1. For Strategic Projects in the Union, the permit granting process shall not exceed:
 - (a) 24 months for Strategic Projects involving extraction ***except for Strategic Projects exclusively related to extractive waste, for which the permit granting process shall not exceed 18 months;***
 - (b) 12 months for Strategic Projects only involving processing or recycling.
2. For Strategic Projects in the Union that had entered in the permit granting process before being granted the status of Strategic Project ***and for expansions of Strategic***

Projects already granted with a permit, the duration of the remaining steps of the permit granting process after the project is granted strategic status shall, in derogation from paragraph 1, not exceed:

(a) 21 months for Strategic Projects involving extraction, *except for Strategic Projects exclusively related to extractive waste, for which the permit granting process shall not exceed 15 months;*

(b) 9 months for Strategic Projects only involving processing or recycling.

3. In exceptional cases, where the nature, complexity, location or size of the proposed project so require, the national competent authority referred to in Article 8(1) may extend the time limits referred to in paragraph 1, point (a), and 2, point (a), by a maximum of 3 months and the time limits referred to in paragraph 1, point (b), and 2, point (b), by a maximum of 1 months, before their expiry and on a case-by-case basis. In that event, the national competent authority referred to in Article 8(1) shall inform the project promoter of the reasons justifying the extension and of the date when the comprehensive decision is expected in writing.

4. For Strategic Projects *not* involving *extraction*, the lack of comprehensive decision by the national competent authority referred to in Article 8(1) within the applicable time limits referred to in paragraphs 1 and 2 shall result in the relevant permit granting application to be considered as approved, except in those cases where the specific project requires an environmental impact assessment pursuant to Council Directive 92/43/EEC or Directives 2000/60/EC, 2008/98/EC, 2009/147/EC 2010/75/EU, 2011/92/EU or 2012/18/EU.

5. No later than one month following the receipt of a permit granting application related to a Strategic Project, the national competent authority referred to in Article 8(1) shall validate the application or, if the project promoter has not sent all the information required to process an application, request the project promoter to submit a complete application within **30** days from this request, *detailing which information is missing*.

The date of the acknowledgement of the validity of the application by the national competent authority referred to in Article 8(1) shall serve as the start of the permit granting process.

6. No later than one month following the date of the acknowledgement of the validity of

the permit granting application, the national competent authority referred to in Article 8(1) shall draw up, in close cooperation with the project promoter and other authorities concerned, a detailed schedule for the permit granting process. The schedule shall be published by the project promoter on the website referred to in Article 7(9).

7. The time limits set in this Article shall be without prejudice to obligations arising from Union and international law, and without prejudice to administrative appeal procedures and judicial remedies before a court or tribunal.

The time limits set in this Article for any of the permit granting procedures shall be without prejudice to any shorter time limits set by Member States.

Article 11

Environmental assessments and authorisations

1. Where an environmental impact assessment must be carried out for a Strategic Project in accordance with Articles 5 to 9 of Directive 2011/92/EU, the relevant project promoter shall, ***no later than 30 days after the notification of the recognition as Strategic Project***, request an opinion to the national competent authority referred to in Article 8(1) on the scope and level of detail of the information to be included in the environmental impact assessment report under Article 5(1) of that Directive.

The national competent authority referred to in Article 8(1) shall ensure that the opinion referred to in the first subparagraph is issued as soon as possible and within a period of time not exceeding **20** days from the date on which the project promoter submitted its request. ***The national competent authority shall aim to streamline the process and guide the project promoter through the process.***

The Commission shall publish common guidelines for national competent authorities pursuant to this paragraph.

2. In the case of Strategic Projects for which the obligation to carry out assessments of the effects on the environment arises simultaneously from Council Directive 92/43/EEC, Directives 2000/60/EC, 2008/98/EC, 2009/147/EC 2010/75/EU, 2011/92/EU or 2012/18/EU of the European Parliament and the Council, the national competent authority referred to in Article 8(1) shall ensure that a coordinated or a joint procedure fulfilling ***all*** the requirements of that Union legislation is applied, ***whichever procedure the project promoter chooses.***

Under the coordinated procedure referred to in the first subparagraph, the national competent authority referred to in Article 8(1) shall coordinate **and streamline** the various individual assessments of the environmental impact of a particular project required by the relevant Union legislation.

Under the joint procedure referred to in the first subparagraph, the national competent authority referred to in Article 8(1) shall provide for a single assessment of the environmental impact of a particular project required by the relevant Union legislation.

3. The national competent authority referred to in Article 8(1) shall ensure that the authorities concerned issue the reasoned conclusion referred to in Article 1(2), point (g)(iv) of Directive 2011/92/EU on the environmental impact assessment of a Strategic Project within **80 days** of receiving all necessary information gathered pursuant to Articles 5, 6 and 7 of that Directive and completing the consultations referred to in Articles 6 and 7 of that Directive.
 - 3a. ***In exceptional cases, where the nature, complexity, location or size of the proposed project so require, the national competent authority referred to in Article 8(1) may extend the time limit referred to in paragraph 3 of this Article by a maximum of 30 days, before its expiry and on a case-by-case basis. In that event, the national competent authority referred to in Article 8(1) shall inform the project promoter of the reasons justifying the extension and of the date when the reasoned conclusion is expected in writing.***
4. The time-frame for consulting the public concerned on the environmental impact assessment report referred to in Article 5(1) of Directive 2011/92/EU shall not be longer than **80 days and not be shorter than 40 days** in the case of Strategic Projects.
 - 4a. ***For Strategic Projects in the absence of a reasoned conclusion by the competent authority referred to in Article 8(1) within the applicable time limits referred to in paragraph 3 of this Article, the project promoter shall be able to lodge a complaint before the relevant court, leading to fines or an interim injunction.***
5. Paragraph 1 of this Article shall not apply to the permit granting process for Strategic Projects that had entered in the permit granting process before the being granted the status of Strategic Project.

Paragraphs 2 to 4 of this Article shall apply to the permit granting process for Strategic Projects that had entered in the permit granting process before being granted the status of Strategic Project only to the extent that the steps addressed in those paragraphs have not yet been completed.

Article 12

Planning

1. Member States shall ensure that national, regional and local authorities responsible for preparing plans, including zoning, spatial plans and land use plans, include in such plans, where appropriate, provisions for the development of critical raw materials projects ***in close cooperation with each other***. Priority shall be given to artificial and built surfaces, industrial sites, brownfield sites, ***active or abandoned mines*** and, where appropriate, ***mineral deposits verified by a Member State's geological survey***.
2. Where plans including provisions for the development of critical raw material projects are subject to an assessment pursuant to Directive 2001/42/EC and pursuant to Article 6 of Directive 92/43/EEC, those assessments shall be combined. Where ***applicable***, this combined assessment shall also address the impact on potentially affected water bodies and verify whether the plan would cause deterioration of the status or of the potential referred to in Article 4 of Directive 2000/60/EC or would potentially hamper that a water body achieves good status or good potential. Where relevant Member States are required to assess the impacts of existing and future activities on the marine environment, including land-sea interactions, as referred to in Article 4 of Directive 2014/89/EU, these impacts shall also be covered by the combined assessment ***while maintaining the same standard of quality. When there is a need for an assessment under Article 4 of Directive 2000/60/EC or Article 4 of Directive 2014/89/EU according to this Article, it shall be conducted in such a way that it does not lead to a prolongation of the time limits referred to in Article 10(1) and (2) and Article 11(3) if this Regulation.***

Article 13

Applicability of UNECE conventions

1. The provisions set out in this Regulation are without prejudice to the obligations under **■** of the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice

in Environmental Matters, signed at Aarhus on 25 June 1998, and under the UNECE Convention on environmental impact assessment in a transboundary context, signed at Espoo on 25 February 1991.

2. All decisions adopted pursuant to this Section shall be made publicly available *in an easily understandable manner and all decisions concerning one project shall be available at the same website.*

SECTION 3 ENABLING CONDITIONS

Article 14

Accelerating implementation

1. The Commission and the Member States *as well as the local and regional authorities concerned* shall undertake activities to accelerate and *facilitate* private investments in Strategic Projects. *To secure consistent supply within the Union, Member States shall, in accordance with Article 107 and Article 108 of the TFEU, consider providing and coordinating support to Strategic Projects facing difficulties in accessing finance, as well as to start-ups active on specific stages of the value chain in order to support development and promote an innovative ecosystem and the broadest spectrum of technologies in that area. The Commission and the Member States shall refrain from activities that crowd out private investments.*
2. *The Commission and Member States, including regional and local authorities shall, where appropriate,* provide administrative support to Strategic Projects to facilitate their rapid and effective implementation, including by providing:
 - (a) assistance to ensure compliance with applicable administrative and reporting obligations;
 - (b) assistance to project promoters to further increase the *timely public participation in and consultation* of the project, *including by following recommendations and best practices shared by the Board where necessary;*

(ba) updates of predictable and ad hoc administrative delays of the project promoters with regard to the permitting process and the underlying reasoning while ensuring regular, timely and clear communication;

(bb) the seed funding programmes specific to raw materials resulting from the Net Zero Industry Academies referred to in [OP: please insert here reference to Net Zero Industry Act].

2a. The Commission may address an opinion to Member States on the alignment of the national implementation with the objectives laid down in Article 1(2).

Article 15

Coordination of financing

1. The standing sub-group referred to in Article 35(6), point (a), shall , at the request of a project promoter of a Strategic Project, discuss and advise on how the financing of its project can be completed ***and issue recommendations on future resources and funding instruments***, taking into account the funding already secured and considering at least the following elements:

- (a) additional private sources of financing ***as well as support through resources from the European Investment Bank Group or other international financial institutions, including the European Bank for Reconstruction and Development, with a particular focus on the Global Gateway Initiative for Strategic Projects outside of the Union;***
- (b) existing Member State instruments and programmes, including from ***export credit agencies***, national promotional banks and institutions;
- (c) relevant Union funding and financing programmes.

1a. By ... [18 months after entry into force of this Regulation] and every year thereafter, the Commission, assisted by the standing sub-group referred to in Article 35(6), point (a), shall submit a report to the European Parliament, the Council and the Commission. The report shall describe obstacles to access finance, and recommendations to facilitate access to finance for Strategic Projects including the European Investment Bank and the European Bank for Reconstruction and Development.

Article 16

Facilitating off-take agreements

1. The Commission shall set up a system to facilitate the conclusion of off-take agreements related to Strategic Projects, in compliance with competition rules.
2. The system referred to in paragraph 1 shall allow potential off-takers to make bids indicating:
 - (a) the volume and quality of strategic raw materials they intend to purchase;
 - (b) the intended price or price range;
 - (c) the intended duration of the off-take agreement.
3. The system referred to in paragraph 1 shall allow project promoters of Strategic Projects to make offers indicating:
 - (a) the volume and quality of strategic raw materials for which they are seeking to conclude off-take agreements;
 - (b) the intended price or price range at which they are willing to sell;
 - (c) the intended duration of the off-take agreement.
4. Based on the bids and offers received pursuant to paragraph 2 and 3, the Commission shall bring project promoters of Strategic Projects in contact with potential off-takers relevant for their project.
- 4a. *The system shall be accessible to project promoters where a Strategic Project has not yet been granted but has reached an advanced level in applying for a permit by the national competent authority referred to in Article 8(1).***

Article 17

Online accessibility of administrative information

- I.** Member States shall provide the following information on administrative processes relevant to critical raw material projects online, and in a centralised and easily accessible manner:
 - (a) the permit-granting process ***and related administrative processes required for obtaining the permit;***
 - (b) financing and investment services;

- (c) funding possibilities at Union or Member State level;
- (d) business support services, including but not limited to corporate tax declaration, local tax laws, labour law.

1a. *The Commission shall, in a centralised and easily accessible manner, provide information on administrative processes relevant to obtaining the status of Strategic Projects online.*

SECTION 4 EXPLORATION

Article 18

National exploration programmes

1. Each Member State shall draw up a national programme for general exploration targeted at critical raw materials. Each Member State shall draw up the first such programme by [OP please insert: 1 year after the date of entry into force of this Regulation]. The national programmes shall be reviewed and ***digitally updated with data incorporated from other exploration campaigns for publication every three years.***
2. The national exploration programmes referred to in paragraph 1 shall include measures to increase available information on the Union's critical raw material occurrences, including deep ore deposits. They shall include, as appropriate, the following measures:
 - (a) mineral mapping at a suitable scale, ***including the potential of existing tailings;***
 - (b) geochemical campaigns, including to establish the chemical compositions of soils, sediments, rocks;
 - (c) geoscientific surveys, such as geophysical surveys;
 - (d) processing of the data gathered through general exploration, including through the development of predictive maps;
 - (e) reprocessing of existing geoscientific survey data to check for unidentified mineral occurrences containing critical raw materials ***and carrier metals which may contain critical raw materials.***

3. Member States shall communicate to the Commission their *draft* national programmes referred to in paragraph 1. *The Commission may issue an opinion with regard to the scope and format of their exploration programmes, to ensure a streamlined Union approach. The Commission may also help Member States in setting up and implementing their national exploration programmes through technical, digital and technological resources.*

The Member States shall communicate to the Commission the finalised national programmes referred to in paragraph 1 of this Article. The Commission shall then forward those programmes to the Board so that they can be discussed in the subgroup referred to in Article 35(6), point (e).

4. Member States shall, as part of the report referred to in Article 43, provide information on progress in the implementation of the measures included in their national programmes.
5. Member States shall make *updated* information on their mineral occurrences containing critical raw materials gathered through the measures set out in the national programmes referred to in paragraph 1 available *upon reasoned request by academia, national competent authorities, Union or national, regional and local agencies, national geological institutes or surveys*. This information shall, where applicable, include the classification of the identified occurrences using the United Nations Framework Classification for Resources.

The Commission is empowered to adopt implementing acts establishing a template for making available the information referred to in the first subparagraph. The template may indicate how the information referred to in the first subparagraph shall be expressed. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2).

6. Taking into consideration existing cooperation on general exploration, the standing sub-group referred to in Article 35(6), point (b) shall discuss the national programmes referred to in paragraph 1 and their implementation, including at least:
- (a) the potential for cooperation, including on exploration of cross-border mineral occurrences and common geological formations;
 - (b) best practices related to the measures listed in paragraph 2;

(c) the *integration of* the results of the national programmes referred to in paragraph 1 *into the spatial data infrastructure referred to in Directive 2007/2/EC of the European Parliament and of the Council²⁷ and to make this spatial data infrastructure accessible to all national competent authorities to increase data-sharing.*

6a. *Member States shall support the technological maturity of exploration technologies for deep and complex deposits of critical raw materials at least by including support actions to that effect under national R&I programmes, while minimising the environmental impact of those technologies.*

Chapter 4

Risk monitoring and mitigation

Article 19

Monitoring and stress testing

1. The Commission shall monitor supply risk related to critical raw materials. That monitoring shall cover at least the evolution of the following parameters:
 - (a) trade flows;
 - (b) demand and supply;
 - (c) concentration of supply;
 - (d) Union and global production and production capacities at different stages of the value chain;
 - (da) price volatility;*
 - (db) permitting bottlenecks;*
 - (dc) Union and global recycling capacities of strategic raw materials;*
 - (dd) geopolitical developments, human rights crises and security challenges facing the Union.*

2. The national authorities participating in the standing sub-group referred to in Article

²⁷ *Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).*

35(6), point (c), shall support the Commission in the monitoring referred to in paragraph 1 by:

- (a) sharing any information they have at their disposal on the evolution of the parameters listed in paragraph 1, including the information referred to in Article 20;
- (b) gathering, in coordination with the Commission and the other participating authorities, information on the evolution of the parameters listed in paragraph 1, including the information referred to in Article 20 ***without prejudice to applicable competition and anti-trust law;***
- (c) providing an analysis of the supply risks for critical raw materials in light of the evolution of the parameters listed in paragraph 1.

3. The Commission, in collaboration with the national authorities participating in the standing sub-group referred to in Article 35(6), point (c), shall ensure that a stress test is performed for each ***critical*** raw material's supply chain at least every ***two*** years ***or if supply risks are detected as a result of the monitoring referred in paragraph 1.*** To that end, the standing sub-group referred to in Article 35(6), point (c), shall coordinate and divide the implementation of stress tests for the different ***critical*** raw materials by the different participating authorities.

The stress tests referred to in the first subparagraph shall consist of an assessment of the vulnerability of the Union's supply chain of the relevant ***critical*** raw material to supply disruptions by estimating the impact of different scenarios that may cause such disruptions and their potential effects, taking into account at least the following elements:

- (a) where the raw material concerned is extracted, processed or recycled;
- (b) the capacities of economic operators along the value chain as well as the market structure;
- (c) factors that might affect supply, including but not limited to the geopolitical situation, ***trade disputes including acts of economic coercion,*** logistics, energy supply, workforce or natural disasters;
- (d) the availability ***and ability to swiftly diversify*** supply sources, substitute

materials *or mitigate the demand through increases in efficiency*;

(e) the users of the relevant raw material along the value chain and their share of demand, with special attention to the manufacturing of technologies relevant for the green and digital transitions as well as defence and *aerospace* applications.

4. The Commission shall make available *upon a reasoned request by academia, national competent authorities, Union agencies or Member States geological institutes or surveys, information* containing:

(a) the available information on the evolution of the parameters referred to in paragraph 1;

(b) a calculation of the supply risk for critical raw materials in light of the information referred to in point (a);

(c) the results of the stress tests referred to in paragraph 3;

(d) where appropriate, suggestion for suitable mitigation strategies to decrease supply risk.

If there are reasonable grounds to assume that making available information referred to in the first subparagraph of this paragraph to any of the actors referred to in that subparagraph 1 would lead to geopolitical disadvantages, the Commission may refuse to make available the information to any of those actors on a case-by-case basis.

5. Where, based on the information gathered pursuant to paragraphs 1, 2 and 3, the Commission considers that there is a clear indication of the risk of a supply disruption, the Commission shall alert Member States, the Board, *the European Parliament* and the Union governance bodies of crisis vigilance or crisis management mechanisms whose scope covers relevant critical or strategic raw materials.

5a. Large companies manufacturing strategic technologies using strategic raw materials shall take appropriate risk management and mitigation measures regarding their supply chains of critical raw materials and shall share them with their board of directors on a regular basis as well as ad hoc if needed.

Article 20

Information obligations for monitoring

1. Member States shall, as part of the report referred to in Article 43, provide information to the Commission on any new or existing raw material project on their territory that is relevant regarding to Article 19(1), point (d), including a classification of new projects according to the United Nations Framework Classification of Resources.

The Member State providing information in accordance with the first subparagraph of this paragraph shall obtain that information exclusively from the data submitted in the permit granting application. Any information provided under the first subparagraph of this paragraph shall be treated in accordance with Article 44.

2. Member States shall identify ***the large companies operating*** along the critical raw materials value chain established in their territory and shall:
 - (a) monitor their activities through regular and proportionate surveys with a view to gathering information required for the monitoring tasks referred to in Article 19. ***Large companies identified under this paragraph shall only be required to submit information they collect as part of already existing monitoring exercises or stress tests, to the extent that such information is already available. The large companies shall not be required to submit any data that includes business risk. Member States shall ensure that information is treated in accordance with Article 44.***
 - (b) as part of the report referred to in Article 43, provide information on the results of those surveys;
 - (c) without delay notify the Commission of major events that may hinder the regular operations of the activities of the identified large companies.

3. Member States shall transmit the data collected pursuant to paragraphs 2(a) and (b) of this Article to national statistical authorities and to Eurostat for the purposes of compiling statistics in accordance with Regulation (EC) No 223/2009 of the European Parliament and of the Council. Member States shall designate the national authority responsible for transmitting the data to national statistical offices and Eurostat.

3a. Member States shall, after consulting relevant stakeholders along the critical raw

materials value chain, develop a single template to be filled in by large companies for answering the surveys referred to in paragraph 2, point (a). The single template may indicate how the information referred to in paragraph 2, point (a) is to be formulated. The scope of information required to complete the single template shall be reasonable.

Article 21

Reporting of strategic stocks

1. Member States shall, as part of the report referred to in Article 43, submit to the Commission information on the state of their strategic stocks of strategic raw materials.
2. The information referred to in paragraph 1 shall cover stocks held by all public authorities, publicly owned companies or economic operators charged by a Member State to build up *or manage* strategic stocks on its behalf and shall at least include a description of:
 - (a) the level of stocks available for each strategic raw material, measured both in tonnes and as a percentage of annual national consumption of the relevant materials, as well as the chemical form and purity of the materials stocked;
 - (b) the evolution of the level of stocks available for each strategic raw material over the preceding 5 years;
 - (c) any rules or procedures applicable to the release, allocation and distribution of strategic stocks.
3. The report may also include information of strategic stocks of critical and other raw materials.

Article 22

Monitoring of strategic stocks

1. By [OP please complete: 2 year after the date of entry into force of this Regulation] and every 2 years after that, the Commission shall, based on the information received pursuant to Article 21(1), share with the Board *and the European Parliament*:
 - (a) *information on* the overall level of Union stocks for each strategic raw material;

- (b) information on the potential cross-border accessibility of strategic stocks, in light of the rules or procedures for their release, allocation and distribution.
2. The *standing sub-group* of the Board *referred to in Article 35(6), point (d)* shall *determine* a safe level of Union stocks of strategic raw materials. *The safe level shall:*
- (a) be expressed as the amount needed to cover an amount of days of average daily net imports in case of a supply disruption, calculated on the basis of the amount of imports during the previous calendar year;
 - (b) be proportionate to the supply risk and economic importance associated with the relevant strategic raw material.
3. The Commission, taking account of the views of the Board, *shall, where appropriate*, issue opinions addressed to Member States:
- (a) to increase the level of strategic stocks, taking into account the comparison referred to in paragraph 1, point (b), the relative distribution of existing stocks among Member States and the consumption of strategic raw materials by economic operators in the Member States' respective territories;
 - (b) to amend or coordinate the rules or procedures for the release, allocation and distribution of strategic stocks in order to improve the potential cross-border accessibility, in particular where necessary for the production of strategic technologies.
4. In preparing opinions referred to in paragraph 3, *the Commission and* the Board shall give particular weight to the need to main incentives for private operators, which rely on strategic raw materials as inputs, to constitute their own stocks or to take other measures to manage their exposure to supply risks.
5. Member States shall, as part of the report referred to in Article 43, provide information on whether and how they have implemented or intend to implement the opinions referred to in paragraph 3.
6. Ahead of the participation of at least two Member States in international or multilateral fora in the areas of strategic stocks for strategic raw materials, the Commission shall ensure a prior coordination either between the Member States concerned and the Commission or by a dedicated meeting of the Board.

7. The data collected on the available Union stocks shall be provided by the Commission to the Union governance bodies responsible for crisis vigilance or crisis management mechanisms covering relevant strategic raw materials.

Article 24

Joint purchasing

1. The Commission shall set up and operate a system to aggregate the demand of interested undertakings consuming strategic raw materials established in the Union and Member State authorities responsible for strategic stocks and seek offers from suppliers to match that aggregated demand. This shall cover both unprocessed and processed strategic raw materials.
2. In setting up and operating the system referred to in paragraph 1, the Commission shall ***choose the strategic raw materials and processing steps for which the system may be used, taking into account the relative supply risk of different strategic raw materials and the possibilities for building up strategic stocks related to those material based on the information gathered pursuant to Articles 21 and 22.***

The Commission may also set minimum amounts of demanded material ***without prejudice to the ability of SMEs*** to participate in the system, taking into account ***the aggregate needs of SMEs***, the expected number of interested participants and the need to ensure a manageable amount of participants.

3. Participation in the system referred to in paragraph 1 shall be open and transparent to all interested undertakings established in the Union and to Member State authorities. Participation of Member States or any national entities subject to the procurement Directives 2014/24 or 2014/25 shall be possible only in cases where such participation is compatible with these Directives.
4. Union undertakings and Member State authorities participating in the system referred to in paragraph 1 may, on a transparent basis, jointly negotiate the purchase, including the prices or other terms and conditions of the purchasing agreement or use joint

purchasing in order to achieve better conditions with their suppliers or to prevent shortages. Participating Union undertakings and Member State authorities shall comply with Union law, including Union competition law.

5. Entities shall be excluded from participation as supplier, in the demand aggregation and joint purchasing or as service provider if they are:
 - (a) targeted by Union restrictive measures adopted pursuant to Article 215 TFEU;
 - (b) directly or indirectly owned or controlled by, or acting on behalf or at the direction of natural or legal persons, entities or bodies targeted by such Union restrictive measures.
6. By derogation from Article 176 of Regulation (EU, Euratom) 2018/1046, the Commission may contract the necessary services of an entity established in the Union through a procurement procedure under Regulation (EU, Euratom) 2018/1046, acting as a service provider to set up and operate the system under paragraph 1. The Service provider selected shall not have any conflict of interest.
7. The Commission shall define in the service contract the tasks to be provided by the service provider, including the allocation of demand, the allocation of access rights for supply, registration and verification of all participants, publication and reporting of the activities and any other task necessary to set up and operate the system. The service contract shall also deal with practicalities of the operation of the service provider including the use of the IT tool, the security measures, the currency or currencies, the payment regime, and liabilities.
8. The service contract with the service provider shall reserve to the Commission the right to monitor and audit it. For that purpose, the Commission shall have full access to the information held by the service provider in relation to the contract. All servers and information shall be physically located and stored in the territory of the Union.
9. The service contract with the selected service provider shall determine the ownership of the information obtained by the service provider, and shall provide for the possible transfer of that information to the Commission at the termination or expiry of the service contract.

Chapter 5 Sustainability

SECTION 1 CIRCULARITY

Article 25

National measures on circularity

1. Each Member State shall by [OP please insert: **24 months** after the date of entry into force of this Regulation] adopt and implement national programmes, **which may include cross-border actions and collaborations within the European Economic Area** containing **appropriate** measures designed to:
 - (-a) mitigate the increase in demand of critical raw materials to achieve the benchmark set out in Article 1(2), point (db);**
 - (a) increase the collection, **sorting and processing** of waste, **metal scraps and end-of-life products** with high critical raw materials recovery as well as the **reuse and repair** potential **in accordance with Article 4 of Directive 2008/98/EC**, and ensure their introduction into the appropriate recycling system, with a view to maximising the **lifespan of products and** availability and quality of recyclable material as an input to critical raw material recycling facilities **in compliance with Union law, notably on environment and public health;**
 - (b) increase the **waste prevention**, re-use, **repair, refurbishing, remanufacturing and repurposing** of products and components with high critical raw materials recovery potential;
 - (c) increase the use of secondary critical raw materials **that can be used instead of or alongside primary critical raw materials, including materials originating from metal scraps and end-of-life products, and promote the refurbishment of products** including, where appropriate, by taking recycled content into account in award criteria related to public procurement **or considering financial incentives for the use of such materials;**
 - (ca) increase the efficient use of critical raw materials throughout the whole value chain;**

- (d) increase the technological maturity of recycling technologies for critical raw materials and to promote materials efficiency and the substitution of critical raw materials in applications *while taking into account performance and functionality*, at least by including support actions to that effect under national research & innovation programmes;
- (e) ensure that their workforce is equipped with the skills needed to support circularity of the critical raw materials value chain *by fostering skills, upskilling and reskilling measures*;
- (ea) *increase the possibilities to recover critical raw materials from products through changes in the design of those products or increasing their recyclability, at least by including support actions to that effect under national R&I programmes*;
- (eb) *promote in their national programs the consolidation of capacity building and technology transfer programs to promote the responsible recycling of critical minerals in producing countries*;
- (ec) *support the uptake of quality standards for recycling processes of waste streams containing critical raw materials, such as electronics waste, to ensure optimal material recovery.*

The national programmes referred to in the first subparagraph shall be updated regularly, assessing in particular whether the measures taken in accordance with this paragraph are suitable.

Member States shall share relevant information and best practices related to such measures with the European Critical Raw Materials Board established pursuant to Article 34. Where feasible, measures related to increasing the technological maturity of recycling technologies, materials efficiency and substitution of critical raw materials are encouraged to be taken in cooperation with other Member States.

2. The programmes referred to in paragraph 1 shall cover in particular products and waste which are not subject to any specific requirement on collection, treatment, recycling or re-use under Union legislation. For other products and waste, the measures shall be implemented in coherence with existing Union legislation.

With respect to points (a) and (b) of paragraph 1, the programmes referred to in that paragraph may include, without prejudice to Articles 107 and 108 of the TFEU *and*

where duly substantiated, the introduction of *economic instruments*, such as discounts, monetary rewards or deposit-refund systems, to encourage the re-use of products with high critical raw materials recovery potential and the collection of waste from such products.

3. Each Member State shall by [OP please insert: **30 months** after the date of entry into force of this Regulation] adopt and implement measures to promote the recovery of critical raw materials from extractive waste, in particular from closed waste facilities identified in the database created in accordance with Article 26 as containing potentially economically recoverable critical raw materials.
4. The national measures referred to in paragraphs 1 and 2 shall be designed so as to avoid barriers to *international and intra-Union* trade and distortions of competition *on the Union market* conformity with the TFEU.
5. When reporting to the Commission the data concerning the quantities of waste electrical and electronic equipment recycled, pursuant to Article 16(6) of Directive 2012/19/EU on waste electrical and electronic equipment, Member States shall identify separately, and report, *a substantiated estimate of critical raw materials placed on the market in electrical and electronic equipment*, the quantities of components containing relevant amounts of critical raw materials removed from such waste equipment and the quantities of critical raw materials recovered from the waste electrical and electronic equipment. The Commission shall adopt implementing acts specifying the format and details of such reporting. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3). The first reporting period shall cover the first full calendar year after the adoption of those implementing acts.
 - 5a. *On the basis of the reports referred to in paragraph 5 of this Article, the Commission shall review Directive 2012/19/EU to assess the feasibility of introducing targets for the collection and recovery of critical raw materials from waste electrical and electronic equipment.*
6. Member States shall, as part of the report referred to in Article 43, provide information on the adoption of the national programmes referred to in paragraph 1 and on progress in the implementation *and the effects* of the measures taken pursuant to paragraphs 1 to 3, *as well as their contribution to meeting the benchmarks set out in Article 1.*

7. **By ... [1 year after the date of entry into force of this Regulation],** the Commission shall adopt *delegated* acts **in accordance with Article 36 to supplement this Regulation by** specifying a list of products, components and waste streams that shall at least be considered as having a **relevant** critical raw materials recovery potential within the meaning of paragraph 1 (a) and (b).

In drawing up this list, the Commission shall take account of:

- (a) the total amount of critical raw materials **potentially** recoverable from those products, components and waste streams;
- (b) the extent to which those products, components and waste streams are covered by Union legislation;
- (c) regulatory gaps;
- (d) particular challenges affecting their collection and waste treatment;
- (e) existing systems of collection and waste treatment applying to them.

- 7a. The Commission shall, after consultation with concerned stakeholders, develop dedicated waste codes for lithium-ion batteries and intermediate waste streams ('black mass').**

Article 26

Recovery of critical raw materials from extractive waste

1. Operators obliged to submit waste management plans in accordance with Article 5 of Directive 2006/21/EC shall provide to the competent authority as defined in Article 3 of Directive 2006/21/EC a preliminary **environmental and** economic assessment study regarding the potential recovery of critical raw materials from:
- (a) the extractive waste stored in the facility; and
 - (aa) the extractive waste disposed by the operator since the entry into force of Directive 2006/21/EC; and**
 - (b) the extractive waste being generated or, where considered more effective, from the extracted volume prior to it becoming waste.
- 1a. Operators are exempted from the obligation under paragraph 1, if they demonstrate**

to the competent authorities that the extractive waste does not contain critical raw materials that are technically recoverable.

2. The study referred to in paragraph 1 shall at least include an estimation of the quantities and concentrations of critical raw materials contained in the extractive waste and in the extracted volume and an assessment of their technical and economic recoverability, *as well as the environmental consequences of recovering them. Operators shall specify the methods used to estimate the quantities and concentrations.*
3. Operators of existing waste facilities shall submit the study referred to in paragraph 1 to the competent authority as defined in Article 3 of Directive 2006/21/EC by [OP please insert: 2 years after the date of entry into force of this Regulation]. Operators of new waste facilities shall submit this study to the competent authority when submitting their waste management plans in accordance with Article 5 of Directive 2006/21/EC.
4. Member States shall establish a database of all closed waste facilities, including abandoned waste facilities, located on their territory. This database shall contain information on:
 - (a) the location, areal extent and waste volume of the waste facility;
 - (b) the operator or former operator of the waste facility and, where applicable, their legal successor;
 - (c) the approximate quantities and concentrations of all raw materials contained in the extractive waste and, where available, in the original mineral deposit, in accordance with paragraph 6 of this Article;
 - (d) any additional information considered relevant by the Member State to enable the recovery of critical raw materials from a waste facility.
5. The database referred to in paragraph 4 shall be put in place by [OP please insert: 9 *months* after the date of entry into force of this Regulation] and all information completed by [OP please insert: 2 years after the date of entry into force of this Regulation]. It shall be made available in a publicly accessible and digital form and updated at least every 2 years to incorporate additional available information and newly closed or newly identified facilities.

6. In order to provide the information referred to in paragraph 4, point (c), Member States shall undertake at least the following activities:
- (a) for all closed waste facilities, Member States shall comprehensively review the available permitting files by [OP please insert: **9 months** after the date of entry into force of this Regulation];
 - (b) for such waste facilities where available information does not a priori exclude the presence of potentially economically recoverable quantities of critical raw materials, Member States shall additionally conduct, by [OP please insert: **18 months** after the date of entry into force of this Regulation], a representative geochemical sampling;
 - (c) for such waste facilities where the activities described under points (a) and (b) of this paragraph have indicated potentially economically recoverable quantities of critical raw materials, Member States shall additionally carry out, by [OP please insert: **30 months** after the date of entry into force of this Regulation], a more detailed analysis involving core logging or equivalent techniques, where this is environmentally sound in accordance with applicable environmental requirements at Union level and with the requirements of Directive 2006/21/EC where relevant.
7. The activities described in paragraph 6 shall be carried out within the limits of national legal systems pertaining to property rights, ownership of land, mineral resources and waste, and any other relevant provisions. Where such factors inhibit the activities, the Member State authorities shall seek the cooperation of the operator or owner of the waste facility. The results of the activities described under paragraph 6 shall be made accessible as part of the database *referred to in paragraph 4*. Where possible, the Member States shall include in *that* database a classification of the closed extractive waste facilities according to the United Nations Framework Classification for Resources.

Article 27

Recyclability of permanent magnets

1. From [OP please insert: 3 years after the date of entry into force of this Regulation], any natural or legal person that places on the market magnetic resonance imaging

devices, wind energy generators, industrial robots, motor vehicles, light means of transport, cooling generators, heat pumps, electric motors, including where they are integrated in other products, automatic washing machines, tumble driers, microwaves, vacuum cleaners or dishwashers shall ensure that those products bear a conspicuous, clearly legible and indelible label indicating:

- (a) whether or not those products incorporate one or more permanent magnets;
- (b) if the product incorporates one or more permanent magnets, whether those magnets belong to any of the following types:
 - (i) Neodymium-Iron-Boron;
 - (ii) Samarium-Cobalt;
 - (iii) Aluminium-Nickel-Cobalt;
 - (iv) Ferrite.

(ba) if the product incorporates one or more permanent magnets of the types referred to in point (b), how many of each type of magnets is incorporated in the product.

- 2. The Commission shall adopt an implementing act establishing the format for the labelling referred to in paragraph 1 ***by [date: 1 years after the date of entry into force of this Regulation].*** That implementing act shall be adopted in accordance with the examination procedure referred to in Article 37(3).
- 3. From [OP please insert: 3 years after the date of entry into force of this Regulation], any natural or legal person that places on the market products referred to in paragraph 1 incorporating one or more permanent magnets of the types referred in paragraph 1, point (b), points (i) to (iii), shall ensure that a data carrier is present on or in the product. ***The data carrier shall, under no circumstances, contain or give access to commercially sensitive information.***
- 4. The data carrier referred to in paragraph 3 shall be linked to a unique product identifier that provides ***targeted*** access to the following:
 - (a) the name, registered trade name or registered trade mark and the postal address of the responsible natural or legal person and, where available, electronic means of communication where they can be contacted;

- (b) information on the weight, location and chemical composition of all individual permanent magnets included in the product, and on the presence and type of magnet coatings, glues and any additives used;
 - (c) information enabling access and removal of all permanent magnets incorporated in the product, at least including the sequence of all removal steps, tools or technologies required for the access and removal of the permanent magnet, without prejudice to Article 15(1) of Directive 2012/19/EU.
5. For products where the incorporated permanent magnets are exclusively contained in one or more electric motors incorporated in the product, the information referred to in paragraph 4, point (b), may be replaced by information on the location of those electric motors, and the information referred to in paragraph 4, point (c), may be replaced by information on the access and removal of the electric motors, at least including the sequence of all removal steps, tools or technologies required for the access and removal of the electric motors.
6. For products referred to in paragraph 3 for which a product passport as defined in Regulation XX/XXXX [the Ecodesign for Sustainable Products Regulation] *or* XX/XXXX [*Batteries and waste batteries Regulation*] is required pursuant to another Union legislative act, the information referred to in paragraph 4 shall be included in that product *or digital* passport. ***The information referred to in paragraph 3 shall be complete, up-to-date and accurate and shall remain available for a period at least equal to the product's typical lifetime plus ten years, including after an insolvency, a liquidation or a cessation of activity in the Union of the responsible natural or legal person.***
- The information referred to in paragraph 4 shall refer to the product model or, where the information differs between units of the same model, to a particular batch or unit. The information referred to in paragraph 4 shall be accessible to ***refurbishers, repairers***, recyclers, market surveillance authorities and customs authorities.
8. Article 9(1), point (c) and (d) and Articles 10 and 13 of Regulation (EU) .../...[OJ: please insert reference to the *Ecodesign for Sustainable Products*], as well as the corresponding definitions in Article 2 of that Regulation, shall apply.

Before placing a product referred to in paragraph 3 on the market, natural or legal persons shall ensure that the unique product identifier referred to in paragraph 4 is uploaded in the registry referred to in [Article 12(1)] of Regulation (EU) .../... [Ecodesign for Sustainable Products].

For purposes of the first and second subparagraph, the references to ‘the applicable delegated act adopted pursuant to Article 4’ in Article 10, point (b) and to ‘delegated acts adopted pursuant to Article 4’ in Article 10, point f, and Article 13(2) of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be read as references to this Regulation.

9. Where information requirements relating to the recycling of permanent magnets are established in delegated acts adopted in accordance with Article 4 of the Regulation XX/XXXX [OP please insert: the Ecodesign for Sustainable Products Regulation] or in other Union harmonisation legislation for any of the products listed in paragraph 1, those requirements shall apply in replacement of the provisions of this Article.
10. Products primarily designed for defence or *aerospace* applications shall be exempted from the requirements of this Article

Specific information referred to in paragraphs 1, 3 and 4 may be omitted if it includes commercially sensitive information.

11. For magnetic resonance imaging devices, motor vehicles and light means of transport that are type-approved vehicles of category L, the requirements of this Article shall apply from [OP please insert: 5 years after the date of entry into force of this Regulation].
12. The Commission is empowered to adopt delegated acts in accordance with Article 36 to amend Annex VI in order to provide or update a list of Combined Nomenclature²⁸ codes and product descriptions corresponding to the products referred to in paragraph 1 with the aim of facilitating the work of customs authorities in relation to those products and the requirements set out in this Article and in Article 28.

²⁸ Combined Nomenclature in Annex I to Regulation (EEC) No 2658/87

Article 28

Recycled content of permanent magnets

1. From either [OP please insert: 3 years after the date of entry into force of this Regulation] or 2 years after the entry into force of the delegated act referred to in paragraph 2, whichever is later, any natural or legal person that places on the market products referred to in Article 27(1) which incorporate one or more permanent magnets referred to in Article 27(1), point (b)(i) to (iii) and for which the total weight of all such permanent magnets exceeds 0.2 kg shall make publicly available on a free access website the share of neodymium, dysprosium, praseodymium, terbium, boron, samarium, nickel and cobalt recovered from post-consumer waste present in the permanent magnets incorporated in the product.
2. By [OP please insert: 2 years after the date of entry into force of this Regulation], the Commission shall adopt a delegated act in accordance with Article 36 to supplement this Regulation by establishing rules for the calculation and verification of the share of neodymium, dysprosium, praseodymium, terbium, boron, samarium, nickel and cobalt recovered from manufacturing waste or post-consumer waste present in the permanent magnets incorporated in the products referred to in paragraph 1.

The calculation and verification rules shall specify the applicable conformity assessment procedure from among the modules set out in Annex II to Decision No 768/2008/EC, with the adaptations necessary in view of the products concerned. When specifying the applicable conformity assessment procedure, the Commission shall consider the following criteria:
 - (a) whether the module concerned is appropriate to the type of product and proportionate to the public interest pursued;
 - (b) the availability of competent and independent third parties able to perform potential third party conformity assessment tasks;
 - (c) where third party involvement is mandatory, the need for the manufacturer to have a choice between quality assurance and product certification modules set out in Annex II of Decision No 768/2008/EC.
3. **No later than** 31 December 2030, the Commission **shall** adopt delegated acts supplementing this Regulation by laying down minimum shares for neodymium,

dysprosium, praseodymium, terbium, boron, samarium, nickel and cobalt recovered from post-consumer waste that must be present in the permanent magnet incorporated in the products referred to in paragraph 1. ***In duly justified cases, different minimum shares may be applied for different products or certain products may be excluded from this obligation.***

Delegated acts referred to in the first subparagraph shall provide for transitional periods adapted to the difficulty of adopting the products covered by the measure to ensure compliance.

The minimum share referred to in the first subparagraph shall be based on a prior assessment of impacts, taking into account:

- (a) the existing and forecasted availability of neodymium, dysprosium, praseodymium, terbium, boron, samarium, nickel and cobalt recovered from post-consumer waste;
- (b) the information collected pursuant to paragraph 1 and the relative distribution of the share of recycled content in permanent magnets incorporated in products referred to in paragraph 1 placed on the market;
- (c) technical and scientific progress, including considerable changes in permanent magnet technologies impacting the type of materials recovered;
- (d) the effective and potential contribution of a minimum share to the Union's climate and environmental objectives;
- (e) possible impacts on the functioning of products incorporating permanent magnets;
- (f) the need to prevent disproportionate negative impacts on the affordability of permanent magnets and products incorporating permanent magnets.

4. Where requirements relating to the recycled content of permanent magnets are established in delegated acts adopted in accordance with Article 4 of the Regulation XX/XXXX [OP please insert: the Ecodesign for Sustainable Products Regulation] or other Union harmonisation legislation for any of the products listed in paragraph 1, those requirements shall apply in replacement of the provisions of this Article.

5. From the date of application of the requirement of paragraph 1, when offering the products referred to in paragraph 1 for sale, including in case of distance selling, or displaying them in the course of a commercial activity, natural and legal persons placing on the market products referred to in paragraph 1 shall ensure that their customers have access to the information referred to in paragraph 1 before being bound by a sales contract.

Natural and legal persons placing on the market products referred to in paragraph 1 shall not provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse customers with respect to the information referred to in paragraph 1. Products primarily designed for defence or *aerospace* applications shall be exempted from the requirements of this Article.

6. For magnetic resonance imaging devices, motor vehicles and light means of transport that are type-approved vehicles of category L, the requirements set out in paragraphs 1 and 6 shall apply from 5 years after the date of entry into force of the delegated act referred to in paragraph 2.

SECTION 2 CERTIFICATION AND ENVIRONMENTAL FOOTPRINT

Article 29

Recognised schemes

1. Governments, *industry associations* or *groupings of interested* organisations that have developed and oversee certification schemes related to the sustainability of critical raw materials ("scheme owners") may apply to have their schemes recognised by the Commission. ***The decision of recognition of a scheme shall be published no later than six months after the application submitted by the scheme owner.***

Applications referred in the first subparagraph shall contain any relevant evidence related to the fulfilment of the criteria laid down in Annex IV. The Commission shall adopt implementing acts ***by ... [three years after the entry into force of the Regulation]*** specifying the information that applications shall at least contain. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).

Those implementing acts shall provide for a single template to cover all information

required for the application. The single template shall provide only for information needed for assessing the application. The scope of information required to complete the single template shall be reasonable.

2. Where, on the basis of the evidence provided pursuant to the paragraph 1, the Commission determines that a certification scheme meets the criteria laid down in Annex IV, it shall adopt an implementing act granting that scheme a recognition. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).
3. The Commission shall verify *at least every two years* that recognised schemes continue to fulfil the criteria laid down in Annex IV.
4. Owners of recognised schemes shall inform the Commission without delay of any *relevant* changes or updates made to recognised schemes. The Commission shall assess whether such changes or updates affect the basis for the recognition and take appropriate action, *if necessary*.
5. If there is evidence of repeated or significant cases where economic operators implementing a recognised scheme have failed to fulfil the requirements of that scheme, the Commission shall examine, in consultation with the owner of the recognised scheme, whether those cases indicate deficiencies in the scheme affecting the basis for the recognition and take appropriate action, *if necessary*.
6. Where the Commission identifies deficiencies in a recognised scheme affecting the basis for the recognition, it may grant the scheme owner an appropriate period of time to take remedial action, *within a maximum of 12 months. After the expiry of that period, if the deficiency persists, the Commission shall no longer recognise the scheme.*
7. Where the scheme owner fails or refuses to take the necessary remedial action, and where the Commission has determined that the deficiencies referred to in paragraph 6 mean that the scheme no longer fulfils the criteria laid down in Annex IV, the Commission shall adopt an implementing act withdrawing the recognition of the scheme. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).
8. The Commission shall establish and keep up-to-date a register of recognised schemes.

That register shall be made publicly available on a free access website. ***That website shall also allow for the collection of feedback from all relevant stakeholders concerning the implementation of recognised schemes. Such feedback shall be forwarded to the respective scheme owners for consideration.***

Article 30

Environmental footprint declaration

1. ***By 31 December 2025***, the Commission ***shall*** adopt delegated acts in accordance with Article 36 to supplement this Regulation by establishing rules for the calculation and verification of the environmental footprint of different critical raw materials, in accordance with Annex V and taking into account scientifically sound assessment methods and relevant international standards. The calculation and verification rules shall identify the most important impact category ***or, in duly justified cases, several impact categories***. The footprint declaration shall ***cover that or those impact categories as well as greenhouse gas emissions***.
2. The Commission ***shall*** adopt calculation and verification rules for a specific critical raw material if it has concluded, having considered the various relevant environmental impact categories ***and greenhouse gas emissions***, that the critical raw material in question has a ***relevant*** environmental footprint and that therefore an obligation to declare the environmental footprint of that material regarding the most important impact category ***or categories***, when placing it on the market, is necessary and proportionate to contribute to the Union's climate and environmental objectives by facilitating the supply of critical raw materials with lower environmental footprint ***and reducing the climate and environmental impacts of other actions in this Regulation***.
3. When considering whether the obligation foreseen in paragraph 2 is necessary, the Commission shall take into account:
 - (a) whether and how ***as well as how effectively*** the Union's climate and environmental objectives are already being achieved through other Union legislation applicable to the critical raw material in question;
 - (b) the existence and uptake of relevant international standards and guidelines, or the prospects of agreeing on such standards at international level, as well as

sustainable practices on the market, including the voluntary schemes recognised pursuant to Article 29;

- (c) the effectiveness of strategic partnerships, strategic projects, trade agreements and other international instruments and outreach conducted by the Union in achieving the Union's climate and environmental objectives.

(ca) the associated economic costs and administrative burden for economic operators.

4. The Commission shall conduct a prior assessment of impacts in order to decide whether to adopt a delegated act under paragraph 1. Such assessment shall:

- (a) be based, inter alia, on a consultation of:

- (i) all relevant stakeholders, such as industry including downstream industry, SMEs, and, where relevant, the craft industry, social partners, traders, retailers, importers, ***organisations promoting human health and environmental protection*** , consumer organisations ***and academia***;

- (ii) third countries whose trade with the Union may be significantly affected by this obligation;

- (iii) the Board;

(iia) the European Environment Agency, the European Scientific Advisory Board on Climate Change and the European Chemicals Agency;

- (b) ensure that any such measure is not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade and is no more trade-restrictive than necessary to achieve the Union's climate and environmental objectives, having regard to the ability of third-country suppliers to comply with such a declaration such that aggregate trade flows and critical raw materials costs are not disproportionately affected;

(ba) assess whether similar obligations under Union law has produced the intended effects and significantly contributed to the achievement of the Union's environmental targets;

(c) assess whether the measure would contribute to achieving the Union's climate and environmental objectives without disproportionately impacting the ability of Union industry to source the critical raw material in question.

5. Any natural or legal person that places on the market critical raw materials for which the Commission has adopted calculation and verification rules pursuant to paragraph 1 shall make available an environmental footprint declaration.

The requirement set out in the first subparagraph shall apply to each individual critical raw material type placed on the market and shall **■** apply to critical raw materials included in intermediate or final products *where the critical raw material makes up a non-negligible share of the product's total environmental footprint*.

6. The environmental footprint declaration referred to in paragraph 5 shall contain the following information:

(a) the name, registered trade name or registered trade mark and the postal address of the responsible natural or legal person and, where available, electronic means of communication where they can be contacted;

(aa) the name, registered trade name or registered trade mark and the postal address of the responsible natural or legal person and **■** electronic means of communication where they can be contacted;

(b) information about the critical raw material type for which the declaration applies;

(c) information about the country and region where the critical raw material was extracted, processed, refined and recycled, as applicable;

(d) the environmental footprint of critical raw material, calculated in accordance with the applicable verification and calculation rules adopted pursuant to paragraph 1;

(e) the environmental footprint performance class that the critical raw material corresponds to, established in accordance with the applicable delegated act adopted pursuant to paragraph 7;

(f) a web link providing access to a public version of the study supporting the environmental footprint declaration results.

7. The Commission *shall* adopt delegated acts in accordance with Article 36 to

supplement this Regulation by establishing environmental footprint performance classes ***within 2 years*** for critical raw materials for which calculation and verification rules have been adopted pursuant to paragraph 1, in accordance with Annex V.

- 7a. ***Where intermediate or final products containing critical raw materials are covered by Union environmental footprint requirements in other legislation, the environmental and carbon footprint of each critical raw material shall, where possible, be incorporated into the calculation of the environmental footprint of the whole product.***
- 7b. ***By 31 December 2030, the Commission shall submit a report to the European Parliament and to Council analysing options to limit the access to the Union market only to raw materials belonging to the best performing environmental footprint performance classes referred to in paragraph 7 for all or certain products placed on the Union market. The Commission shall, where appropriate, accompany that report with legislative proposals.***

8. The environmental footprint declaration shall be made available on a free access website ***in an easily understandable manner.***

The Commission is empowered to adopt an implementing act establishing the format for the environmental footprint declaration referred to in paragraph 5. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 37(3).

9. When offering critical raw materials for sale, including in case of distance selling, or displaying them in the course of a commercial activity, natural and legal persons placing on the market critical raw materials shall ensure that their customers have access to the environmental footprint declaration before being bound by a sales contract.

Natural and legal persons placing on the market critical raw materials shall not provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse customers with respect to the information included in the environmental footprint declaration.

SECTION 3

FREE MOVEMENT, CONFORMITY AND MARKET SURVEILLANCE

Article 31

Free movement

1. Member States shall not, for reasons relating to information for recycling or recycled content of permanent magnets or for reasons relating to information on the environmental footprint of critical raw material covered by this Regulation, prohibit, restrict or impede the making available on the market or the putting into service of products incorporating permanent magnets or of critical raw materials that comply with this Regulation.
2. At trade fairs, exhibitions, demonstrations or similar events, Member States shall not prevent the showing of products incorporating permanent magnets or of critical raw materials which do not comply with this Regulation, provided that a visible sign clearly indicates that such products or materials do not comply with this Regulation and that they cannot be made available on the market until they have been brought into conformity.

Article 32

Conformity and market surveillance

1. Before placing a product covered by Article 27 or 28 on the market, the responsible natural or legal persons shall ensure that the applicable conformity assessment procedure has been carried out and that the required technical documentation has been drawn up. Where compliance of a product with the applicable requirements have been demonstrated by the conformity assessment procedure, the responsible natural or legal persons shall ensure that an EU declaration of conformity has been drawn up and the CE marking has been affixed.
2. The conformity assessment procedure for products covered by the requirements set out in Article 27 shall be the procedure set out in Annex IV of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], unless those products are also covered by the requirements set out in Article 28, in which case the conformity assessment procedure shall be the procedure set out in the calculation and verification rules adopted pursuant to Article 28(2).

3. Chapter IX and Articles 37, 38 and 39 of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], as well as the corresponding definitions in Article 2 of that Regulation, shall apply with respect to the requirements applicable to products placed on the Union market laid down in Articles 27 and 28.
4. Regarding market surveillance, the following rules shall apply:
 - (a) Chapter XII of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], as well as the corresponding definitions in Article 2 of that Regulation, shall apply with respect to the requirements applicable to products placed on the Union market laid down in Articles 27, 28 or 30.
 - (b) Member States shall, in addition to the ecodesign requirements set under Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], consider the requirements laid down in Articles 27, 28 and 30 in the context of the action plan referred to in Article 59(1) of that Regulation;
 - (c) Article 60 and 61(1) of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall also apply for the requirements laid down in Articles 27, 28 and 30;
 - (d) the Commission shall, in addition to the ecodesign requirements set under Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], include information related to the requirements laid down in Articles 27, 28 and 30 in the report referred to in Article 61(2) and (3) of that Regulation;
 - (e) in implementing Article 62 of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], the administrative cooperation group ('ADCO') referred to that Article and the Commission shall also take into account the requirements laid down in Articles 27, 28 and 30.
5. For purposes of paragraphs 3 and 4, the relevant parts of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be applied as follows:
 - (a) references to 'ecodesign requirements specified in the applicable delegated acts adopted pursuant to Article 4' in Article 37(1), 'requirements laid down in the applicable delegated acts adopted pursuant to Article 4' in Article 63(1) and 'requirements set out in the relevant delegated act adopted pursuant to Article 4' in Article 63(5) of Regulation (EU) 2023/xxx [OP: please insert reference to

ESPR] shall be read as references to ‘the requirements laid down in Articles 27 and 28 of this Regulation’;

- (b) references to ‘product covered by a delegated act adopted pursuant to Article 4’ in Article 37(3) and 63(1) of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be read as a reference to ‘product or materials covered by the requirements laid down in Articles 27 and 28 of this Regulation’;
 - (c) references to ‘conformity assessment tasks provided for under the delegated acts adopted pursuant to Article 4’ in Article 41 and ‘conformity assessment tasks under the relevant delegated acts adopted pursuant to Article 4’ in Article 45(10) of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be read as a reference to ‘conformity assessment tasks provided for under the calculation and verification rules adopted pursuant to Article 28(2) of this Regulation’;
 - (d) references to ‘conformity assessment procedures provided for under the delegated acts adopted pursuant to Article 4’ in Article 53(1) of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be read as a reference to ‘conformity assessment procedures provided for under the calculation and verification rules adopted pursuant to Article 28(2) of this Regulation’.
6. This Article shall not apply to products covered by type approval under Regulation 2018/858 and Regulation 168/2013.

Chapter 6

Strategic Partnerships

Article 33

Strategic Partnerships

1. The Board shall *by ... [OJ please insert: within 1 year after entry into force of this Regulation] and thereafter every two years, issue a report covering:*
 - (-a) an up-to-date list of existing Strategic Partnerships and ongoing negotiations for Strategic Partnerships as well as Strategic Projects in third countries;*
 - (a) the extent to which Strategic Partnerships concluded by the Union contribute

towards:

- (i) improving the Union's security of supply *in a short and long-term perspective, taking into account the benchmarks set out in Article 1(2)*;
 - (ii) improving cooperation along the critical raw materials value chain between the Union *including overseas countries and territories referred to in Annex II of TFEU, and partner countries as well as the Union's independence from non-partner third countries, and with a particular focus on cooperation with like-minded partners*;
 - (iii) *the economic and social developments in partner countries, in particular for emerging and developing countries, while also promoting the uptake in those countries of environmentally sustainable and circular economy practices and decent working conditions as well as human rights*;
- (b) the coherence and potential synergies between Member States' bilateral cooperation with relevant third countries and the actions carried out by the Union in the context of Strategic Partnerships, *including the Union pursuit and negotiation of free trade agreements with third countries*;
- (ba) *critical raw materials projects envisaged or created with or in third countries that are neither covered by strategic partnerships nor by free trade agreements, but pursued within the scope of the platform set out in paragraph 3b*;
- (c) *establishing a list of countries* which should be prioritised for the conclusion of Strategic Partnerships, taking into account the following criteria:
- (i) the potential contribution to security of supply *as well as resilience thereof*, taking into account a third country's potential reserves, extraction, processing and recycling capacities related to critical raw materials;
 - (ii) whether *a cooperation between the Union and a third country could improve* a third country's *ability to ensure* the monitoring, prevention and minimisation of *adverse* environmental impacts *through its regulatory framework and the implementation thereof*, the use of socially responsible practices including respect of human and labour rights, *including policies to combat forced and child labour*, and meaningful engagement with local communities, *including indigenous peoples*, the

use of transparent *and responsible* business practices and the prevention of adverse impacts on the proper functioning of public administration and the rule of law; *and in which ways the Union can contribute through its partnerships policies, for example with vocational training and technical support, to strengthening the third countries' regulatory frameworks;*

(iii) whether there are existing *or potential* cooperation agreements between a third country and the Union and, for emerging markets and developing *countries*, the potential for the deployment of Global Gateway investment projects.

(iv) for emerging markets and developing *countries*, whether and how a partnership could contribute to *in-country value creation as well as* local value addition, *including downstream activities*, and would be mutually beneficial for the partner country and the Union.

(iva) for emerging markets and developing countries, the extent to which existing Union finance, funding and de-risking tools in particular under Global Gateway, are used, and to what extent obstacles exist to the use of such tools in the context of Strategic Projects.

2. The *Commission and the* Board shall, in the context of paragraph 1 and in so far as relates to emerging market and developing *countries*, ensure cooperation *and coherence* with other relevant coordination fora, including those established as part of the Global Gateway strategy.

3. Member States shall:

(a) coordinate with the Commission to ensure coherence between their bilateral cooperation with relevant third countries and the Union's non-binding Strategic Partnerships with third countries, whose scope at least includes critical raw materials value chain *as well as to ensure the consolidation of capacity building and technology transfer programs to promote the responsible recycling of critical raw materials in producing countries;*

(b) support the Commission in the *effective* implementation of *concrete* cooperation measures set out in Strategic Partnerships.

(ba) coordinate the activities of their development banks, export credit agencies and

other public institutions under their supervision to support the implementation and financing of Strategic Projects conducted in third countries in close cooperation with each other.

- 3a.** *The Board shall issue each new report to the relevant committees of the European Parliament.*
- 3b.** *By ... [OJ please insert: 6 months after the date of entry into force of this regulation], the Commission shall set up a platform bringing together company representatives along the critical raw materials value chain with the aim to support exploration, processing and recycling in third countries, in line with the objectives set out in Article 1, with which the Union does not yet have strategic partnerships or free trade agreements. The platform shall enable the Commission to facilitate and support strategic relations between project promoters and relevant national governments.*
- 3c.** *The Commission shall request the European Standardisation organisations to develop European standards or European standardisation deliverables to support the objectives of this Regulation.*
- 3d.** *Strategic partnerships concluded by the Union with third countries shall contain measures contributing towards:*
- (i) improving the resilience, diversification and sustainability of the Union's supply of strategic raw materials in line with the benchmarks set out in Article 1, paragraph 2;*
 - (ii) improving cooperation and shared responsibility along the critical raw materials value chain between the Union and partner countries in achieving the agreed partnership objectives;*
 - (iii) the economic and social development in partner countries, in particular for emerging markets and developing economies;*
 - (iv) for emerging markets and developing economies, increasing local value addition by supporting the development of processing and recycling capacities alongside newly developed extraction capacities as well as measures to facilitate knowledge and skill transfers;*

The Commission shall inform the European Parliament upon starting discussions regarding the establishment of a new strategic partnership.

Once the negotiations on a strategic partnership are concluded, the Commission shall inform the Parliament thereof as well.

Chapter 7 Governance

Article 34

European Critical Raw Materials Board

1. The European Critical Raw Materials Board (*the ‘Board’*) is established.
2. The Board shall perform the tasks set out in this Regulation.

Article 35

Composition and functioning of the European Critical Raw Materials Board

1. The Board shall be composed of Member States **and** the Commission. It shall be chaired by the Commission.
2. Each Member State shall appoint a high-level representative to the Board. Where relevant as regards the function and expertise, a Member State may appoint different representatives in relation to different tasks of the Board. Each member of the Board shall have an alternate.

The Board shall invite representatives of the European Parliament to attend, as observers, its meetings, including of the standing or temporary sub-groups referred to in paragraph 6.

- 2a. The European Defence Agency, the European Chemical Agency, the European Environmental Agency, and the European External Action Service shall each appoint a high-level representative as an observer to the Board.*
 - 2b. Each Member State shall appoint a representative from its one-stop-shop as an observer to the Board.*
3. The Board shall, on a proposal by the Commission, adopt its rules of procedure by a simple majority of its members.

4. The Board shall meet at regular intervals in order to allow the effective performance of its tasks specified in this Regulation. Where necessary, the Board shall meet at the reasoned request of the Commission.

The Board shall meet at least:

- (a) every 3 months for the assessment of applications for Strategic Projects pursuant to Chapter 3, Section 1;
 - (b) every 6 months for the development of monitoring pursuant to Chapter 4;
 - (ba) every 6 months for the assessment of Strategic Projects in order to discuss the progress with respective representatives of industry;**
 - (c) once a year in order to discuss the progress of the implementation of Member State obligations linked to exploration set out in Chapter 3, Section 4, including in light of updates to the lists of critical or strategic raw materials.
5. The Commission shall *coordinate the work of* the Board by means of an executive secretariat that *fulfils agenda-setting duties and provides* technical and logistical support.
6. The Board may establish standing or temporary sub-groups to deal with specific questions and tasks.

The Board shall at least establish the following standing sub-groups:

- (a) a subgroup to discuss and coordinate financing for Strategic Projects pursuant to Article 15; representatives of national promotional banks and institutions, *export credit agencies*, the European development financial institutions, the European Investment Bank Group, other international financial institutions including the European Bank for Reconstruction and Development and, as appropriate, private financial institutions shall be invited as observers;
- (aa) a subgroup to discuss the implementation of the provisions pursuant to Articles 8, 10 and 11, including to share best practices concerning public participation and stakeholders involvement, including from other relevant mining regions, in order to ensure structured and predictable formats of permit granting processes, for which representatives of civil society organisations shall be invited as observers;**

- (b) a subgroup bringing together national geological institutes or surveys or, in the absence of such institute or survey, the relevant national authority in charge of general exploration, with the purpose of contributing to the coordination of national exploration programmes referred to in Article 18;
 - (c) a subgroup bringing together national supply and information agencies covering critical raw materials or, in the absence of such agency, the relevant national authority in charge of that matter, with the purpose of contributing to the monitoring tasks as set out in Article 19;
 - (d) a subgroup bringing together national emergency agency and national authorities responsible for strategic stocks or, in the absence of such agency and authority, the relevant national authority in charge of that matter, with the purpose of contributing to the *monitoring* of strategic stocks as set out in Article 22; *this subgroup may in particular invite like-minded third-country partners to exchange on best practices related to strategic stocks;*
 - (da) *a subgroup bringing together industrial alliances and other relevant industry stakeholders covering the entire critical raw materials value chain, with the purpose of contributing to the process of any possible request for amending the list of strategic or critical raw materials set out in Articles 3(3) and 4(4) as well as to the evaluation of Strategic Projects and Strategic Partnership in accordance with Article 33, which will also focus on representatives of SMEs across Member States to discuss the involvement of SMEs in raw material value chains and possibilities to enhance the involvement of SMEs;*
 - (db) *a subgroup to hold discussions and coordinate the work on the Strategic Partnerships pursuant to Article 33, ensuring cooperation with other relevant coordination fora, including those established as part of the Global Gateway strategy, and company representatives along the critical raw materials value chain; representatives of civil society organisations and academia shall, where appropriate, be invited as observers to meetings of this subgroup;*
- 6a. *The Board shall keep the European Parliament informed about its upcoming meetings, including of standing or temporary sub-groups, and the corresponding agendas.*

7. ***Where the European Parliament does not attend such meetings, the Board shall keep the European Parliament regularly informed of the discussions carried out in those meetings.***

Where appropriate, ***members of the Board shall***, invite experts ***representing industry, civil society, academia, trade unions***, other third parties or representatives of third countries, ***as well as representatives of local and regional authorities*** to attend meetings of the standing or temporary sub-groups referred to in paragraph 6 as observers or to provide written contributions. ***Particular weight shall be given to representatives of SMEs, who shall be invited to participate in all meetings and discussions that concern them or their involvement in the raw materials value chain, both on Board and subgroup level.***

In performing its tasks, the Board shall, where appropriate, ensure coordination, cooperation and information exchange with the relevant crisis response and crisis preparedness structures established under Union law.

8. The Board shall take the necessary measures to ensure the safe handling and processing of confidential and commercially sensitive information ***in accordance with Article 44.***
9. The Board shall use its best endeavours to reach consensus.

Chapter 8

Delegated powers and committee procedure

Article 36

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 3(2), Article 4(2), Article 5(2), Article 27(12), Article 28(2) and Article 30(1) and (5) shall be conferred on the Commission for a period of eight years from [OP please insert: one month after the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the ***eight-year*** period. The delegation of power shall be tacitly extended for periods of an

identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 3(2), Article 4(2), Article 5(2), Article 27(12), Article 28(2) and Article 30(1) and (5) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. The consultation of Member States' experts shall take place after the consultation pursuant to Article 14.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 3(2), Article 4(2), Article 5(2), Article 27(12), Article 28(2) and Article 30(1) and (5) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period **shall** be extended by *[two months]* at the initiative of the European Parliament or of the Council.

Article 37

Committee procedure

1. The Commission shall be assisted by the Committee on the implementation of [OP: please insert reference to this act]. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Chapter 9 Amendments

Article 38

Amendment to Regulation (EU) 2018/1724

Regulation (EU) 2018/1724 is amended as follows:

- (1) in Annex I, in the first column, a new row ‘S. Critical raw materials projects’ is added;
- (2) in Annex I, in the second column, in the row ‘S. Critical raw materials projects’, the following point are added:
 - ‘1. information on the permit-granting process.’
 - ‘2. information on financing and investment services’
 - ‘3. information on funding possibilities at Union or Member State level’
 - ‘4. information on business support services, including but not limited to corporate tax declaration, local tax laws, labour law’
- (3) in Annex II, in the first column, a new row ‘Critical raw materials projects’ is added.
- (4) in Annex II, in the second column, in the row ‘Critical raw materials projects’, the following points are added:

‘Procedure related to all relevant administrative permits to plan, build and operate net-zero technology manufacturing projects, including building, chemical and grid connection permits and environmental assessments and authorisations where these are required, and encompassing all administrative applications and procedures’;
- (5) in Annex II, in the third column, in the row ‘Critical raw materials projects’, the following point is added:

‘All outputs pertaining to the procedures ranging from the acknowledgment of the validity of the application to the notification of the comprehensive decision on the outcome of the procedure by the responsible national competent authority’;
- (6) in Annex III, the following point is added:

‘(9) The national competent authorities referred to in Article 8(1) of [OP: please insert reference to this proposal]’.

Article 39

Amendment to Regulation (EU) 2019/1020

Regulation (EU) 2019/1020 is amended as follows:

- (1) in Article 4(5), the text “(EU) 2016/425(35) and (EU) 2016/426(36)” is replaced by the following: “(EU) 2016/425 (*), (EU) 2016/426 (**) and [(EU) [...] [year of adoption of this Regulation]/...(***)];
- (2) in Annex I, the following point is added: ‘X [OP please insert the next consecutive number] Regulation (EU).../... establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulation (EU) 2019/1020 [OP please insert the publication details of this Regulation], in so far as it concerns the requirements set out Articles 27, 28 or 30 of that Regulation.

Article 40

Amendment to Regulation (EU) 2018/858

Annex II to Regulation (EU) 2018/858 is amended as follows:

In Part I, in the table, the following entry is added:

[OP Please insert the next consecutive number under heading G]	Permanent magnet circularity requirements	Regulation (EU) XX/XXXX [OP please insert: OJ publication details of this Regulation]	X	X	X	X	X	X							X	X
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Article 41

Amendment to Regulation (EU) 168/2013

Annex II to Regulation (EU) 168/2013 is amended as follows:

In Part I, in the table, the following entry is added:

[OP Please insert the next	Permanent magnet circularity	Regulation (EU) XX/XXXX	X	X	X	X	X	X	X	X	X	X	X	X	X	X
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consecutive number under heading C1]	requirements	[OP please insert: OJ publication details of this Regulation]																		
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Chapter 10 Final provisions

Article 42

Monitoring progress

1. The Commission shall, taking into account the advice of the Board, monitor progress towards the objectives set out in Article 1(2) and publish, at least every 3 years, a report detailing the Union's progress towards achieving those objectives.

The first report shall be drawn up by [OP please insert: 4 years after the date of entry into force of this Regulation].

2. The report referred to in paragraph 1 shall include quantitative information on the extent of the Union's progress towards the benchmarks set out in Article 1(2), points (a) and (b).

2a. The monitoring tasks provided for in this Article shall not create any obligations for undertakings or other economic operators in the raw materials value chain to submit any information to the Commission, authorities in the Board or any other authority. Any information that is provided by undertakings pursuant to this Article shall be provided on a purely voluntary basis and shall at all times be treated in accordance with Article 44.

2b. The Commission shall continuously monitor the implementation of this Regulation in order to prevent any inconsistency of other Union law with and this Regulation. For this purpose, the Commission shall publish, within [OJ please insert: 1 year after the date of entry into force of this Regulation], a report on the consistency of this Regulation with other Union law.

Article 43

Reporting of Member States

1. Member States shall each year send a report to the Commission containing the information referred to in Article 18(4), Article 20(1) and (2), Article 21(1), Article 22(5) and Article 25(6). The first report shall be sent [OP please insert: one year after the date of entry into force of this Regulation].
 2. The Commission is empowered to adopt implementing acts setting out a template for the reports referred to in paragraph 1. The template may indicate how the information referred to in paragraph 1 shall be expressed. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2).
 3. The information contained in the reports referred to in paragraph 1 shall be treated in accordance with Article 44.
- 3a. The reporting provided for in this Article shall not create any obligations for undertakings or other economic operators in the raw materials value chain to submit any information to the Commission, authorities in the Board or any other authority. Any information that is provided by undertakings pursuant to this Article shall be provided on a purely voluntary basis and shall at all times be treated in accordance with Article 44.***

Article 44

Treatment of confidential information

1. Information acquired in the course of implementing this Regulation shall be used only for the purposes of this Regulation and shall be protected by the relevant Union and national legislation.
2. Member States and the Commission shall ensure the protection of trade and business secrets and other sensitive, confidential and classified information acquired and generated in application of this Regulation, including recommendations and measures to be taken, in accordance with Union and the respective national law.
3. Member States and the Commission shall ensure that classified information provided or exchanged under this Regulation is not downgraded or declassified without the prior written consent of the originator.

4. If a Member State assesses that the presentation of aggregated information in the context of Article 21 may nonetheless compromise its national security interest, it may object to the Commission's presentation through a justified notice.
5. The Commission and the national authorities, their officials, employees and other persons working under the supervision of these authorities shall ensure the confidentiality of information obtained in carrying out their tasks and activities. This obligation also applies to all representatives of Member States, observers, experts and other participants attending meetings of the Board pursuant to Article 35.

Article 45

Penalties

By 12 months after entry into force of the Regulation, Member States shall lay down rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

Article 46

Evaluation

1. By [OJ please insert: 5 years after the date of entry into force of this Regulation], the Commission shall carry out an evaluation of this Regulation in light of the objectives that it pursues and shall present a report thereon to the European Parliament, to the Council and to the European Economic and Social Committee.
2. The report referred to in paragraph shall at least assess the appropriateness of establishing maximum environmental footprint thresholds for critical raw materials for which calculation and verification rules have been adopted ***as well as the need to further strengthen the critical raw materials supply chains after 2030.***

Article 47

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament

The President

For the Council

The President

ANNEX I

Strategic raw materials

SECTION 1

LIST OF STRATEGIC RAW MATERIALS

The following raw materials shall be considered strategic:

- (a) Bismuth
- (b) Boron - metallurgy grade
- (c) Cobalt
- (d) Copper
- (e) Gallium
- (f) Germanium
- (g) Lithium - battery grade
- (h) Magnesium metal
- (i) Manganese - battery grade
- (j) Natural Graphite - battery grade
- (k) Nickel - battery grade
- (l) Platinum Group Metals
- (m) Rare Earth Elements for magnets (Nd, Pr, Tb, Dy, Gd, Sm, and Ce)
- (n) Silicon metal
- (o) Titanium metal
- (p) Tungsten

SECTION 2

METHODOLOGY TO SELECT STRATEGIC RAW MATERIALS

1. The strategic importance shall be determined based on the relevance of a raw material for the green and digital transition as well as defence and space applications, taking into account:
 - (a) the amount of strategic technologies using a raw material as an input;
 - (b) the amount of a raw material needed for manufacturing relevant strategic technologies;
 - (c) the expected global demand for relevant strategic technologies.
2. The forecasted demand growth ($D_{F/C}$) shall be calculated as follows:

$$D_{F/C} = \frac{DF}{GS}$$

where:

D_F is a demand forecast for a raw material for a reference year;

GS is the global annual production of a raw material for a reference period.

3. The difficulty of increasing production shall be determined taking into account at least:
- (a) the current production scale (PS) of a raw material for a reference period, calculated as follows:

$$PS = \log_{10}(GS)$$

where:

\log_{10} is a common logarithm;

GS is the global annual production of a raw material for a reference period;

- (b) the reserves-production ratio R/P of a raw material, calculated as follows:

$$R / P = \frac{R}{GS}$$

where:

R are known reserves of economically extractable geological resources of a raw material;

GS is the global annual production of a raw material for a reference period.

ANNEX II

Critical raw materials

SECTION 1

LIST OF CRITICAL RAW MATERIALS

The following raw materials shall be considered critical:

- (a) Antimony
- (b) Arsenic
- (c) Bauxite
- (d) Baryte
- (e) Beryllium
- (f) Bismuth
- (g) Boron
- (h) Cobalt
- (i) Coking Coal
- (j) Copper
- (k) Feldspar
- (l) Fluorspar
- (m) Gallium
- (n) Germanium
- (o) Hafnium
- (p) Helium
- (q) Heavy Rare Earth Elements
- (r) Light Rare Earth Elements
- (s) Lithium
- (t) Magnesium
- (u) Manganese
- (v) Natural Graphite
- (w) Nickel – battery grade
- (x) Niobium
- (y) Phosphate rock
- (z) Phosphorus
- (aa) Platinum Group Metals
- (bb) Scandium
- (cc) Silicon metal

- (dd) Strontium
- (ee) Tantalum
- (ff) Titanium metal
- (gg) Tungsten
- (hh) Vanadium

SECTION 2

CALCULATION OF ECONOMIC IMPORTANCE AND SUPPLY RISK

1. The economic importance (EI) of a raw material is calculated as follows:

$$EI = \sum_s (A_s * Q_s) * SI_{EI}$$

where:

A_s is the share of end use of the raw material in a NACE (2-digit level) sector;

Q_s is the value added of the relevant sector at the NACE (2-digit level);

SI_{EI} is the substitution index related to economic importance.

2. The substitution index of a raw material related to economic importance (SI_{EI}) is calculated as follows:

$$SI_{EI} = \sum_i \sum_a SCP_{i,a} * Subshare_{i,a} * Share_a$$

where:

i denotes an individual substitute material;

a denotes an individual application of the raw material;

SCP is the substitute cost performance parameter;

Share is the share of the raw materials in an end-use application;

Subshare is the sub-share of each substitute within each application.

3. The supply risk (SR) of a raw material is calculated as follows:

$$SR = [(HHI_{WGI,t})_{GS} * \frac{IR}{2} + (HHI_{WGI,t})_{EU\ sourcing} (1 - \frac{IR}{2})] * (1 - EoLRIR) * SI_{SR}$$

where:

GS is the global annual production of a raw material for a reference period;

EU sourcing is the actual sourcing of the supply to the EU, i.e. EU domestic production plus other countries importing to the EU;

HHI is the Herfindahl-Hirschman Index (used as a proxy for country concentration);

WGI is the scaled World Governance Index (used as a proxy for country governance);

t is the trade parameter adjusting WGI, which shall be determined taking into account potential export taxes (possibly mitigated by a trade agreement in force), physical export quotas or export prohibitions imposed by a country.

IR is import reliance;

EoL_{IR} is the end-of-life recycling input rate, meaning the ratio of secondary material inputs (recycled from old scrap) to all inputs of a raw material (primary and secondary);

SI_{SR} is the substitution index related to supply risk.

4. The import reliance of raw materials is calculated as follows:

$$IR = \frac{Import - Export}{Domesticproduction + Import - Export}$$

5. The Herfindahl-Hirschman Index (HHI_{WGI}) of a raw material is calculated as follows:

$$(HHI_{WGI,t})_{GS \text{ or } EU \text{ sourcing}} = \sum_c (S_c)^2 WGI_c * t_c$$

where:

S_c is the share of country c in the global supply (or EU sourcing) of the raw material;

WGI_c is the scaled World Governance Index of country c;

t_c is the trade parameter of a country adjusting the WGI, which shall be determined taking into account potential export taxes (possibly mitigated by a trade agreement in force), physical export quotas or export prohibitions imposed by a country.

6. The substitution index of a raw material related to supply risk (SI_{SR}) is calculated as follows:

$$SI_{SR} = \sum_i [(SP_i * SCr_i * SCo_i)^{1/3} * \sum_a (Sub - share_{i,a} * Share_a)]$$

where:

i denotes an individual substitute material;

a denotes an individual application of the candidate material;

SP is the substitute production, reflecting global production of the substitute and the material;

SCr is the substitute criticality, taking into account whether the substitute is itself a critical raw material;

SCo is the substitute co-production, taking into account whether the substitute is a primary product or mined as a co- or by-product;

Share is the share of the candidate materials in an end-use application;

Sub-share is the sub-share of each substitute within each application.

7. Where structural or statistical changes affect the measurement of economic importance and supply risk horizontally for all assessed materials, the corresponding values shall be corrected to offset such changes.

Calculations shall be based on an average of the last 5 years for which data is available.
The priority, quality and availability of data shall be taken into account.

ANNEX III

Assessment of the recognition criteria for Strategic Projects

1. Whether a project in the Union fulfils the criterion referred to in Article 5(1), point (a) shall be assessed taking into account:
 - (a) whether the project contributes towards the benchmarks set out in Article 1(2), point (a) *or to substituting strategic raw materials in the value chains of strategic technologies while taking measures to achieve a similar or lower environmental footprint than the material that is substituted;*
 - (b) *in the event that the project contributes towards the benchmarks set out in Article 1(2), point (a)*, whether the project contributes to maintaining or strengthening Union capacities as a share of the Union's annual consumption of strategic raw material, taking into account the expected increase in Union consumption;
 - (ba) whether the project does not present an obstacle to the achievement of the Union's 2030 and 2050 climate objectives.*

A project's contribution to the relevant capacity benchmark shall be assessed taking into account the project's business plan and supporting technical information included in the application and the project's estimated time-to-market.

2. Whether a project in a third country fulfils the criterion referred to in Article 5(1), point (a) shall be assessed taking into account:
 - (a) whether the project contributes to the benchmarks set out in Article 1(2), point (b) or contributes to maintaining the resilience of the Union's supply of strategic raw materials *or to the Union's supply of strategic technologies through the substitution of strategic raw materials in the value chains of strategic technologies;*
 - (b) whether the applicable legal framework or other conditions provide assurance that trade and investment related to the project will not be distorted, taking into account notably whether the Union has concluded a Strategic Partnership referred to in Article 33 or a trade agreement containing a chapter on raw materials with the relevant third country, and is consistent with the Union's common commercial policy;
 - (c) the extent to which there are companies that have or are willing to conclude off-take agreements with the project promoter with a view to using or processing the strategic raw materials produced by the relevant projects in the Union;
 - (d) whether the project is in line with the Union's development cooperation and foreign policy objectives.

A project's contribution to the benchmarks referred to in point (a) shall be assessed taking into account the project's business plan and supporting technical information included in the application, the project's estimated time-to-market as well as the share of the project's output that is covered by existing or potential off-take agreements referred to in point (c). Evidence related to point (c) may include contractual agreements, letters of intent or memoranda of understanding.

3. Whether a project fulfils the criterion referred to in Article 5(1), point (b), shall be assessed taking into account:

- (a) the quality of the feasibility studies performed on the potential of development of the project;
- (b) whether the technology intended to be used has been demonstrated in the relevant environment.

The feasibility studies referred to in point (a) shall be designed to:

- (a) assess whether or not a proposed project is likely to be successful by analysing technological and environmental considerations;
- (b) identify potential technical issues and problems that could arise while pursuing the project.

Further studies may be required to confirm the feasibility of the project.

4. Whether a project fulfils the criterion referred to in Article 5(1), point (c), shall be assessed taking into account, *where applicable*, a project's compliance with the following Union legislation or international instruments:

- (a) [OP please insert: reference to the Corporate Sustainability Due Diligence Directive], in so far as it applies to the project promoter;
- (b) [OP please insert: reference to Corporate Sustainability Reporting Directive], in so far as it applies to the project promoter;
- (c) ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;
- (d) OECD Due Diligence Guidance for Responsible Business Conduct, in particular the guidelines related to combatting corruption;
- (e) OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas;
- (f) OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector;
- (g) OECD Principles of Corporate Governance;
- (h) OECD Guidelines for Multinational Enterprises;
- (i) UN Guiding Principles on Business and Human Rights.

Project promoters may also attest compliance with the criterion referred to in Article 5(1), point (c) by:

- (a) providing evidence that the project concerned is individually certified as part of a recognised scheme referred to in Article 29; or
- (b) committing to obtain certification for the project concerned as part of a recognised scheme referred to in Article 29 and providing sufficient evidence that when implemented the project concerned will be able to meet the criteria for such certification.

(ba) for projects in the Union, committing that when implemented, the project concerned will comply with relevant Union legislation law.

5. Whether a project in the Union fulfils the criterion referred to in Article 5(1), point (d), shall be assessed taking into account:

- (a) whether companies from different Member States participate in the project;
 - (b) whether potential off-takers are located also in more than one Member State;
 - (c) effects on the availability of strategic raw materials for downstream users in more than one Member State.
6. Whether a project in a third country fulfils the criterion referred to in Article 5(1), point (e), shall be assessed taking into account the extent to which the project contributes, in the relevant third country:
- (a) to strengthening more than one stage of the raw materials value chain in that country or its wider region;
 - (b) to fostering private investment in the domestic raw materials value chain;
 - (c) to the creation of wider economic or social benefits, including the creation of employment.

ANNEX IV

Criteria for certification schemes

A recognised certification scheme shall meet the following criteria:

- (a) it is open under transparent, fair and non-discriminatory terms to all economic operators willing and able to comply with the scheme's requirements **and it is of multi-stakeholder governance**;
 - (b) the requirements for certification **must be coherent throughout EU law and** shall include:
 - (i) requirements ensuring environmentally sustainable practices **before, during and after closure of operation**, including requirements ensuring environmental management and impact mitigation **in the following environmental risk categories** :
 - (i) **air, including air pollution such as greenhouse gas emissions**;
 - (ii) **water, including seabed and marine environment, and water pollution, water use, water quantities (flooding or droughts) and access to water**;
 - (iii) **soil, including soil pollution, soil erosion, land use and land degradation**;
 - (iv) **biodiversity, including damage to habitats, wildlife, flora and ecosystems, including ecosystem services**;
 - (v) **hazardous substances**;
 - (vi) **noise and vibration**;
 - (vii) **plant safety**;
 - (viii) **energy use**;
 - (ix) **waste and residues**;
 - (ii) requirements for ensuring socially responsible practices, including respect for human rights and labour rights **including the community life of indigenous peoples**;
 - (iii) requirements for ensuring business integrity and transparency including requirements to apply sound management of financial, environmental and social matters and **anti-corruption and anti-bribery policies in line with the OECD Guidelines listed in Annex III, point 4**;
 - (a) verification and monitoring of compliance is objective, based on international, Union or national standards, requirements and procedures and carried out independently from the relevant economic operator;
 - (b) it includes sufficient requirements and procedures to ensure the competence and independence of responsible verifiers.
- (ba) it includes requirements to ensure an audit-report established at the site level.**

ANNEX V

Environmental footprint

1. Definitions

For the purposes of this Annex, the following definitions shall apply:

- (a) ‘Activity data’ means the information associated with processes while modelling Life Cycle Inventories (LCI). The aggregated LCI results of the process chains that represent the activities of a process are each multiplied by the corresponding activity data and then combined to derive the environmental footprint associated with that process;
- (b) ‘Bill of materials’ means list of the raw materials, sub-assemblies, intermediate assemblies, sub-components, parts and the quantities of each needed to manufacture the product in scope of the study;
- (c) ‘Company-specific data’ refers to directly measured or collected data from one or multiple facilities (site-specific data) that are representative for the activities of the company. It is synonymous to “primary data”;
- (d) ‘Impact assessment method’ means the protocol for quantitative translation of life cycle inventory data into contributions to an environmental impact of concern;
- (e) ‘Impact category’ means a class of resource use or environmental impact to which the life cycle inventory data are related;
- (f) ‘Life cycle’ means the consecutive and interlinked stages of a product system, from raw material acquisition or generation from natural resources to final disposal (ISO 14040:2006);
- (g) ‘Life cycle inventory (LCI)’ means the combined set of exchanges of elementary, waste and product flows in a LCI dataset;
- (h) ‘Life cycle inventory (LCI) dataset’ means a document or file with life cycle information of a specified product or other reference (e.g., site, process), covering descriptive metadata and quantitative life cycle inventory. A LCI dataset could be a unit process dataset, partially aggregated or an aggregated dataset;
- (i) ‘Secondary data’ means data not from a specific process within the supply-chain of the company performing an environmental footprint study. This refers to data that is not directly collected, measured, or estimated by the company, but sourced from a third party LCI database or other sources. Secondary data includes industry average data (e.g., from published production data, government statistics, and industry associations), literature studies, engineering studies and patents, and may also be based on financial data, and contain proxy data, and other generic data. Primary data that go through a horizontal aggregation step are considered as secondary data;
- (j) ‘System boundary’ means the aspects included or excluded from the life cycle study.

Additionally, the calculation rules for the environmental footprint of a critical raw material shall include any further definition necessary for their interpretation.

2. Scope

This Annex provides essential elements on how to calculate the environmental footprint of critical raw materials.

The calculation rules for the environmental footprint of specific critical raw materials shall build on the essential elements included in this Annex, taking into account scientifically sound assessment methods and relevant international standards in the area of life cycle assessment.

The calculation of the environmental footprint of a critical raw material shall be based on the bill of material, the energy, production methods, and auxiliary materials used at the facilities involved on the production of critical raw material.

When establishing calculation rules for the environmental footprint of specific critical raw materials, the Commission shall aim to ensure consistency with calculation rules for the environmental footprint of *intermediate and final products* making use of the relevant critical raw materials.

3. Declared unit

The declared unit shall be 1 kg of the relevant critical raw material type.

The calculation rules for the environmental footprint of specific critical raw materials may specify a higher or lower declared unit, expressed in kg, where necessary to take into account the nature or use of the relevant critical raw material.

All quantitative input and output data collected by the manufacturer to quantify the carbon footprint shall be calculated in relation to this declared unit.

4. System boundary

Extraction, concentration and refining are the three life cycle stages to be included in the system boundary of primary critical raw materials with the following processes (when relevant to the specific raw material):

- (a) Upstream processes including the extraction of ore for raw material production, production and supply (*including* transport) of chemicals, auxiliaries, production and supply (*including* transport) of fuels, production and supply of electricity, and transport of materials in vehicles not owned *or operated* by the organisation;
- (b) Transport of ore, concentrates and raw materials in vehicles owned or operated by the organisation;
- (c) Storage of ore, concentrates and raw materials;
- (d) Ore crushing and cleaning;
- (e) Raw material concentrate production;
- (f) Metal extraction (by chemical, physical or biological means);
- (g) Smelting;
- (h) Metal conversion;
- (i) Slag cleaning;
- (j) Metal refining;

- (k) Metal electrolysis;
- (l) Metal casting or packaging;
- (m) Spent material and slag treatment;
- (n) All related auxiliary processes such as waste water treatment (on site, including for treatment of process waters, direct cooling, water and surface run off water), gas abatement systems (including for primary and secondary off gases, boilers (including pre-treatment of feed water), internal logistics.

In the system boundary of secondary critical raw materials (defining the recycling life cycle stage), the following processes (when relevant to the specific recycled raw material) shall be included:

- (a) Upstream processes including the generation of raw feed material (scrap materials and virgin copper concentrates, the production and supply (transport) of chemicals, auxiliaries, production and supply (transport) of fuels, the production and supply of electricity, and the transport of materials in vehicles not owned by the organisation;
- (b) Transport of concentrates and scraps in vehicles owned or operated by the organisation;
- (c) Storage of scraps, concentrates and raw materials;
- (d) Secondary material pre-treatment;
- (e) Smelting;
- (f) Metal conversion;
- (g) Metal refining;
- (h) Metal electrolysis;
- (i) Metal casting or packaging;
- (j) Spent material treatment;
- (k) All related auxiliary processes such as waste water treatment (on site, including for treatment of process waters, direct cooling, water and surface run off water), gas abatement systems (including for primary and secondary off gases, boilers (including pre-treatment of feed water), and internal logistics.

The use phase or end-of-life phase shall be excluded from the environmental footprint calculations, as it is not under the direct influence of the responsible economic operator. Other processes may be excluded where their contribution to the environmental footprint of a specific critical raw material is insignificant.

5. Impact categories

The calculation rules shall specify the impact category *or categories* that need to be included in the environmental footprint calculation *as well as greenhouse gas emissions*. The choice shall be based on the hotspot analysis performed in line with scientifically sound methodologies developed at international level and taking into account the:

- (a) relative importance of different impacts, including their relative importance for climate and environmental impacts;

- (b) needs of downstream companies wishing to communicate on the environmental footprint of the critical raw materials they use.

6. Use of company specific and secondary datasets

The calculation rules shall specify the use of company specific or secondary datasets for all relevant processes and materials. *If calculation rules allow for the choice between a company specific dataset and a secondary dataset, there shall be a sufficient incentive in the calculation method to use the company specific dataset.*

The use of company-specific data shall be required at least for the processes under the direct influence of the responsible operator and have the largest contribution to the relevant impact categories.

The company specific activity data shall be used in combination with the relevant Environmental Footprint compliant secondary datasets. The calculation rules should specify whether sampling is allowed, in line with the criteria set out in scientifically sound methodologies developed at international level.

A change in the bill of materials or energy mix used to produce a critical raw material type requires a new calculation of the environmental footprint.

When calculating the carbon intensity of the energy used across the process stages as listed in point 4, average greenhouse gas emissions data of the energy mix of the country or, where possible, region, where the specific activity or process took place, shall be used. Lower emission factors shall only be used where the economic operator can reliably demonstrate that its individual processes or energy supply are less carbon intensive than the energy mix of the country average or, where possible, region, average. This shall be demonstrated via a direct connection to a producer of renewable energy or a producer with lower carbon intensity or a contract demonstrating a temporal and geographical link between the energy supply and the use by the economic operator, which shall be verified by a third party verification statement.

The calculation rules to be elaborated via a delegated act shall include detailed modelling of the following lifecycle stages:

- (a) Primary raw material extraction, concentration and refining stage;
- (b) Secondary raw material acquisition and processing stage.

7. Impact assessment methods

The environmental footprint shall be calculated using scientifically sound impact assessment methods which take into account developments on the international level for relevant impact categories related to climate change, water, air, soil, resources, land use and toxicity.

The results shall be provided as characterised results (without normalisation and weighting).

8. Environmental footprint performance classes

Depending on the distribution of the values of the environmental footprint declarations placed on the internal market, a meaningful number of classes of performance shall be identified, with category A being the best class with the lowest life cycle impact, to allow for market differentiation. The identification of the threshold for each class of

performance, as well as their width, will be based on the distribution of performances of the relevant critical raw materials placed on the market in the previous 3 years, the expected technological improvements, and other technical factors to be identified.

The Commission shall review the number of performance classes and the thresholds between them every 3 years in order to keep them representative of the market reality and its expected development.

9. Conformity assessment

The calculation and verification rules shall specify the applicable conformity assessment procedure from among the modules set out in Annex II to Decision No 768/2008/EC, with the adaptations necessary in view of the material concerned.

When specifying the applicable conformity assessment procedure, the Commission shall consider the following criteria:

- (a) whether the module concerned is appropriate to the type of material and proportionate to the public interest pursued;
- (b) the availability of competent and independent third parties able to perform potential third party conformity assessment tasks;
- (c) where third party involvement is mandatory, the need for the manufacturer to have a choice between quality assurance and product certification modules set out in Annex II of Decision No 768/2008/EC.

ANNEX VI

Relevant products as referred to in Article 27(1)

The following table lists goods as classified in the Combined Nomenclature set out in Annex I to Regulation (EEC) No 2658/87.

EXPLANATORY STATEMENT

The rapporteur welcomes the Commission's proposal on the Critical Raw Materials Act, which aims to reduce dependencies, streamline processes and strengthen the critical raw materials value chain. The Regulation will be a significant step towards a European Union that is not only fit for the future, but also strives towards more strategic sovereignty.

The rapporteur believes that, overall, the Commission's proposal is going in the right direction. Aspects such as the identification of strategic raw materials (Article 3), the tackling of the permitting process to provide quicker permission processes and security for businesses (Article 10) and the One-Stop-Shop (Article 8), as well as the framework for strategic projects (Articles 5, 6 and 7) and strategic partnerships (Article 33) are highly welcome.

Notwithstanding, the rapporteur acknowledges the European Parliament's own-initiative report on 'a European strategy for critical raw materials' (2021/2011)²⁹. The Parliaments' work in 2021 sets a good groundwork on which the rapporteur aspires to build.

With respect to the proposal, the rapporteur would like to highlight that the challenge on critical raw materials throughout the value chain closely intertwines economic growth potential, geopolitical positioning and Europe's climate neutrality goals. To maximise the potential of the legislative proposal and process, the rapporteur calls for policy makers, economic actors, civil society and other stakeholders to hold up the urgency of this regulation.

Following this rationale, the rapporteur considers it essential that beside a swift implementation of the critical raw materials regulation, the proposal needs to be aligned with other regulations, such as the Net-Zero Industry Act or the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH). Moreover, the rapporteur highlights that while the industry shall be incentivised along the value chain to invest, extract, refine, produce, recycle, substitute and employ in Europe, it is equally essential to preserve already existing industry.

For the reasons mentioned above, the amendments proposed by the rapporteur are guided by the following five main principles set within the ITRE committee competences:

1. Fostering innovation and the role of substitute products along the value chain:

From a purely data-driven perspective, the sharp rises in demand cannot fully be met by scaling up production, recycling and re-use alone. To ensure security of supply, it is essential that the European Union ensures funding for research in substitution and sustainable production procedures. Moreover, the by-products of mining and recycling can bring additional value. The rapporteur's amendments would allow for projects that directly substitute strategic or critical raw materials in the value chains to be recognized as Strategic Projects, granting them a series of benefits. National programmes will be set up and strengthened to foster innovation for all steps of the value chain, in particular recycling schemes and the circular economy. The rapporteur welcomes the Commission's decision to streamline skill academies in the Net-Zero Industry Act and is supportive of implementation in the Critical Raw Materials Act.

²⁹ European Parliament resolution of 24 November 2021 on a European strategy for critical raw materials. Texts adopted, P9_TA(2021)0468.

2. Streamline processes and governance for companies:

Currently, most critical raw materials projects face not only high regulatory burdens, but also a scattered administrative landscape, which prolongs project timelines and creates high uncertainty for companies. The rapporteur's amendments streamline processes for national permits of all critical raw materials, while strengthening the governance of the one-stop-shop.

3. Reduce red tape to unburden companies, in particular SMEs:

The rapporteur's amendments are tailored to allow the Commission and Member States to conduct monitoring and stress-testing on Union level, while simultaneously not burdening companies with additional reporting measures. Assuming that companies have an inherent interest in a profound risk management framework, the rapporteur proposes to use already existing, aggregated company data for stress testing Europe's resilience. However, SMEs are not in the scope of any mandatory reporting stress tests. Beside stress-testing, which the rapporteur deems essential in order to act swiftly in times of need, the amendments also protect data against the background of systemic rivals and give SMEs a voice in the newly created 'European Critical Raw Materials Board' by creating a dedicated subgroup to discuss their involvement within the value chains. Lastly, the rapporteur opposes the idea of mandatory stock piling - in order to avoid the distortion of the market - and company audits, as proposed by the Commission.

4. Strengthen economic incentives for companies to invest and produce in Europe:

As with other strategic legislations in the European Union, such as the Chips Act, the rapporteur considers that the Union needs to set up the right incentives for companies to produce and recycle in Europe. Concerning the value chain of strategic and critical raw materials, the rapporteur believes that it is essential to help companies in de-risking projects by supporting project promoters with financial guarantees, as well as off-take agreements to provide security. The report thereby aims to significantly ease the company's burden on access to finance and equally provide planning security.

5. Enhance the role of Strategic Partnerships:

The rapporteur welcomes the Commission's proposal to create partnerships with third countries on an equal footing to ensure mutual benefits for the countries involved. Creating a network of partnerships will be essential not only to secure supply of raw materials, but also to strengthen the Union's geopolitical role. The rapporteur believes that the Union cannot leave the geopolitical playing field to authoritarian regimes. Overall, it should be the aim to create win-win partnerships and foster valuable relations in the long term.

In conclusion, the rapporteur believes that the EU needs to (1) incentivise substitution and innovation in the critical raw materials value chains, (2) streamline permitting procedures, monitoring and governance on Union and national level, (3) decrease the bureaucratic and administrative burden on companies, (4) create incentives to attract the industries of the future to the EU and lastly (5) foster Strategic Partnerships on eye-level for a mutually beneficial outcome.

20.7.2023

OPINION OF THE COMMITTEE ON INTERNATIONAL TRADE

for the Committee on Industry, Research and Energy

on the proposal for a regulation of the European Parliament and of the Council
Establishing a framework for ensuring a secure and sustainable supply of
critical raw materials and amending Regulations (EU) 168/2013, (EU)
2018/858, 2018/1724 and (EU) 2019/1020
(COM(2023)0160 – C9-0061/2023 – 2023/0079(COD))

Rapporteur for opinion: Anna-Michelle Asimakopoulou

AMENDMENTS

The Committee on International Trade calls on the Committee on Industry, Research and Energy, as the committee responsible, to take the following into account:

Amendment 1

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) Firstly, in order to effectively ensure the Union's access to a secure and sustainable supply of critical raw materials, that framework should include measures to decrease the Union's growing supply risks by strengthening Union capacities along all stages of the strategic raw materials value chain, including extraction, processing and recycling, towards benchmarks defined for each strategic raw material. Secondly, ***as the Union will continue to rely on imports***, the framework should include measures to increase the diversification of external supplies of strategic raw materials. Thirdly, is necessary to provide measures to reinforce the Union's ability to monitor and mitigate existing and future supply risks. Fourthly, the framework should contain measures to increase the circularity and sustainability of the critical raw materials consumed in the Union.

Amendment

(3) Firstly, in order to effectively ensure the Union's access to a secure and sustainable supply of critical raw materials, that framework should include measures to decrease the Union's growing supply risks by strengthening Union capacities along all stages of the strategic raw materials value chain, including extraction, processing and recycling, towards benchmarks defined for each strategic raw material. Secondly, the framework should include measures to increase the diversification of external supplies of strategic raw materials ***through the conclusion of preferential trade agreements, sustainable investment facilitation agreements, revision of existing FTAs to include chapters dedicated to critical raw materials and conclusion of Strategic Partnership Agreements with third countries***. Thirdly, is necessary to provide measures to reinforce the Union's ability to monitor and mitigate existing and future supply risks. Fourthly, the framework should contain measures to increase the circularity and sustainability of the critical raw materials consumed in the Union.

Amendment 2

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) To strengthen Union capacities along the strategic raw materials value

Amendment

(6) To strengthen Union capacities along the strategic raw materials value

chain, benchmarks should be set to guide efforts and track progress. The aim should be to increase capacities for each strategic raw material at each stage of the value chain, while aiming to achieve overall capacity benchmarks for extraction, processing and recycling of strategic raw materials. Firstly, the Union should increase the use of its own geological resources of strategic raw materials and build up capacity to allow it to extract the materials needed to produce at least 10 % of the Union's consumption of strategic raw materials. Keeping in mind that extraction capacity is highly dependent on the availability of Union geological resources, the achievement of this benchmark is dependent on such availability. Secondly, in order to build a full value chain and prevent any bottlenecks at intermediate stages, the Union should in addition increase its processing capacity along the value chain and be able to produce at least 40 % of its annual consumption of strategic raw materials. Thirdly, it is expected that in the coming decades a growing share of the Union's consumption of strategic raw materials can be covered by secondary raw materials, which would improve both the security and the sustainability of the Union's raw materials supply. Therefore, Union recycling capacity should be able to produce at least 15 % of the Union's annual consumption of strategic raw materials. These benchmarks refer to the 2030 time horizon, in alignment with the Union's climate and energy targets set under Regulation (EU) 2021/1119 of the European Parliament and of the Council²⁹ and the digital targets under the Digital Decade³⁰, which they underpin. Furthermore, quality jobs, including skills development and job-to-job transitions, will address risks in the sectoral labour market and help ensure the EU's competitiveness.

chain, benchmarks should be set to guide efforts and track progress. The aim should be to increase capacities for each strategic raw material at each stage of the value chain, while aiming to achieve overall capacity benchmarks for extraction, processing and recycling of strategic raw materials. Firstly, the Union should increase the use of its own geological resources of strategic raw materials and build up capacity to allow it to extract the materials needed to produce at least 10 % of the Union's consumption of *each* strategic raw materials. Keeping in mind that extraction capacity is highly dependent on the availability of Union geological resources, the achievement of this benchmark is dependent on such availability. Secondly, in order to build a full value chain and prevent any bottlenecks at intermediate stages, the Union should in addition increase its processing capacity along the value chain and be able to produce at least 40 % of its annual consumption of strategic raw materials. Thirdly, it is expected that in the coming decades a growing share of the Union's consumption of strategic raw materials can be covered by secondary raw materials, which would improve both the security and the sustainability of the Union's raw materials supply. Therefore, Union recycling capacity should be able to produce at least 15 % of the Union's annual consumption of *each* strategic raw materials. These benchmarks refer to the 2030 time horizon, in alignment with the Union's climate and energy targets set under Regulation (EU) 2021/1119 of the European Parliament and of the Council²⁹ and the digital targets under the Digital Decade³⁰, which they underpin. Furthermore, quality jobs, including skills development and job-to-job transitions, will address risks in the sectoral labour market and help ensure the EU's competitiveness.

²⁹ Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (OJ L 243, 9.7.2021, p. 1).

³⁰ Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJL 323, 19.12.2022, p. 4–26)

²⁹ Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (OJ L 243, 9.7.2021, p. 1).

³⁰ Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJL 323, 19.12.2022, p. 4–26)

Amendment 3

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) For some raw materials, the Union is almost fully dependent on a single country for its supply. Such dependencies **entail** a high risk of supply **disruptions**. To limit such potential risk and increase the Union's economic resilience, efforts should be undertaken to ensure that, by 2030, it is not dependent on a single third country for more than 65% of its supply of any strategic raw material, unprocessed and at any stage of processing, giving however special consideration to countries with whom the Union has established a Strategic Partnership on raw materials giving rise to greater assurances regarding supply risks.

Amendment

(7) For some raw materials, the Union is almost fully dependent on a single country for its supply. Such dependencies **create** a high risk of **disruption of supply chains**. **Likewise, some strategic raw materials are sourced from countries in which mining is linked to serious human rights abuses, the deterioration of governance, conflicts, and environmental destruction**. To limit such potential risk and increase the Union's economic resilience, efforts should be undertaken to ensure that, by 2030, it is not dependent on a single third country for more than 65% of its supply of any strategic raw material, unprocessed and at any stage of processing, giving however special consideration to countries with whom the Union has established a Strategic Partnership on raw materials giving rise to greater assurances regarding supply risks. **To this end, priority should be given to concluding Strategic Partnerships with countries with which the Union shares democratic and human rights values, as well as environmental and social standards. The recycling and reincorporation of waste**

and scraps plays a central role in the affirmation of the European autonomy.

Amendment 4

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) In order to diversify the Union's supply of strategic raw materials, the Commission should, with the support of the Board, identify Strategic Projects in third countries that intend to become active in the extraction, processing or recycling of strategic raw materials. To ensure that such Strategic Projects are effectively implemented, **they should benefit from** improved access to finance. In order to ensure their added value, projects should be assessed against a set of criteria. Like projects in the Union, Strategic Projects in third countries should **strengthen** the Union's **security** of supply for strategic raw materials, show sufficient technical feasibility and be implemented sustainably. For projects in emerging markets and developing economies, the project should be mutually beneficial for the Union and the third country involved and add value in that country, taking into account **also** its **consistency** with the Union's common commercial policy. **Such** value may be derived from the project's contribution to more than one stage of the value chain as well as from creating through the project wider economic and **social** benefits, including the creation of employment in compliance with international standards. **Where the Commission assesses these criteria to be fulfilled, it should publish the recognition as a Strategic Project in a decision.**

Amendment

(10) In order to diversify the Union's supply of strategic raw materials, the Commission should, with the support of the Board, identify Strategic Projects in third countries **and in the overseas countries and territories referred to in Annex II of the TFEU** that intend to become active in the extraction, processing or recycling of strategic raw materials. To ensure that such Strategic Projects are effectively implemented **and that its benefits are shared fairly and equitably between the different partners, the partners** should **receive** improved access to finance **and increased knowledge sharing**. In order to ensure their added value, projects should be assessed against a set of criteria. Like projects in the Union, Strategic Projects in third countries should **contribute to strengthening** the Union's **resilience** of supply for strategic raw materials, show sufficient technical feasibility and be implemented sustainably **in compliance with EU legislation on Due Diligence and OECD Guidelines for Multinational Enterprises**. For projects in emerging markets and developing economies, the project should be mutually beneficial for the Union and the third country involved and add value in that country, taking into account its **conformity** with **the objectives of** the Union's common commercial policy. **Where the Commission assesses these criteria to be fulfilled, and after informing the European Parliament it should publish the recognition as a Strategic Project in a**

decision. Added value may be derived from the project's contribution to more than one stage of the value chain, ***including raw material processing***, as well as from creating through the project wider economic, ***environmental*** and ***societal*** benefits, including the creation of ***quality*** employment ***and support for SMEs***, in compliance with international standards, ***notably the core labour standards of the International Labour Organisation, as well as respect for the right to the free, prior, and informed consent of Indigenous peoples and local communities, in line with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP)***.

Amendment 5

Proposal for a regulation Recital 28

Text proposed by the Commission

(28) In order to overcome the limitations of the currently often fragmented public and private investments efforts, facilitate integration and return on investment, the Commission, Member States and promotional banks should better coordinate and create synergies between the existing funding programmes at Union and national level as well as ensure better coordination and collaboration with industry and key private sector stakeholders. To that end, a dedicated sub-group of the Board bringing together experts from the Member States and the Commission as well as relevant public financial institutions should be set up. This sub-group should discuss the individual financing needs of Strategic Projects and their existing funding possibilities in order to provide project promoters with a suggestion on how to best access existing financing possibilities. When discussing and making recommendations for the financing of

Amendment

(28) In order to overcome the limitations of the currently often fragmented public and private investments efforts, facilitate integration and return on investment, the Commission, Member States, ***national export credit agencies*** and promotional banks should better coordinate and create synergies between the existing funding programmes at Union and national level as well as ensure better coordination and collaboration with industry and key private sector stakeholders. To that end, a dedicated sub-group of the Board bringing together experts from the Member States and the Commission as well as relevant public financial institutions should be set up. This sub-group should discuss the individual financing needs of Strategic Projects and their existing funding possibilities in order to provide project promoters with a suggestion on how to best access existing financing possibilities. When discussing and making

Strategic Projects in third countries, the Board should in particular take into account the Global Gateway strategy⁴².

recommendations for the financing of Strategic Projects in third countries, the Board should in particular take into account the **further development and increased financing of the** Global Gateway strategy[42] **connected to critical raw materials projects.**

⁴² **Joint Communication to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank The Global Gateway (JOIN/2021/30 final).**

Amendment 6

Proposal for a regulation Recital 54

Text proposed by the Commission

(54) The Union has concluded Strategic Partnerships covering raw materials with third countries in order to implement the 2020 Action Plan on Critical Raw Materials. In order to diversify supply, these efforts **should continue**. To develop and ensure a coherent framework for the conclusion of future partnerships, the Member States and the Commission should, as part of their interaction on the Board, discuss and ensure coordination on, inter alia, whether existing partnerships achieve **the** intended aims, the prioritisation of third countries for new partnerships, the content of such partnerships and their coherence and potential synergies between Member States' bilateral cooperation with relevant third countries. The Union should seek mutually beneficial partnerships with emerging market and developing economies, in coherence with its Global Gateway strategy, which contribute to the diversification of its raw materials supply chain as well as add value **in the**

Amendment

(54) The Union has concluded Strategic Partnerships covering raw materials with third countries in order to implement the 2020 Action Plan on Critical Raw Materials. In order to diversify **the** supply, **recycling and circularity of raw materials**, these efforts **must be intensified**. To develop and ensure a coherent **diplomatic and strategic** framework for the conclusion of future partnerships, **these should strive to meet an established set of goals, including achieving the intended aims of this Act, improving cooperation across the whole value chain, contributing to increased local value addition in third countries, facilitating the joint assessment of Strategic Projects abroad, ensuring the effective participation of affected communities**. The Member States and the Commission should, as part of their interaction on the Board, **and after informing the European Parliament**, discuss and ensure coordination on, inter alia, whether existing partnerships achieve **such** intended aims, the prioritisation of

production in these countries.

third countries for new partnerships, *in particular those that share EU values, respect for human rights, democracy and rule of law*, the content of such partnerships and their coherence and potential synergies between Member States' bilateral cooperation with relevant third countries *and the availability of sufficient access to finance* . The Union should seek mutually beneficial partnerships with emerging market and developing economies, in coherence with its Global Gateway strategy, *Team Europe approach, common commercial policy and its development and foreign policy*, which *should* contribute to the diversification of its raw materials supply chain as well as add value *to the economic and social framework of partner* countries. *Strategic Partnerships should include commitments from the Union to provide technical assistance to support inter alia compliance with Union legislation on supply chain due diligence. The provision of technical assistance shall be provided in a transparent way.*

Amendment 7

Proposal for a regulation Recital 55

Text proposed by the Commission

(55) In order to support the implementation of tasks pertaining to the development of Strategic Projects and their financing, exploration programmes, monitoring capacities or strategic stocks and to advise the Commission appropriately, a European Critical Raw Materials Board should be established. The Board should be composed of Member States and of the Commission, while being able to ensure participation of other parties as observers. To develop the necessary expertise for the implementation of certain tasks, the Board should establish standing

Amendment

(55) In order to support the implementation of tasks pertaining to the development of Strategic Projects and their financing, exploration programmes, monitoring capacities or strategic stocks and to advise the Commission appropriately, a European Critical Raw Materials Board should be established. The Board should be composed of Member States, *representatives of the European Parliament* and of the Commission, while being able to ensure participation of other parties as observers. To develop the necessary expertise for the implementation

sub-groups on financing, exploration, monitoring and strategic stocks, that should act as a network by gathering the different relevant national authorities and, when necessary, consult industry, academia, civil society and other relevant stakeholders. The Board's advice and opinions should be non-binding and the absence of such an advice or opinion should not prevent the Commission from performing its tasks under this Regulation.

of certain tasks, the Board should establish standing sub-groups on financing, exploration, monitoring and strategic stocks, that should act as a network by gathering the different relevant national authorities and, when necessary, consult industry, academia, civil society and other relevant stakeholders. The Board's advice and opinions should be non-binding and the absence of such an advice or opinion should not prevent the Commission from performing its tasks under this Regulation.

Amendment 8

Proposal for a regulation

Article 1 – paragraph 2 – point a – point i

Text proposed by the Commission

(i) Union extraction capacity is able to extract the ores, minerals or concentrates needed to produce at least 10% of the Union's annual consumption of strategic raw materials, to the extent that the Union's reserves allow for this;

Amendment

(i) Union extraction capacity is able to extract the ores, minerals or concentrates needed to produce at least 10% of the Union's annual consumption of **each** strategic raw materials, to the extent that the Union's reserves allow for this;

Amendment 9

Proposal for a regulation

Article 1 – paragraph 2 – point a – point iii

Text proposed by the Commission

(iii) Union recycling capacity, including for all intermediate recycling steps, is able to produce at least 15% of the Union's annual consumption of strategic raw materials.

Amendment

(iii) Union **pre-consumer and post-consumer** recycling capacity, including for all intermediate recycling steps, is able to produce at least 15% of the Union's annual consumption of **each** strategic raw materials.

Amendment 10

Proposal for a regulation

Article 1 – paragraph 2 – point a – sub-point 2 (new)

Text proposed by the Commission

Amendment

The Commission shall determine specific benchmarks for each raw material, taking into account its characteristics and applying a volume weighting factor to account for tonnage differences when calculating and aggregating these separate benchmarks towards reaching the total benchmarks; As part of the report referred to in Article 1(3), the Commission is required to publish its methodology for calculating and reporting on these benchmarks.

Amendment 11

Proposal for a regulation

Article 1 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) ensure the free movement of critical raw materials and products containing critical raw materials placed on the Union market while ensuring a high level of environmental protection, by improving their circularity and sustainability.

(d) ensure the free movement of critical raw materials and products containing critical raw materials placed on the Union market while ensuring a high level of environmental protection, by improving their ***re-usability, repairability***, circularity and sustainability.

Amendment 12

Proposal for a regulation

Article 1 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) encourage research, innovation and development of production methods and scalability, of substitutes with lower environmental footprint, in Europe.

Amendment 13

Proposal for a regulation
Article 2 – paragraph 1 – point 62

Text proposed by the Commission

(62) ‘Strategic Partnership’ means a commitment between the Union and a third country to increase cooperation related to the raw materials value chain that is established through a non-binding instrument setting out concrete actions of mutual interest.

Amendment

(62) ‘Strategic Partnership’ means a commitment between the Union and a third country to increase cooperation related to the raw materials value chain that is established through a non-binding instrument setting out concrete actions of mutual interest. ***These mutual interests should include the promotion and protection of environmental standards, social and human rights according to international and national legislation, fully in respect of multilateral cooperation rules. Strategic Partnerships shall facilitate beneficial outcomes for both partners including the sharing of knowledge.***

Amendment 14

Proposal for a regulation
Article 5 – paragraph 1 – point e

Text proposed by the Commission

(e) for projects in third countries that are emerging markets or developing economies, the project would be mutually beneficial for the Union and the third country concerned by ***adding value in that country.***

Amendment

(e) for projects in third countries that are emerging markets or developing economies, the project would be mutually beneficial for the Union, ***by diversifying its supply chains,*** and ***for*** the third country concerned, by ***contributing to the development of its economy and the establishment of relevant downstream industries, including local processing industries. Such projects should respect international standards and conventions related to environmental protection and human rights, and encourage the use of inclusive business models in which local communities participate in decision-making.***

Amendment 15

Proposal for a regulation
Article 6 – paragraph 5 – subparagraph 2

Text proposed by the Commission

For Strategic Projects in third countries, the Commission shall *share* the application received with the third country whose territory is concerned by the proposed project. The Commission shall not approve the application before receiving the explicit approval of the relevant third country.

Amendment

For Strategic Projects in third countries, the Commission shall *evaluate the feasibility and impact of a project on the Union's strategic autonomy and its link with the overall aim of this Regulation before sharing* the application received with the third country whose territory is concerned by the proposed project. The Commission shall not approve the application before receiving the explicit approval of the relevant third country *in accordance with its national legal system and international commitments*.

Amendment 16

Proposal for a regulation
Article 6 – paragraph 5 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

For Strategic Projects in third countries with which the Union has negotiated a Strategic Partnership Agreement, the Commission shall conduct consultations with the authorities of this country in order to guarantee swift implementation of the project.

Amendment 17

Proposal for a regulation
Article 15 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) Strategic Projects in Third Countries should be prioritised for Global Gateway funding;

Amendment 18

Proposal for a regulation Article 15 – paragraph 1 – point d

Text proposed by the Commission

(d) *relevant Union funding and financing* programmes.

Amendment

(d) *existing Member State instruments and* programmes, *including from export credit agencies, national promotional banks and institutions.*

Amendment 19

Proposal for a regulation Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. 2 years after the entry into force of this Regulation, and every three years thereafter, the standing sub-group shall report on the uptake and hurdles regarding financing for Critical Raw Materials Projects and provide suggestions to improve access to public and private funding on European and Member State level.

Amendment 20

Proposal for a regulation Article 19 – paragraph 1 – point a (new)

Text proposed by the Commission

Amendment

(a a) information on price distortions caused or aggravated by strategic stocks of critical and other raw materials held by public authorities, publicly owned companies or economic operators;

Amendment 21

Proposal for a regulation Article 19 – paragraph 1 a (new)

1a. *The Commission shall provide additional analysis that takes account of the potential demand that would stem from meeting the manufacturing capacity benchmarks referred to in the Net Zero Industrial Act. This anticipated demand should be reflected in the stress testing.*

Amendment 22

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The Commission, in collaboration with the national authorities participating in the standing sub-group referred to in Article 35(6), point (c), shall ensure that a stress test is performed for each strategic raw material's supply chain at least every three years. To that end, the standing sub-group referred to in Article 35(6), point (c) shall coordinate and divide the implementation of stress tests for the different strategic raw materials by the different participating authorities.

Amendment

The Commission, in collaboration with the national authorities participating in the standing sub-group referred to in Article 35(6), point (c), shall ensure that a stress test is performed for each strategic raw material's supply chain at least every three years. To that end, the standing sub-group referred to in Article 35(6), point (c) shall coordinate and divide the implementation of stress tests for the different strategic raw materials by the different participating authorities. ***The Commission shall carry out stress tests on selected critical raw materials where the Board submits a request.***

Amendment 23

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 2 – point c

Text proposed by the Commission

(c) factors that might affect supply, including but not limited to the geopolitical situation, logistics, energy supply, workforce or natural disasters;

Amendment

(c) factors that might affect supply, including but not limited to the geopolitical situation, ***trade disputes, including acts of economic coercion***, logistics, energy supply, workforce or natural disasters;

Amendment 24

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the supply chain’s exposure to risks of human rights violations and lack of compliance with international sustainability standards and, when applicable, Union legislation;

Amendment 25

Proposal for a regulation

Article 25 – paragraph 4

Text proposed by the Commission

Amendment

4. The national measures referred to in paragraphs 1 and 2 shall be designed so as to avoid barriers to trade and distortions of competition in conformity with the TFEU.

4. The national measures referred to in paragraphs 1 and 2 shall be designed so as to avoid barriers to **international and intra-EU** trade and distortions of competition **on the Union market** in conformity with the TFEU.

Amendment 26

Proposal for a regulation

Article 30 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) the effectiveness of strategic partnerships, strategic projects, trade agreements and other international instruments and outreach conducted by the Union in achieving the Union’s climate and environmental objectives.

(c) the effectiveness of strategic partnerships, strategic projects, trade **agreements, sustainable investment facilitation** agreements and other international instruments and outreach conducted by the Union in achieving the Union’s climate and environmental objectives.

Amendment 27

Proposal for a regulation
Article 33 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Board shall periodically discuss:

Amendment

1. The Board shall periodically, **at least once a year**, discuss:

Amendment 28

Proposal for a regulation
Article 33 – paragraph 1 – point a – point i

Text proposed by the Commission

(i) improving the Union's **security of** supply;

Amendment

(i) improving **the resilience and sustainability of** the Union's supply **of strategic and critical raw materials**;

Amendment 29

Proposal for a regulation
Article 33 – paragraph 1 – point a – point iii

Text proposed by the Commission

(iii) improving cooperation along the critical raw materials value chain between the Union and partner countries;

Amendment

(iii) improving cooperation **and benefit sharing** along the critical raw materials value chain between the Union and partner countries **and overseas countries and territories referred to in Annex II of TFEU**;

Amendment 30

Proposal for a regulation
Article 33 – paragraph 1 – point a – point iii a (new)

Text proposed by the Commission

Amendment

(iiia) improving the development of local industries linked to the treatment of raw materials in third countries defined as emerging or developing economies and better integration in the global value

chain;

Amendment 31

Proposal for a regulation

Article 33 – paragraph 1 – point a – point iii b (new)

Text proposed by the Commission

Amendment

(iiib) upholding human and labour rights, the protection of the environment, in particular biodiversity and water quality;

Amendment 32

Proposal for a regulation

Article 33 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the coherence and potential synergies between Member States' bilateral cooperation with relevant third countries and the actions carried out by the Union in the context of Strategic Partnerships;

(b) the coherence and potential synergies between Member States' bilateral cooperation with relevant third countries and the actions carried out by the Union ***in the pursuit and negotiation of free trade agreements with third countries*** in the context of Strategic Partnerships;

Amendment 33

Proposal for a regulation

Article 33 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the coherence and potential synergies and challenges between actions carried out by the Union in the pursuit and negotiation of free trade agreements and sustainable investment facilitation agreements with third countries, and the actions carried out by the Union in the context of Strategic Partnerships; The Board shall facilitate better dialogue and coordination in the Commission to ensure

that these processes complement one another and are appropriately sequenced;

Amendment 34

Proposal for a regulation

Article 33 – paragraph 1 – point c – introductory part

Text proposed by the Commission

(c) *which third* countries should be prioritised for the conclusion of Strategic Partnerships, taking into account the following criteria:

Amendment

(c) *establishing a list of partner countries, and overseas countries and territories referred to in the Annex II of the TFEU, which* should be prioritised for the conclusion of Strategic Partnerships, taking into account the following criteria:

Amendment 35

Proposal for a regulation

Article 33 – paragraph 1 – point c – point i

Text proposed by the Commission

(i) the potential contribution to *security of* supply, taking into account a *third* country's potential reserves, extraction, processing and recycling capacities related to critical raw materials;

Amendment

(i) the potential contribution to *the resilience of the Union's* supply of raw materials, taking into account a *partner* country's potential reserves, extraction, processing and recycling capacities related to critical raw materials *of partner countries*;

Amendment 36

Proposal for a regulation

Article 33 – paragraph 1 – point c – point ii

Text proposed by the Commission

(ii) whether a third *country's* regulatory framework *ensures* the monitoring, prevention *and* minimisation *of* environmental impacts, the use of socially responsible practices including respect of human and labour rights and meaningful engagement with local

Amendment

(ii) whether a third *country expresses interest that its* regulatory framework *and its effective implementation ensure* the monitoring, prevention, minimisation *and compensation of adverse social and* environmental impacts *of mining*, the use of socially responsible practices including

communities, the use of transparent business practices and the prevention of adverse impacts on the proper functioning of public administration and the rule of law;

respect of human and labour rights, ***including policies to combat forced and child labour***, and meaningful engagement with ***and active participation in Strategic Projects decision-making by of affected local communities, in particular indigenous people***, the use of transparent ***and responsible*** business practices, ***including anti-corruption measures and due diligence***, and the prevention of adverse impacts on the proper functioning of public administration and the rule of law;

Amendment 37

Proposal for a regulation

Article 33 – paragraph 1 – point c – point ii a (new)

Text proposed by the Commission

Amendment

(iia) whether there are existing or potential preferential trade agreements or ongoing negotiations of trade agreements with third countries;

Amendment 38

Proposal for a regulation

Article 33 – paragraph 1 – point c – point iv a (new)

Text proposed by the Commission

Amendment

(iva) the effectiveness of the funds allocated by the Union to local projects and in particular those resulting from the Global Gateway.

Amendment 39

Proposal for a regulation

Article 33 – paragraph 1 – point c – point iv b (new)

Text proposed by the Commission

Amendment

(ivb) for emerging markets and developing economies, whether partnerships could contribute to the formalisation of the mining sector, especially the artisanal and small-scale mining sector.

Amendment 40

Proposal for a regulation Article 33 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall publish an annual report outlining the benefits brought in the preceding year by each of the Strategic Partnership Agreements; the report shall include:

(a) an up to date list of all existing Strategic Partnership Agreements;

(b) an up to date list of all ongoing negotiations for Strategic Partnership Agreements;

(c) a priority list of potential Strategic Partnership Agreements in accordance with the provisions of Article 33 (2), point (c);

(d) a list of the relevant projects facilitated by Strategic Partnerships and an analysis of how these projects have contributed to fulfilling the aims of this regulation;

(e) an up to date list of all projects granted the status of Strategic Project that are located in third countries.

Amendment 41

Proposal for a regulation Article 33 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) support the Commission in the implementation of the cooperation measures set out in Strategic Partnerships.

(b) support the Commission in the **effective** implementation of the cooperation measures set out in Strategic Partnerships.

Amendment 42

Proposal for a regulation

Article 33 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) coordinate the activities of their development banks, export credit agencies and other public institutions under their supervision to support the implementation and financing of Strategic Projects conducted in third countries.

Amendment 43

Proposal for a regulation

Article 33 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Strategic Partnerships concluded by the Union with third countries shall contain measures contributing towards:

(i) improving the resilience and sustainability of the Union's supply of raw materials listed in Annexes I and II;

(ii) the benchmark set out in Article 1(2), point (b);

(iii) improving cooperation and shared responsibility along the critical raw materials value chain between the Union and partner countries in achieving the agreed partnership objectives, while respecting the policy space of the EU and of the partner countries;

(iv) the economic and social

development in partner countries, in particular for emerging and developing economies, through a governance framework that prioritises human rights, while also promoting the uptake of environmentally sustainable and circular economy practices and decent working conditions;

(v) for emerging markets and developing economies, , increase local value addition by supporting the development of extraction, processing and recycling capacities, including via the facilitation or support of private and public investment;

(vi) for partner countries which have ratified it, the advancement of the United Nations Declaration on the Rights of Indigenous Peoples;

(vii) The sharing of knowledge and skills which would be beneficial for the development of local industries.

Amendment 44

Proposal for a regulation Article 33 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Participation of the European Parliament in establishing and monitoring Strategic Partnerships:

(i) if the Board chooses to start discussions with the aim of establishing a new partnership, it shall inform the European Parliament;

(ii) once the negotiations on a Strategic Partnership are concluded, the Commission shall inform the Parliament and allow it sufficient time to express its view before signing the partnership;

(iii) once a Strategic Partnership has entered into force, the European Parliament may evaluate the partnership

every three years, and express its view on the importance of maintaining, strengthening or terminating this partnership.

Amendment 45

Proposal for a regulation Article 35 – paragraph 1

Text proposed by the Commission

1. The Board shall be composed of Member States and the Commission. It shall be chaired by the Commission.

Amendment

1. The Board shall be composed of Member States, ***Members of the European Parliament***, and the Commission. It shall be chaired by the Commission.

Amendment 46

Proposal for a regulation Article 35 – paragraph 4 – subparagraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) every 6 months with the One Stop Shops Observers, in order to allow these representatives to share best practice and better coordinate their working methods.

Amendment 47

Proposal for a regulation Article 35 – paragraph 6 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) a subgroup to discuss and coordinate financing for Strategic Projects pursuant to Article 15; representatives of national promotional banks and institutions, the European development financial institutions, the European Investment Bank Group, other international financial institutions including the European Bank for Reconstruction and Development and, as appropriate, private

(a) a subgroup to discuss and coordinate financing for Strategic Projects pursuant to Article 15; representatives of national promotional banks and institutions, ***representatives of export credit agencies***, the European development financial institutions, the European Investment Bank Group, other international financial institutions including the European Bank for Reconstruction and

financial institutions shall be invited as observers;

Development and, as appropriate, private financial institutions shall be invited as observers;

Amendment 48

Proposal for a regulation

Article 35 – paragraph 6 – subparagraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) a subgroup bringing together the One Stop Shop Observers to meet at regular intervals and cultivate greater convergence in decision making between the Member States;

Amendment 49

Proposal for a regulation

Article 35 – paragraph 6 – subparagraph 2 – point d b (new)

Text proposed by the Commission

Amendment

(db) a subgroup bringing together business and industry representatives, including representatives from relevant strategic sectors and SMEs, that can provide information and insight to the Board;

Amendment 50

Proposal for a regulation

Article 35 – paragraph 6 – subparagraph 2 – point d c (new)

Text proposed by the Commission

Amendment

(dc) a subgroup bringing together scientists, experts and organisations specialized in sustainable mining and production of critical raw materials with the purpose of evaluating the sustainability provisions of the accepted Strategic Projects.

Amendment 51

Proposal for a regulation

Article 35 – paragraph 7 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

The Board shall report to the European Parliament once a year. The meeting documents and decisions of the Board shall be available to the European Parliament.

Amendment 52

Proposal for a regulation

Article 42 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

The Commission shall, taking into account the advice of the Board, monitor progress towards the objectives set out in Article 1(2) and publish, at least every 3 years, a report detailing the Union's progress towards achieving those objectives.

The Commission shall, taking into account the advice of the Board, monitor progress towards the objectives set out in Article 1(2) and publish, at least every 2 years, a report detailing the Union's progress towards achieving those objectives.

Amendment 53

Proposal for a regulation

Article 42 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The Commission shall, taking into account the advice of the Board, assess the effectiveness of provisions set out in Article 15 and publish, at least every 2 years, a report on Project Promoters ability to access finance for critical raw materials projects, defining the opportunities, bottlenecks and required efforts and investments to reach the objectives.

Amendment 54

Proposal for a regulation

Article 42 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The first report shall be drawn up by **[OP please insert: 4 years** after the date of entry into force of this Regulation].

Amendment

The first report shall be drawn up by **2** years after the date of entry into force of this Regulation.

Amendment 55

Proposal for a regulation

Article 42 – paragraph 2

Text proposed by the Commission

2. The report referred to in paragraph 1 shall include quantitative information on the extent of the Union's progress towards the benchmarks set out in Article 1(2), points (a) and (b).

Amendment

2. The report referred to in paragraph 1 shall include quantitative information on the extent of the Union's progress towards the benchmarks set out in Article 1(2), points (a) and (b). ***The report shall take into account the role that the provisions of Articles 15 are contributing to meeting those benchmarks, and whether the provisions are adequate.***

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) 168/2013, (EU) 2018/858, 2018/1724 and (EU) 2019/1020
References	COM(2023)0160 – C9-0061/2023 – 2023/0079(COD)
Committee responsible Date announced in plenary	ITRE 8.5.2023
Opinion by Date announced in plenary	INTA 8.5.2023
Associated committees - date announced in plenary	15.6.2023
Rapporteur for the opinion Date appointed	Anna-Michelle Asimakopoulou 27.4.2023
Discussed in committee	24.5.2023
Date adopted	19.7.2023
Result of final vote	+: 35 –: 0 0: 2
Members present for the final vote	Barry Andrews, Anna-Michelle Asimakopoulou, Tiziana Beghin, Saskia Bricmont, Jordi Cañas, Daniel Caspary, Arnaud Danjean, Roman Haider, Christophe Hansen, Heidi Hautala, Danuta Maria Hübner, Danilo Oscar Lancini, Bernd Lange, Thierry Mariani, Margarida Marques, Gabriel Mato, Emmanuel Maurel, Carles Puigdemont i Casamajó, Samira Rafaela, Catharina Rinzema, Inma Rodríguez-Piñero, Katarína Roth Neved'alová, Helmut Scholz, Joachim Schuster, Sven Simon, Kathleen Van Brempt, Marie-Pierre Vedrenne, Jörgen Warborn, Iuliu Winkler
Substitutes present for the final vote	Marek Belka, José Manuel García-Margallo y Marfil, Enikő Győri, Javier Moreno Sánchez
Substitutes under Rule 209(7) present for the final vote	Clara Aguilera, Francisco Guerreiro, Mikuláš Peksa, Lucia Vuolo

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

35	+
ID	Danilo Oscar Lancini, Thierry Mariani
NI	Tiziana Beghin, Carles Puigdemont i Casamajó
PPE	Anna-Michelle Asimakopoulou, Daniel Caspary, Arnaud Danjean, José Manuel García-Margallo y Marfil, Christophe Hansen, Danuta Maria Hübner, Gabriel Mato, Sven Simon, Lucia Vuolo, Jörgen Warborn, Iuliu Winkler
Renew	Barry Andrews, Jordi Cañas, Samira Rafaela, Catharina Rinzema, Marie-Pierre Vedrenne
S&D	Clara Aguilera, Marek Belka, Bernd Lange, Margarida Marques, Javier Moreno Sánchez, Inma Rodríguez-Piñero, Katarína Roth Neveďalová, Joachim Schuster, Kathleen Van Brempt
The Left	Emmanuel Maurel, Helmut Scholz
Verts/ALE	Saskia Bricmont, Francisco Guerreiro, Heidi Hautala, Mikuláš Peksa

0	-

2	0
ID	Roman Haider
NI	Enikő Győri

Key to symbols:

+ : in favour

- : against

0 : abstention

19.7.2023

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on Industry, Research and Energy

on the proposal for a regulation of the European Parliament and of the Council establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) 168/2013, (EU) 2018/858, 2018/1724 and (EU) 2019/1020 (COM(2023)0160 – C9-0061/2023 – 2023/0079(COD))

Rapporteur for opinion (*): Jessica Polfjärd

(*) Associated committee – Rule 57 of the Rules of Procedure

AMENDMENT

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Industry, Research and Energy, as the committee responsible, to take the following into account:

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Access to raw materials is essential for the Union economy and the functioning of the internal market. There is a set of non-energy, non-agricultural raw materials that, due to their high economic importance and their exposure to high supply risk, often caused by a high concentration of supply from a few third countries, are considered critical. Given the key role of many such critical raw materials in realising the green and digital transitions, and in light of their use for defence and space applications, demand will increase exponentially in the coming decades. At the same time, the risk of supply disruptions is increasing against the background of rising geopolitical tensions

Amendment

(1) Access to raw materials is essential for the ***Union's green and digital transitions***, Union economy and the functioning of the internal market. There is a set of non-energy, non-agricultural raw materials that, due to their high economic importance and their exposure to high supply risk, often caused by a high concentration of supply from a few third countries, are considered critical. Given the key role of many such critical raw materials in realising the green and digital transitions, and in light of their use for defence and space applications, demand will increase exponentially in the coming decades. At the same time, the risk of supply disruptions is increasing against the

and resource competition. Furthermore, if not managed properly, increased demand for critical raw materials could lead to negative environmental and social impacts. Considering these trends, it is necessary to take measures to ensure access to a secure and sustainable supply of critical raw materials to safeguard the Union's economic resilience and open strategic autonomy.

background of rising geopolitical tensions and resource competition. Furthermore, if not managed properly, increased demand for critical raw materials could lead to negative environmental and social impacts. Considering these trends, it is necessary to take measures to ensure access to a secure and sustainable supply of critical raw materials, ***since only that will help ensuring that the green transition is a sustainable transition, and*** to safeguard the Union's economic resilience and open strategic autonomy.

Amendment 2
Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) Given the complexity and the transnational character of critical raw material value chains, uncoordinated national measures to ensure a secure and sustainable supply of critical raw materials have a high potential of distorting competition and fragmenting the internal market. Therefore, to safeguard the functioning of the internal market, a common Union framework should be created to collectively address this central challenge.

Amendment

(2) Given the complexity and the transnational character of critical raw material value chains, uncoordinated national measures to ensure a secure and sustainable supply of critical raw materials have a high potential of distorting competition and fragmenting the internal market. Therefore, to safeguard the functioning of the internal market, a common Union framework should be created to collectively address this central challenge. ***To this aim, the Union and Member States should increase the synergies between Union climate and energy targets, including by identifying projects that can produce renewable energy as well as the sustainable extraction of critical raw materials at the same time.***

Amendment 3
Proposal for a regulation
Recital 2 a (new)

(2a) This Regulation should prevent and reduce adverse impacts of critical raw materials on the environment and ensure a safe and sustainable critical raw material value chain, taking into account, for instance, their environmental footprint, the ethical sourcing of critical raw materials and security of supply, and facilitating reuse, repair and recycling. It should seek to improve the environmental performance of critical raw materials and of the activities of all economic operators involved in their life cycle. Therefore, this Regulation should contribute to the transition to a circular economy, the reduction of the environmental footprint of Union materials consumption, the long-term competitiveness of the Union and the efficient functioning of the internal market, while ensuring a high level of protection of the environment and respect for human and labour rights, including community life of indigenous peoples. This Regulation should therefore reduce the negative effects of the extraction and processing on human health and the environment and favour the practical application of the waste hierarchy.

Amendment 4
Proposal for a regulation
Recital 3

(3) Firstly, in order to effectively ensure the Union's access to a secure and sustainable supply of critical raw materials, that framework should include measures to decrease the Union's growing supply risks by strengthening Union capacities along all stages of the strategic raw materials value chain, ***including extraction, processing and recycling***, towards benchmarks

(3) Firstly, in order to effectively ensure the Union's access to a secure and sustainable supply of critical raw materials, that framework should include measures to decrease the Union's growing supply risks by strengthening Union capacities along all stages of the strategic raw materials value chain, ***in particular recycling, sustainable extraction using synergies between***

defined for each strategic raw material. Secondly, as the Union will continue to rely on imports, the framework should include measures to increase the diversification of external supplies of strategic raw materials. Thirdly, is necessary to provide measures to reinforce the Union's ability to monitor and mitigate existing and future supply risks. Fourthly, the framework should contain measures to increase the circularity and sustainability of the critical raw materials consumed in the Union.

renewable energy projects and the Union need for critical raw materials, and processing, towards ***indicative*** benchmarks defined for each strategic raw material. Secondly, as the Union will continue to rely on imports, the framework should include measures to increase the diversification of external supplies of strategic raw materials. Thirdly, is necessary to provide measures to reinforce the Union's ability to monitor and mitigate existing and future supply risks. Fourthly, the framework should ***be implemented based on the principle of effective public participation in decisions and projects***. ***Fifthly, it should*** contain measures to increase the circularity and sustainability of the critical raw materials consumed in the Union.

Amendment 5
Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) To strengthen Union capacities along the strategic raw materials value chain, benchmarks should be set to guide efforts and track progress. The aim should be to increase capacities for each strategic raw material at each stage of the value chain, while aiming to achieve overall capacity benchmarks for extraction, processing and recycling of strategic raw materials. Firstly, the Union should increase the use of its own geological resources of strategic raw materials and build up capacity to allow it to extract the materials needed to produce at least 10 % of the Union's consumption of strategic raw materials. Keeping in mind that extraction capacity is highly dependent on the availability of Union geological resources, the achievement of this benchmark is dependent on such availability. Secondly, in order to build a full value chain and prevent any

Amendment

(6) To strengthen Union capacities along the strategic raw materials value chain, benchmarks should be set to guide efforts and track progress. The aim should be to increase capacities for each strategic raw material at each stage of the value chain, while aiming to achieve overall capacity benchmarks for extraction, processing and recycling of strategic raw materials. Firstly, the Union should increase the use of its own geological resources of strategic raw materials and build up capacity to allow it to extract the materials needed to produce at least 10 % of the Union's consumption of strategic raw materials. Keeping in mind that extraction capacity is highly dependent on the availability of Union geological resources, the achievement of this benchmark is dependent on such availability. Secondly, in order to build a full value chain and prevent any

bottlenecks at intermediate stages, the Union should in addition increase its processing capacity along the value chain and be able to produce at least 40 % of its annual consumption of strategic raw materials. Thirdly, it is expected that in the coming decades a growing share of the Union's consumption of strategic raw materials can be covered by secondary raw materials, which would improve both the security and the sustainability of the Union's raw materials supply. Therefore, Union recycling capacity should be able to produce at least **15 %** of the Union's annual consumption of strategic raw materials. These benchmarks refer to the 2030 time horizon, in alignment with the Union's climate and energy targets set under Regulation (EU) 2021/1119 of the European Parliament and of the Council²⁹ and the digital targets under the Digital Decade³⁰, which they underpin. Furthermore, quality jobs, including skills development and job-to-job transitions, will address risks in the sectoral labour market and help ensure the EU's competitiveness.

²⁹ Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (OJ L 243, 9.7.2021, p. 1).

³⁰ Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJL 323, 19.12.2022, p. 4–26)

bottlenecks at intermediate stages, the Union should in addition increase its processing capacity along the value chain and be able to produce at least 40 % of its annual consumption of strategic raw materials. Thirdly, it is expected that in the coming decades a growing share of the Union's consumption of strategic raw materials can be covered by secondary raw materials, which would improve both the security and the sustainability of the Union's raw materials supply. Therefore, Union recycling capacity should be able to produce at least **25 %** of the Union's annual **aggregate** consumption of strategic raw materials. **25 % of the annual Union consumption should also be recycled raw materials. For each raw material, the Commission should establish a minimum recycling capacity benchmark and minimum levels of materials recovery through recycling of waste.** These benchmarks refer to the 2030 time horizon, in alignment with the Union's climate and energy targets set under Regulation (EU) 2021/1119 of the European Parliament and of the Council²⁹ and the digital targets under the Digital Decade³⁰, which they underpin. Furthermore, quality jobs, including skills development and job-to-job transitions, will address risks in the sectoral labour market and help ensure the EU's competitiveness.

²⁹ Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (OJ L 243, 9.7.2021, p. 1).

³⁰ Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJL 323, 19.12.2022, p. 4–26)

Amendment 6
Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) *The benchmarks for individual raw materials should reflect the characteristics of the value chain of the raw material targeted, as each raw material has specific properties and challenges associated with its sourcing, processing and recycling. An open and constant dialogue between stakeholders and policymakers should be encouraged to ensure that benchmarks are both technically and economically feasible, as well as in line with the Union’s objectives.*

Amendment 7
Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment

(8) It is necessary to put in place appropriate measures to support Strategic Projects aimed at the extraction, processing or recycling of strategic raw materials in the Union that should, together with Member State efforts, contribute to increasing capacities towards the benchmarks. Other measures, notably on exploration or circularity, should also contribute to the reinforcement of different stages of the value chain and thereby contribute to the achievement of the benchmarks. To ensure that the benchmarks are met in time, the Commission, with the help of the European Critical Raw Materials Board ('the Board') should track and report progress towards the benchmarks. In case the reported progress towards the benchmarks is generally insufficient, the Commission should assess the feasibility and proportionality of additional measures. A lack of progress only on a single or small

(8) It is necessary to put in place appropriate measures to support Strategic Projects aimed at the extraction, processing or recycling of strategic raw materials in the Union that should, together with Member State efforts, contribute to increasing capacities towards the benchmarks. Other measures, notably on exploration or circularity, should also contribute to the reinforcement of different stages of the value chain and thereby contribute to the achievement of the benchmarks. To ensure that the benchmarks are met in time, the Commission, with the help of the European Critical Raw Materials Board ('the Board') should track and report progress towards the benchmarks. In case the reported progress towards the benchmarks is generally insufficient, the Commission should assess the feasibility and proportionality of additional measures. A lack of progress only on a single or small

set of strategic raw material should *in principle not* trigger the need for additional Union efforts.

set of strategic raw material should trigger the need for additional Union efforts *when proportionate*.

Amendment 8
Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) In order to build capacities in the Union, the Commission should, with the support of the Board, identify Strategic Projects in the Union that intend to become active in the *extraction*, processing or *recycling* of strategic raw materials. Effective support to Strategic Projects has the potential to improve access to materials for downstream sectors as well as to create economic opportunities along the value chain, including for SMEs, and contribute to the creation of employment. Therefore, to ensure the development of Strategic Projects across the Union, such projects should benefit from streamlined and predictable permitting procedures and support in gaining access to finance. In order to focus support and ensure their added value, projects should, before receiving such support, be assessed against a set of criteria. Strategic Projects in the Union should strengthen the Union's security of supply for strategic raw materials, show sufficient technical feasibility and be implemented in an environmentally and socially sustainable manner. They should also provide cross-border benefits beyond the Member State concerned. Where the Commission assesses these criteria to be fulfilled, it should publish the recognition as a Strategic Project in a decision. As a speedy recognition is key to effectively supporting the Union's security of supply, the assessment process should remain light and not overly burdensome.

Amendment

(9) In order to build capacities in the Union, the Commission should, with the support of the Board, identify Strategic Projects in the Union that intend to become active in the *recycling*, processing or *extraction* of strategic raw materials. Effective support to Strategic Projects has the potential to improve access to materials for downstream sectors as well as to create economic opportunities along the value chain, including for SMEs, and contribute to the creation of employment. Therefore, to ensure the development of Strategic Projects across the Union, such projects should benefit from *fast*, streamlined and predictable permitting procedures and support in gaining access to finance. In order to focus support and ensure their added value, projects should, before receiving such support, be assessed against a set of criteria. Strategic Projects in the Union should strengthen the Union's security of supply for strategic raw materials, show sufficient technical feasibility and be implemented in an environmentally and socially sustainable manner, *complying with relevant Union legislation and international instruments and with full respect for human rights*. They should also provide cross-border benefits beyond the Member State concerned. Where the Commission assesses these criteria to be fulfilled, it should publish the recognition as a Strategic Project in a decision. As a speedy recognition is key to effectively supporting the Union's security of supply, the assessment process should remain light and

not overly burdensome.

Amendment 9
Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) In order to diversify the Union's supply of strategic raw materials, the Commission should, with the support of the Board, identify Strategic Projects in third countries that intend to become active in the **extraction**, processing or **recycling** of strategic raw materials. To ensure that such Strategic Projects are effectively implemented, they should benefit from improved access to finance. In order to ensure their added value, projects should be assessed against a set of criteria. Like projects in the Union, Strategic Projects in third countries should strengthen the Union's security of supply for strategic raw materials, show sufficient technical feasibility and be implemented sustainably. For projects in emerging markets and developing economies, the project should be mutually beneficial for the Union and the third country involved and add value in that country, taking into account also its consistency with the Union's common commercial policy. Such value may be derived from the project's contribution to more than one stage of the value chain as well as from creating through the project wider economic and social benefits, including the creation of employment in compliance with international standards. Where the Commission assesses these criteria to be fulfilled, it should publish the recognition as a Strategic Project in a decision.

Amendment

(10) In order to diversify the Union's supply of strategic raw materials, the Commission should, with the support of the Board, identify Strategic Projects in third countries that intend to become active in the **recycling**, processing or **extraction** of strategic raw materials. To ensure that such Strategic Projects are effectively implemented, they should benefit from improved access to finance. In order to ensure their added value, projects should be assessed against a set of criteria. Like projects in the Union, Strategic Projects in third countries should strengthen the Union's security of supply for strategic raw materials, show sufficient technical feasibility and be implemented sustainably **and with full respect for human rights**. For projects in emerging markets and developing economies, the project should be mutually beneficial for the Union and the third country involved and add value in that country, taking into account also its consistency with the Union's common commercial policy **and relevant international agreements, including environmental agreements**. Such value may be derived from the project's contribution to more than one stage of the value chain as well as from creating through the project wider economic and social benefits, including the creation of employment in compliance with international standards **of the International Labour Organization (ILO)**. Where the Commission assesses these criteria to be fulfilled, it should publish the recognition as a Strategic Project in a decision.

Amendment 10
Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) In order to ensure the sustainability of increased raw material production, new raw materials projects should be implemented sustainably. To that end, the Strategic Projects receiving support under this Regulation should be assessed taking into account international instruments covering all aspects of sustainability highlighted in the EU principles for sustainable raw materials³¹, including ensuring environmental protection, socially responsible practices, including respect for human rights such as the rights of women, and transparent business practices. Projects should also ensure engagement in good faith as well as comprehensive and meaningful consultations with local communities, including with indigenous peoples. To provide project promoters with a clear and efficient way of complying with this criterion, compliance with relevant Union legislation, international standards, guidelines and principles or participation in a certification scheme recognised under this Regulation should be considered sufficient.

³¹ European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, EU principles for sustainable raw materials, Publications Office, 2021, <https://data.europa.eu/doi/10.2873/27875>

Amendment 11
Proposal for a regulation
Recital 16

Amendment

(11) In order to ensure the sustainability of increased raw material production, new raw materials projects should be implemented sustainably. To that end, the Strategic Projects receiving support under this Regulation should be assessed taking into account international instruments covering all aspects of sustainability highlighted in ***international agreements*** ***and*** the EU principles for sustainable raw materials³¹, including ensuring environmental protection, socially responsible practices, including respect for human rights such as the rights of women ***and children***, and transparent business practices. Projects should also ensure engagement in good faith as well as comprehensive and meaningful consultations with local communities, including with indigenous peoples. To provide project promoters with a clear and efficient way of complying with this criterion, compliance with relevant Union legislation, international standards, guidelines and principles or participation in a certification scheme recognised under this Regulation should be considered sufficient, ***while ensuring monitoring of activities***.

³¹ European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, EU principles for sustainable raw materials, Publications Office, 2021, <https://data.europa.eu/doi/10.2873/27875>

Text proposed by the Commission

(16) In light of their importance for ensuring the security of supply of strategic raw materials, Strategic Projects should be considered to be in the public interest. Ensuring the security of supply of strategic raw materials is of crucial importance for the success of the green and digital transitions as well as the resilience of the defence and space sectors. To contribute towards security of supply of strategic raw materials in the Union, Member States may provide for support in national permit granting procedures to speed up the realisation of Strategic Projects in accordance with Union law.

Amendment 12
Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission

Amendment 13
Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) Given their role in ensuring the Union's security of supply for strategic raw materials, and their contribution to the Union's open strategic autonomy and the green and digital transition, Strategic

Amendment

(16) In light of their importance for ensuring the security of supply of strategic raw materials, Strategic Projects should be considered to be in the **overriding** public interest. Ensuring the security of supply of strategic raw materials is of crucial importance for the success of the green and digital transitions as well as the resilience of the defence and space sectors. To contribute towards security of supply of strategic raw materials in the Union, Member States may provide for support in national permit granting procedures to speed up the realisation of Strategic Projects in accordance with Union law.

Amendment

(17a) Cooperation between different levels of governments is essential to ensure effective decision-making. In order to guarantee high environmental standards and that the appropriate procedure is followed, the involvement of national competent authorities should be ensured when decisions on the implementation of Strategic Projects are taken.

Amendment

(19) Given their role in ensuring the Union's security of supply for strategic raw materials, and their contribution to the Union's open strategic autonomy and the green and digital transition, Strategic

Projects should be considered by the responsible permitting authority as being in the public interest. Strategic Projects which have an adverse impact on the environment, to the extent it falls under the scope of Directive 2000/60/EC, Council Directive 92/43/EEC and Directive 2009/147/EC³⁹ may be authorised where the responsible permitting authority concludes, based on its case-by-case assessment, that the public interest served by the project overrides those impacts, provided that all relevant conditions set out in those Directives are met. **Where relevant**, the case-by-case assessment should take into account the geological specificity of extraction sites, which constrains decisions on location.

³⁹ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7–25).

Projects should be considered by the responsible permitting authority as being in the public interest. Strategic Projects which have an adverse impact on the environment, to the extent it falls under the scope of Directive 2000/60/EC, Council Directive 92/43/EEC and Directive 2009/147/EC³⁹ may be authorised where the responsible permitting authority concludes, based on its case-by-case assessment, that the public interest served by the project overrides those impacts, provided that all relevant conditions set out in those Directives are met. The case-by-case assessment should **duly** take into account the geological specificity of extraction sites, which constrains decisions on location **due to the absence of alternative solutions to extraction sites**.

³⁹ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7–25).

Amendment 14

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) In order to provide project promoters and other investors with the security and clarity needed to increase development of Strategic Project, Member States should ensure that the permit granting process related to such projects does not exceed pre-set time limit. For Strategic Projects involving only processing or recycling, the length of the permit granting process should not exceed 1 year. However, for Strategic Projects that involve extraction the length of the permit granting process should, considering the complexity and extent of the potential impacts involved, not exceed 2 years. To effectively achieve those time limits,

Amendment

(23) In order to provide project promoters and other investors with the security and clarity needed to increase development of Strategic Project, Member States should ensure that the permit granting process related to such projects does not exceed pre-set time limit. **However, the current limits in administrative capacity in Member States should be considered, while also taking into account the time needed to train new qualified administrative workers.** For Strategic Projects involving only processing or recycling, the length of the permit granting process should not exceed 1 year. However, for Strategic Projects that

Member States should ensure that the responsible authorities have sufficient resources and personnel. Through the Technical Support Instrument, the Commission supports Member States, upon their request, in designing, developing and implementing reforms including the strengthening the administrative capacity related to national permitting.

involve extraction the length of the permit granting process should, considering the complexity and extent of the potential impacts involved, not exceed 2 years. ***Time for the project promoters to respond and gather information should not be taken into account in relation to these time limits.*** To effectively achieve those time limits, Member States should ensure that the responsible authorities have sufficient resources and personnel ***and training.*** Through the Technical Support Instrument, the Commission supports Member States, upon their request, in designing, developing and implementing reforms including the strengthening the administrative capacity related to national permitting.

Amendment 15
Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) The environmental assessments and authorisations required under Union law, including in relation to water, habitats and birds, are an integral part of the permit granting process for a raw material project and an essential safeguard to ensure that negative environmental impacts are prevented or minimised. However, in order to ensure that the permit granting processes for Strategic Projects are predictable and timely, ***any potential to streamline*** the required assessments and authorisations while not lowering the level of environmental protection should be realised. In that regard, it should be ensured that the necessary assessment are bundled to prevent unnecessary overlap and it should be ensured that project promoters and responsible authorities explicitly agree on the scope of the bundled assessment before it is implemented to prevent unnecessary follow-up.

Amendment

(24) The environmental assessments and authorisations required under Union law, including in relation to water, habitats and birds, are an integral part of the permit granting process for a raw material project and an essential safeguard to ensure that negative environmental impacts are prevented or minimised. However, in order to ensure that the permit granting processes for Strategic Projects are predictable and timely ***and do not exceed the pre-set time limit for a particular stage in the permit granting process, streamlining*** the required assessments and authorisations while not lowering the level of environmental protection should be realised. In that regard, it should be ensured that the necessary assessment are bundled to prevent unnecessary overlap and it should be ensured that project promoters and responsible authorities explicitly agree on the scope of the bundled assessment before it is implemented to

prevent unnecessary follow-up, *without prejudice to the quality of those assessments*.

Amendment 16
Proposal for a regulation
Recital 25

Text proposed by the Commission

(25) Land use conflicts can create barriers to the deployment of critical raw material projects. Well-designed plans, including spatial plans and zoning, that take into account the potential for implementing critical raw material projects and whose potential environmental impacts are assessed, have the potential to help balance public goods and interests, decreasing the risk of conflict and accelerating the sustainable deployment of raw materials projects in the Union. Responsible national, regional and local authorities should therefore **consider including** provisions for raw materials projects when developing relevant plans.

Amendment

(25) Land use conflicts can create barriers to the deployment of critical raw material projects. Well-designed plans, including spatial plans and zoning, that take into account the potential for implementing critical raw material projects and whose potential environmental impacts are assessed, have the potential to help balance public goods and interests, decreasing the risk of conflict and accelerating the sustainable deployment of raw materials projects in the Union. Responsible national, regional and local authorities should therefore **include, where relevant**, provisions for raw materials projects when developing relevant plans **in cooperation with local communities**. ***Given the essential nature of critical raw materials for the green transition, the Commission should adopt a delegated act under Regulation (EU) 2020/852 of the European Parliament and of the Council^{1a} defining the technical screening criteria for mining and refining, based on the work of the Platform on Sustainable Finance.***

^{1a} ***Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13).***

Amendment 17

Proposal for a regulation
Recital 41

Text proposed by the Commission

(41) Most critical raw materials are metals, which can be in principle endlessly recycled, albeit with sometimes deteriorating qualities. This offers the potential to move to a truly circular economy in the context of the green transition. After an initial phase of rapid growth of demand for critical raw material for new technologies, where primary extraction and processing will still constitute the predominant source, recycling should become increasingly important and reduce the need for primary extraction and its associated impacts. Today, however, recycling rates of most critical raw materials are low, and recycling systems and technologies are often not adapted to the specificities of these raw materials. Action addressing the different factors holding back the circularity potential is thus required.

Amendment

(41) Most critical raw materials are metals, which can be in principle endlessly recycled, albeit with sometimes deteriorating qualities. This offers the potential to move to a truly circular economy in the context of the green transition. After an initial phase of rapid growth of demand for critical raw material for new technologies, where primary extraction and processing will still constitute the predominant source, recycling **and reusing** should become increasingly important and reduce the need for primary extraction and its associated impacts. Today, however, recycling **and reusing** rates of most critical raw materials are low, and recycling systems and technologies are often not adapted to the specificities of these raw materials. Action addressing the different factors holding back the circularity potential is thus required.

Amendment 18
Proposal for a regulation
Recital 41 a (new)

Text proposed by the Commission

Amendment

(41a) Europe needs to enhance its open strategic autonomy and increase its resilience in preparation for potential disruptions in supply due to health or other crises. Enhancing circularity and resource efficiency with increased recycling and recovery of critical raw materials will contribute to reaching that goal.

Amendment 19
Proposal for a regulation
Recital 42

Text proposed by the Commission

(42) Member States retain important competences in the field of circularity, for example in the area of waste collection and treatment systems. These should be used to increase collection and recycling rates for waste streams with a **high** potential for recovery of critical raw materials, making use for example of financial incentives such as discounts, monetary rewards or deposit-refund systems. Member State authorities should also make a difference as buyers of critical raw materials and of products containing them, and national research and innovation programmes provide significant resources to increase the state of knowledge and technology for critical raw materials circularity as well as material efficiency. Finally, Member States should promote the recovery of critical raw materials from extractive waste by improving the availability of information and by addressing legal, economic and technical barriers. One possible solution that Member States should look into are risk-sharing mechanisms between operators and the Member State to promote recovery from closed waste facilities.

Amendment 20
Proposal for a regulation
Recital 42 a (new)

Text proposed by the Commission

Amendment

(42) Member States retain important competences in the field of circularity, for example in the area of waste collection and treatment systems. These should be used to increase **reuse**, collection and recycling rates for waste streams with a potential for recovery of critical raw materials, making use for example of financial incentives such as discounts, monetary rewards or deposit-refund systems, **while preserving the integrity of the internal market**. Member State authorities should also make a difference as buyers of critical raw materials and of products containing them, and national research and innovation programmes provide significant resources to increase the state of knowledge and technology for critical raw materials circularity as well as material efficiency. Finally, Member States should promote the recovery of critical raw materials from extractive waste by improving the availability of information and by addressing legal, economic and technical barriers. One possible solution that Member States should look into are risk-sharing mechanisms between operators and the Member State to promote recovery from closed waste facilities. ***The Commission should monitor the actions of Member States, benchmark and disseminate best practices and give recommendations for further actions for Members States, where appropriate.***

Amendment

(42a) Electronic waste harbours critical raw materials in concentrations significantly superior to those found in the world's finest ore grades^{1a}. This fact

unveils a substantial economic prospect inherent in urban mining that holds immense developmental potential. Therefore, it is crucial to establish enabling facilities for recycling centres, allowing them to reintroduce these recycled quantities into the market effectively and efficiently.

*^{1a} Torrubia, J.; Valero, A.; Valero, A.; Lejuez, A. Challenges and Opportunities for the Recovery of Critical Raw Materials from Electronic Waste: The Spanish Perspective. Sustainability 2023, 15, 1393.
<https://doi.org/10.3390/su15021393>*

Amendment 21
Proposal for a regulation
Recital 43

Text proposed by the Commission

(43) The Union has, in many of its regions, a legacy of raw materials extraction and thus substantial amounts of extractive waste on closed facilities which, due to their only recent rise in economic importance, have generally not been analysed for critical raw materials potential. The recovery of critical raw materials from extractive waste facilities has the potential to create economic value and employment in historical mining regions, which are often affected by deindustrialisation and decline. The lack of attention to, and information on critical raw materials content, especially on closed waste facilities, constitutes a key barrier to greater use of the critical raw materials potential of extractive waste.

Amendment

(43) The Union has, in many of its regions, a legacy of raw materials extraction and thus substantial amounts of extractive waste on closed facilities which, due to their only recent rise in economic importance, have generally not been analysed for critical raw materials potential. The recovery of critical raw materials from extractive waste facilities has the potential to ***avoid and mitigate negative social and environmental effects of new extractive activities***, create economic value and employment in historical mining regions, which are often affected by deindustrialisation and decline. The lack of attention to, and information on critical raw materials content, especially on closed waste facilities, constitutes a key barrier to greater use of the critical raw materials potential of extractive waste ***and overcoming it should be a key priority for the Union.***

Amendment 22
Proposal for a regulation
Recital 45

Text proposed by the Commission

(45) Operators of extractive waste facilities, both existing and new, should perform a preliminary economic assessment study regarding the recovery of critical raw materials from extractive waste present on the site and from such waste being generated. In line with the waste hierarchy established in Directive 2008/98/EC of the European Parliament and of the Council⁴⁶, priority should be given to preventing the generation of waste containing critical raw materials, by extracting critical raw materials from the extracted volume prior to it becoming waste. In elaborating this study, operators should gather the necessary information, including concentrations and quantities of critical raw materials in the extractive waste, and perform an assessment of multiple options regarding processes, operations or business arrangements that could enable an economically viable recovery of critical raw materials. This obligation comes in addition to obligations laid down in Directive 2006/21/EC and the national laws transposing it and is directly applicable. In its implementation, operators and competent authorities should seek to minimise administrative burden and integrate procedures to the extent possible.

⁴⁶ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3-30).

Amendment

(45) Operators of extractive waste facilities, both existing and new, should perform a preliminary economic assessment study regarding the recovery of critical raw materials from extractive waste present on the site **and their deposits** and from such waste being generated. In line with the waste hierarchy established in Directive 2008/98/EC of the European Parliament and of the Council⁴⁶, priority should be given to preventing the generation of waste containing critical raw materials, by extracting critical raw materials from the extracted volume prior to it becoming waste. ***Where such extraction is a significant part of a project, which in other cases would not be considered strategic under this Regulation, the project should be considered strategic.*** In elaborating this study, operators should gather the necessary information, including concentrations and quantities of critical raw materials in the extractive waste, and perform an assessment of multiple options regarding processes, operations or business arrangements that could enable an economically viable recovery of critical raw materials. This obligation comes in addition to obligations laid down in Directive 2006/21/EC and the national laws transposing it and is directly applicable. In its implementation, operators and competent authorities should seek to minimise administrative burden and integrate procedures to the extent possible.

⁴⁶ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3-30).

Amendment 23
Proposal for a regulation
Recital 48

Text proposed by the Commission

(48) A precondition for **effective magnet recycling** is for recyclers to have access to the necessary information on the amount, type and chemical composition of magnets in a product, their location and the coating, glues and additives used, as well as information on how to remove the permanent magnets from the product. In addition, to ensure a business case for magnet recycling, permanent magnets incorporated in products placed on the Union market should, over time, contain an increasing amount of recycled materials. While providing transparency on the recycled content in a first stage, a minimum content of recycled content should be set after a dedicated assessment of the appropriate level and likely impacts.

Amendment 24
Proposal for a regulation
Recital 49

Text proposed by the Commission

(49) Critical raw materials sold on the Union market are often certified regarding the sustainability of their production and supply chain. Certification can be obtained in the context of a broad range of public and private certification schemes available with varying scopes and stringency, creating the potential for confusion regarding the nature and veracity of claims made about the relative sustainability of critical raw materials placed on the Union market based on such certification. The Commission should be empowered to adopt implementing acts recognising

Amendment

(48) A precondition for **increasing the circularity of magnets** is for recyclers, **repairers and refurbishes** to have access to the necessary information on the amount, type and chemical composition of magnets in a product, their location and the coating, glues and additives used, as well as information on how to remove the permanent magnets from the product. In addition, to ensure a business case for magnet recycling, permanent magnets incorporated in products placed on the Union market should, over time, contain an increasing amount of recycled materials. While providing transparency on the recycled content in a first stage, a minimum content of recycled content should be set after a dedicated assessment of the appropriate level and likely impacts.

Amendment

(49) Critical raw materials sold on the Union market are often certified regarding the sustainability of their production and supply chain. Certification can be obtained in the context of a broad range of public and private certification schemes available with varying scopes and stringency, creating the potential for confusion **or misleading information** regarding the nature and veracity of claims made about the relative sustainability of critical raw materials placed on the Union market based on such certification. The Commission should be empowered to

certification schemes that should be considered comprehensive and trustworthy, providing a common basis for authorities and market participants for assessing the sustainability of critical raw materials. Recognition should be given only to certification schemes that cover a broad range of sustainability aspects, including environmental protection, human rights including labour rights and business transparency, and which contain provisions for independent third party verification and monitoring of compliance. To ensure efficient procedures, promoters of projects applying to be recognised as Strategic Projects should be allowed to rely on participation in a recognised scheme to show that their project is implemented sustainably.

adopt implementing acts recognising certification schemes that should be considered ***sufficient to live up to the requirements of this Regulation***, comprehensive and trustworthy, providing a common basis for authorities and market participants for assessing the sustainability of critical raw materials. Recognition should be given only to certification schemes that cover a broad range of sustainability aspects, including environmental protection, human rights including labour rights and business transparency, ***based on relevant Union and national law, international agreements and stakeholder consultation*** and which contain provisions for independent third party verification and monitoring of compliance. To ensure efficient procedures, promoters of projects applying to be recognised as Strategic Projects should be allowed to rely on participation in a recognised scheme to show that their project is implemented sustainably.

Amendment 25
Proposal for a regulation
Recital 50

Text proposed by the Commission

(50) The production of critical raw materials at different stages of the value chain causes environmental impacts, ***whether on climate***, water, ***fauna or flora***. In order to limit such damage and incentivise the production of more sustainable critical raw materials, the Commission should be empowered to develop a system for the calculation of the environmental footprint of critical raw materials, including a verification process, to ensure that critical raw materials placed on the Union market publicly display information on such footprint. The system should be based on taking into account scientifically sound assessment methods

Amendment

(50) The production of critical raw materials at different stages of the value chain causes ***climate and*** environmental impacts, ***notably on water and biodiversity***. In order to limit such damage and incentivise the production of more sustainable critical raw materials, the Commission should be empowered to develop a system for the calculation of the environmental footprint of critical raw materials, including a verification process, to ensure that critical raw materials placed on the Union market publicly display information on such footprint. The system should be based on taking into account scientifically sound assessment methods

and relevant international standards in the area of life cycle assessment. The requirement to declare the environmental footprint of a material should only apply where it has been concluded, based on a dedicated assessment, that it would contribute to the Union's climate and environmental objectives by facilitating the procurement of critical raw materials with lower environmental footprint and would not disproportionately affect trade flows. When the relevant calculation methods have been adopted, the Commission should develop performance classes for critical raw materials, thereby allowing potential buyers to easily compare the relative environmental footprint of available materials and driving the market towards more sustainable materials. Sellers of critical raw materials should ensure that the environmental footprint declaration is available to their customers. Transparency on the relative footprint of critical raw materials placed on the Union market may also enable other policies at Union and national level, such as incentives or green public procurement criteria, fostering the production of critical raw materials with lower environmental impacts.

and relevant international standards in the area of life cycle assessment. The requirement to declare the environmental footprint of a material should only apply where it has been concluded, based on a dedicated assessment, that it would contribute to the Union's climate and environmental objectives **and be proportionate to the economic costs** by facilitating the procurement of critical raw materials with lower environmental footprint and would not disproportionately affect trade flows. When the relevant calculation methods have been adopted, the Commission should develop performance classes for critical raw materials, thereby allowing potential buyers to easily compare the relative environmental footprint of available materials and driving the market towards more sustainable materials. Sellers of critical raw materials should ensure that the environmental footprint declaration is available to their customers. Transparency on the relative footprint of critical raw materials placed on the Union market may also enable other policies at Union and national level, such as incentives or green public procurement criteria, fostering the production of critical raw materials with lower environmental impacts. ***The deep sea is believed to have the highest biodiversity on Earth and provides critical environmental services, including long-term carbon sequestration. Deep-seabed mining is highly likely to cause permanent biodiversity loss and ecosystem damage. In line with the precautionary principle, no deep sea mining should take place as long as its effects on the marine environment and biodiversity have not been researched sufficiently, and as long as there is no scientific consensus that deep sea mining can be managed in a way that ensures no marine biodiversity loss and ecosystem damage.***

Amendment 26
Proposal for a regulation

Recital 51

Text proposed by the Commission

(51) The Environmental Footprint methods constitute a relevant basis for the development of the calculation rules. They rely on scientifically sound assessment methods which take into account developments on international level and cover environmental impacts, including climate change and impacts related to water, air, soil, resources, land use and toxicity.

Amendment

(51) The Environmental Footprint methods constitute a relevant basis for the development of the calculation rules. They rely on scientifically sound assessment methods which take into account ***similar obligations established by other Union legislation and*** developments on international level and cover environmental impacts, including climate change and impacts related to water, air, soil, resources, land use and toxicity.

Amendment 27

Proposal for a regulation

Article 1 – paragraph 2 – point a – point iii

Text proposed by the Commission

(iii) Union recycling capacity, including for all intermediate recycling steps, is able to produce at least **15%** of the Union's annual consumption of strategic raw materials.

Amendment

(iii) Union recycling capacity, including for all intermediate recycling steps, is able to produce at least ***an aggregate 25 %*** of the Union's annual consumption of strategic raw materials ***and that 25 % of the Union's annual consumption of strategic raw materials is secondary raw materials;***

Amendment 28

Proposal for a regulation

Article 1 – paragraph 2 – point a – point iii a (new)

Text proposed by the Commission

Amendment

(iiia) by ... [12 months after the date of entry into force of this Regulation], the Commission shall adopt delegated acts in accordance with Article 36 to supplement this Regulation by establishing for each strategic raw material a minimum recycling capacity benchmark for 2030 based on state-of-the-art technology and establishing for each strategic raw material minimum levels of materials

recovery through recycling of waste by 2030.

Amendment 29
Proposal for a regulation
Article 2 – paragraph 1 – point 12

Text proposed by the Commission

(12) ‘Union recycling capacity’ means an aggregate of the maximum annual production volume of recycling operations for strategic raw **materials**, including the sorting and pre-treatment of waste and its processing into secondary raw materials, located in the Union;

Amendment

(12) ‘Union recycling capacity’ means an aggregate of the maximum annual production volume of **waste** recycling operations for **each** strategic raw **material**, including the sorting and pre-treatment of waste, **including black mass**, and its processing into secondary raw materials, located in the Union;

Amendment 30
Proposal for a regulation
Article 5 – paragraph 1 – point c

Text proposed by the Commission

(c) the project would be implemented sustainably, in particular as regards the monitoring, prevention **and** minimisation of environmental impacts, the use of socially responsible practices including respect of human **and** labour rights, quality jobs potential and meaningful engagement with local communities and relevant social partners, **and** the use of transparent business practices with adequate compliance policies to prevent and minimise risks of adverse impacts on the proper functioning of public administration, including corruption and bribery;

Amendment

(c) the project would be implemented sustainably, in particular as regards:

(i) the monitoring, prevention, minimisation **and compensation** of environmental impacts **throughout its life cycle, including, but not limited to, climate, water, air and soil, while minimising negative effects for biodiversity and maximising resource**

efficiency;

(ii) the use of socially responsible practices including respect of human, labour, *and gender* rights, *including community life of indigenous peoples;*

(iii) quality jobs potential and meaningful engagement with local communities and relevant social partners;

(iv) the use of transparent business practices with adequate compliance policies to prevent and minimise risks of adverse impacts on the proper functioning of public administration, including corruption and bribery, *as outlined in Annex III and, for projects in the Union, based on Union and national legislation.*

Amendment 31
Proposal for a regulation
Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *The decision on the implementation of Strategic Projects, and whether or not they meet the conditions laid down in paragraph 2, shall be discussed and agreed in cooperation with national competent authorities.*

Amendment 32
Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

Amendment

4. For Strategic Projects *only* involving *processing or recycling*, the lack of comprehensive decision by the national competent authority referred to in Article 8(1) within the applicable time limits referred to in paragraphs 1 and 2 shall result in the relevant permit granting application to be considered as approved, except in those cases where the specific project requires an environmental impact

4. For Strategic Projects, *not* involving *mining*, the lack of comprehensive decision by the national competent authority referred to in Article 8(1) within the applicable time limits referred to in paragraphs 1 and 2 shall result in the relevant permit granting application to be considered as approved, except in those cases where the specific project requires an environmental impact

assessment pursuant to Council Directive 92/43/EEC or Directives 2000/60/EC, 2008/98/EC, 2009/147/EC 2010/75/EU, 2011/92/EU or 2012/18/EU *or a* determination of whether such environmental impact assessment is necessary and the relevant assessments *have not yet been carried out.*

assessment pursuant to Council Directive 92/43/EEC or Directives 2000/60/EC, 2008/98/EC, 2009/147/EC 2010/75/EU, 2011/92/EU or 2012/18/EU. ***By way of derogation from Article 4(6) of Directive 2011/92/EU, the*** determination of whether such environmental impact assessment is necessary and the relevant assessments ***shall be decided on and communicated to the project promoter within 30 days.***

Amendment 33

Proposal for a regulation

Article 11 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Where an environmental impact assessment must be carried out for a Strategic Project in accordance with Articles 5 to 9 of Directive 2011/92/EU, the relevant project promoter shall request an opinion to the national competent authority referred to in Article 8(1) on the scope and level of detail of the information to be included in the environmental impact assessment report under Article 5(1) of that Directive.

Amendment

Where an environmental impact assessment must be carried out for a Strategic Project in accordance with Articles 5 to 9 of Directive 2011/92/EU, the relevant project promoter shall, ***no later than 30 days after the notification of the recognition as Strategic Project,*** request an opinion to the national competent authority referred to in Article 8(1) on the scope and level of detail of the information to be included in the environmental impact assessment report under Article 5(1) of that Directive.

Amendment 34

Proposal for a regulation

Article 11 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The national competent authority referred to in Article 8(1) shall ensure that the opinion referred to in the first subparagraph is issued as soon as possible and within a period of time not exceeding **30** days from the date on which the project promoter submitted its request.

Amendment

The national competent authority referred to in Article 8(1) shall ensure that the opinion referred to in the first subparagraph is issued as soon as possible and within a period of time not exceeding **20** days from the date on which the project promoter submitted its request. ***The national competent authority shall aim to streamline the process and guide the***

project promoter through the process.

Amendment 35
Proposal for a regulation
Article 11 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The Commission shall publish common guidelines for national competent authorities pursuant to this paragraph.

Amendment 36
Proposal for a regulation
Article 11 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

In the case of Strategic Projects for which the obligation to carry out assessments of the effects on the environment arises simultaneously from Council Directive 92/43/EEC, Directives 2000/60/EC, 2008/98/EC, 2009/147/EC 2010/75/EU, 2011/92/EU or 2012/18/EU of the European Parliament and the Council, the national competent authority referred to in Article 8(1) shall ensure that a coordinated or a joint procedure fulfilling the requirements of that Union legislation is applied.

In the case of Strategic Projects for which the obligation to carry out assessments of the effects on the environment arises simultaneously from Council Directive 92/43/EEC, Directives 2000/60/EC, 2008/98/EC, 2009/147/EC 2010/75/EU, 2011/92/EU or 2012/18/EU of the European Parliament and the Council, the national competent authority referred to in Article 8(1) shall ensure that a coordinated or a joint procedure fulfilling ***all*** the requirements of that Union legislation is applied, ***whichever procedure the project promoter chooses.***

Amendment 37
Proposal for a regulation
Article 11 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Under the coordinated procedure referred to in the first subparagraph, the national competent authority referred to in Article 8(1) shall coordinate the various individual assessments of the environmental impact of a particular project required by the relevant

Under the coordinated procedure referred to in the first subparagraph, the national competent authority referred to in Article 8(1) shall coordinate ***and streamline*** the various individual assessments of the environmental impact of a particular project required by the relevant Union

Union legislation.

legislation.

Amendment 38
Proposal for a regulation
Article 11 – paragraph 3

Text proposed by the Commission

3. The national competent authority referred to in Article 8(1) shall ensure that the authorities concerned issue the reasoned conclusion referred to in Article 1(2), point (g)(iv) of Directive 2011/92/EU on the environmental impact assessment of a Strategic Project within **three months** of receiving all necessary information gathered pursuant to Articles 5, 6 and 7 of that Directive and completing the consultations referred to in Articles 6 and 7 of that Directive.

Amendment 39
Proposal for a regulation
Article 11 – paragraph 3 a (new)

Text proposed by the Commission

Amendment 40
Proposal for a regulation
Article 11 – paragraph 4

Amendment

3. The national competent authority referred to in Article 8(1) shall ensure that the authorities concerned issue the reasoned conclusion referred to in Article 1(2), point (g)(iv) of Directive 2011/92/EU on the environmental impact assessment of a Strategic Project within **80 days** of receiving all necessary information gathered pursuant to Articles 5, 6 and 7 of that Directive and completing the consultations referred to in Articles 6 and 7 of that Directive.

Amendment

3a. In exceptional cases, where the nature, complexity, location or size of the proposed project so require, the national competent authority referred to in Article 8(1) may extend the time limit referred to in paragraph 3 of this Article by a maximum of 30 days, before its expiry and on a case-by-case basis. In that event, the national competent authority referred to in Article 8(1) shall inform the project promoter of the reasons justifying the extension and of the date when the reasoned conclusion is expected in writing.

Text proposed by the Commission

4. The time-frame for consulting the public concerned on the environmental impact assessment report referred to in Article 5(1) of Directive 2011/92/EU shall not be longer than **90** days in the case of Strategic Projects.

Amendment

4. The time-frame for consulting the public concerned on the environmental impact assessment report referred to in Article 5(1) of Directive 2011/92/EU shall not be longer than **80 days and not be shorter than 40** days in the case of Strategic Projects.

Amendment 41

Proposal for a regulation

Article 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. For Strategic Projects in the absence of a reasoned conclusion by the competent authority referred to in Article 8(1) within the applicable time limits referred to in paragraph 3 of this Article, the project promoter shall be able to lodge a complaint before the relevant court, leading to fines or an interim injunction.

Amendment 42

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

Amendment

2. Where plans including provisions for the development of critical raw material projects are subject to an assessment pursuant to Directive 2001/42/EC and pursuant to Article 6 of Directive 92/43/EEC, those assessments shall be combined. Where **relevant**, this combined assessment shall also address the impact on potentially affected water bodies and verify whether the plan would cause deterioration of the status or of the potential referred to in Article 4 of Directive 2000/60/EC or would potentially hamper that a water body achieves good status or good potential. Where relevant Member States are required

2. Where plans including provisions for the development of critical raw material projects are subject to an assessment pursuant to Directive 2001/42/EC and pursuant to Article 6 of Directive 92/43/EEC, those assessments shall be combined. Where **applicable**, this combined assessment shall also address the impact on potentially affected water bodies and verify whether the plan would cause deterioration of the status or of the potential referred to in Article 4 of Directive 2000/60/EC or would potentially hamper that a water body achieves good status or good potential. Where relevant

to assess the impacts of existing and future activities on the marine environment, including land-sea interactions, as referred to in Article 4 of Directive 2014/89/EU, these impacts shall also be covered by the combined assessment.

Member States are required to assess the impacts of existing and future activities on the marine environment, including land-sea interactions, as referred to in Article 4 of Directive 2014/89/EU, these impacts shall also be covered by the combined assessment *while maintaining the same standard of quality. When there is a need for an assessment under Article 4 of Directive 2000/60/EC or Article 4 of Directive 2014/89/EU according to this Article, it shall be conducted in such a way that it does not lead to a prolongation of the time limits referred to in Article 10(1) and (2) and Article 11(3) if this Regulation.*

Amendment 43
Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

1. The provisions set out in this Regulation are without prejudice to the obligations under **Articles 6 and 7 of** the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, signed at Aarhus on 25 June 1998, and under the UNECE Convention on environmental impact assessment in a transboundary context, signed at Espoo on 25 February 1991.

Amendment

1. The provisions set out in this Regulation are without prejudice to the obligations under the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, signed at Aarhus on 25 June 1998, and under the UNECE Convention on environmental impact assessment in a transboundary context, signed at Espoo on 25 February 1991.

Amendment 44
Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

2. All decisions adopted pursuant to this Section shall be made publicly available.

Amendment

2. All decisions adopted pursuant to this Section shall be made publicly available *in an easily understandable manner and all decisions concerning one project shall be available at the same*

website.

Amendment 45
Proposal for a regulation
Article 25 – paragraph 1 – introductory part

Text proposed by the Commission

1. Each Member State shall by [OP please insert: **3** years after the date of entry into force of this Regulation] adopt and implement national programmes containing measures designed to:

Amendment

1. Each Member State shall by [OP please insert: **2** years after the date of entry into force of this Regulation] adopt and implement national programmes, ***which may include cross-border actions and collaborations within the European Economic Area (EEA)***, containing ***appropriate*** measures designed to:

Amendment 46
Proposal for a regulation
Article 25 – paragraph 1 – point a

Text proposed by the Commission

(a) increase the collection of waste with ***high*** critical raw materials recovery potential and ensure their introduction into the appropriate recycling system, with a view to maximising the availability and quality of recyclable material as an input to critical raw material recycling facilities;

Amendment

(a) increase the collection, ***sorting and processing*** of waste with ***relevant*** critical raw materials recovery potential and ensure their introduction into the appropriate ***preparation for reuse or*** recycling system, with a view to maximising the availability and quality of recyclable material as an input to critical raw material recycling facilities ***in compliance with Union law on the environment and public health***;

Amendment 47
Proposal for a regulation
Article 25 – paragraph 1 – point b

Text proposed by the Commission

(b) increase the re-use of products and components with ***high*** critical raw materials recovery potential;

Amendment

(b) increase the re-use, ***waste prevention, repair, refurbishment, repurposing and remanufacturing*** of products and components with ***relevant*** critical raw materials recovery potential;

Amendment 48
Proposal for a regulation
Article 25 – paragraph 1 – point c

Text proposed by the Commission

(c) increase the use of secondary critical raw materials in manufacturing, including, where appropriate, by taking recycled content into account in award criteria related to public procurement;

Amendment

(c) increase the use of secondary critical raw materials in manufacturing, including, where appropriate, by taking recycled, ***re-used, repaired, refurbished, repurposed or remanufactured*** content into account in award criteria related to public procurement

Amendment 49
Proposal for a regulation
Article 25 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) increase the efficient use of critical raw materials in the whole value chain;

Amendment 50
Proposal for a regulation
Article 25 – paragraph 1 – point d

Text proposed by the Commission

(d) increase the technological maturity of recycling technologies for critical raw materials and to promote materials efficiency and the substitution of critical raw materials in applications, at least by including support actions to that effect under national research & innovation programmes;

Amendment

(d) increase the technological maturity of recycling technologies for critical raw materials and to promote materials efficiency and ***foster*** the substitution of critical raw materials in applications ***while taking into account performance and functionality***, at least by including support actions to that effect under national research & innovation programmes;

Amendment 51
Proposal for a regulation
Article 25 – paragraph 1 – point e

Text proposed by the Commission

(e) ensure that their workforce is equipped with the skills needed to support circularity of the critical raw materials value chain.

Amendment

(e) ensure that their workforce is equipped with the skills needed to support circularity of the critical raw materials value chain ***by fostering skills, upskilling and reskilling measures;***

Amendment 52

Proposal for a regulation

Article 25 – paragraph 1 – point e a (new)

Text proposed by the Commission

(e) ensure that their workforce is equipped with the skills needed to support circularity of the critical raw materials value chain.

Amendment

(ea) support the uptake of quality standards for recycling processes of waste streams containing critical raw materials, such as electronics waste, to ensure optimal material recovery.

Amendment 53

Proposal for a regulation

Article 25 – paragraph 1 a (new)

Text proposed by the Commission

1a. The national programmes and measures referred to in paragraph 1 shall be designed to allow for the free flow of products and raw materials within the EEA, in order to establish a stable market for secondary raw materials.

Amendment

1a. The national programmes and measures referred to in paragraph 1 shall be designed to allow for the free flow of products and raw materials within the EEA, in order to establish a stable market for secondary raw materials.

Amendment 54

Proposal for a regulation

Article 25 – paragraph 1 b (new)

Text proposed by the Commission

1b. Member States shall ensure that the public is given early and effective opportunities to participate in the preparation of the national programmes referred to in paragraph 1.

Amendment

1b. Member States shall ensure that the public is given early and effective opportunities to participate in the preparation of the national programmes referred to in paragraph 1.

Amendment 55
Proposal for a regulation
Article 25 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. The Commission shall support the preparation of the national programmes referred to in paragraph 1 by providing annual critical raw materials demand projections, based on Union energy, climate and environmental objectives, building on a variety of policy and technological choices influencing demand. The Commission shall publish those projections by ... [6 months after the date of entry into force of this Regulation] and every 5 years thereafter.

Amendment 56
Proposal for a regulation
Article 25 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

The programmes referred to in paragraph 1 shall cover ***in particular*** products and waste which are not subject to any specific requirement on collection, treatment, recycling or re-use under Union legislation. For other products and waste, the measures shall be implemented in coherence with existing Union legislation.

The programmes referred to in paragraph 1 shall cover products and waste which are not subject to any specific requirement on collection, treatment, recycling or re-use under Union legislation. For other products and waste, the measures shall be implemented in coherence with existing Union legislation.

Amendment 57
Proposal for a regulation
Article 25 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

With respect to points (a) and (b) of paragraph 1, the programmes referred to in that paragraph may include, without prejudice to Articles 107 and 108 of the TFEU, the introduction of ***financial***

With respect to points (a) and (b) of paragraph 1, the programmes referred to in that paragraph may include, without prejudice to Articles 107 and 108 of the TFEU, the introduction of ***economic***

incentives, such as discounts, monetary rewards or deposit-refund systems, to encourage the re-use of products with high critical raw materials recovery potential and the collection of waste from such products.

instruments, such as *those listed in Annex IVa to Directive 2008/98/EC, including* discounts, monetary rewards or deposit-refund systems, to encourage the re-use of products with high critical raw materials recovery potential and the collection of waste from such products.

Amendment 58
Proposal for a regulation
Article 25 – paragraph 3

Text proposed by the Commission

3. Each Member State shall by [OP please insert: **4 years** after the date of entry into force of this Regulation] adopt and implement measures to promote the recovery of critical raw materials from extractive waste, in particular from closed waste facilities identified in the database created in accordance with Article 26 as containing potentially economically recoverable critical raw materials.

Amendment

3. Each Member State shall by [OP please insert: **30 months** after the date of entry into force of this Regulation] adopt and implement measures to promote the recovery of critical raw materials from extractive waste, in particular from closed waste facilities identified in the database created in accordance with Article 26 as containing potentially economically recoverable critical raw materials.

Amendment 59
Proposal for a regulation
Article 25 – paragraph 4

Text proposed by the Commission

4. The national measures referred to in paragraphs 1 and 2 shall be designed so as to *avoid* barriers to trade and distortions of competition in conformity with the TFEU.

Amendment

4. The national measures referred to in paragraphs 1 and 2 shall be designed so as to **not constitute** barriers to **international and intra-Union** trade and distortions of competition **on the Union market** in conformity with the TFEU.

Amendment 60
Proposal for a regulation
Article 25 – paragraph 5

Text proposed by the Commission

5. When reporting to the Commission the data concerning the quantities of waste

Amendment

5. When reporting to the Commission the data concerning the quantities of waste

electrical and electronic equipment recycled, pursuant to Article 16(6) of Directive 2012/19/EU on waste electrical and electronic equipment, Member States shall identify separately, and report, the quantities of components containing relevant amounts of critical raw materials removed from such waste equipment and the quantities of critical raw materials recovered from the waste electrical and electronic equipment. The Commission shall adopt implementing acts specifying the format and details of such reporting. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3). The first reporting period shall cover the first full calendar year after the adoption of those implementing acts.

electrical and electronic equipment recycled, pursuant to Article 16(6) of Directive 2012/19/EU on waste electrical and electronic equipment, Member States shall identify separately, and report, ***a substantiated estimate of critical raw materials placed on the market in electrical and electronic equipment***, the quantities of components containing relevant amounts of critical raw materials removed from such waste equipment and the quantities of critical raw materials recovered from the waste electrical and electronic equipment. The Commission shall adopt implementing acts specifying the format and details of such reporting. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3). The first reporting period shall cover the first full calendar year after the adoption of those implementing acts.

Amendment 61
Proposal for a regulation
Article 25 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. On the basis of the reports referred to in paragraph 5 of this Article, the Commission shall review Directive 2012/19/EU to assess the feasibility of introducing targets for the collection and recovery of critical raw materials from waste electrical and electronic equipment.

Amendment 62
Proposal for a regulation
Article 25 – paragraph 6

Text proposed by the Commission

Amendment

6. Member States shall, as part of the report referred to in Article 43, provide information on the adoption of the national programmes referred to in paragraph 1 and

6. Member States shall, as part of the report referred to in Article 43, provide information on the adoption of the national programmes referred to in paragraph 1 and

on progress in the implementation of the measures taken pursuant to paragraphs 1 **and 2**.

on progress in the implementation **and the effects** of the measures taken pursuant to paragraphs 1 **to 3 of this Article, as well as on their contribution to meeting the Union benchmarks as laid down in Article 1**.

Amendment 63

Proposal for a regulation

Article 25 – paragraph 7 – subparagraph 1

Text proposed by the Commission

The Commission shall adopt **implementing** acts specifying a list of products, components and waste streams that shall at least be considered as having a **high** critical raw materials recovery potential within the meaning of paragraph 1 (a) and (b).

Amendment

By ... [1 year after the date of entry into force of this Regulation], the Commission shall adopt **delegated** acts **in accordance with Article 36 to supplement this Regulation by** specifying a list of products, components and waste streams that shall at least be considered as having a **relevant** critical raw materials recovery potential within the meaning of paragraph 1 (a) and (b).

Amendment 64

Proposal for a regulation

Article 25 – paragraph 7 – subparagraph 2 – point a

Text proposed by the Commission

(a) the total amount of critical raw materials recoverable from those products, components and waste streams:

Amendment

(a) the total amount of critical raw materials **potentially** recoverable from those products, components and waste streams:

Amendment 65

Proposal for a regulation

Article 25 – paragraph 7 – subparagraph 3

Text proposed by the Commission

The implementing acts referred to in the first subparagraph shall be adopted in accordance with the examination procedure referred to in Article 37(3).

Amendment

deleted

Amendment 66
Proposal for a regulation
Article 25 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. The Commission shall, after consultation with concerned stakeholders, develop dedicated waste codes for lithium-ion batteries and intermediate waste streams ('black mass').

Amendment 67

Proposal for a regulation
Article 25 a (new)

Text proposed by the Commission

Amendment

Article 25a

Monitoring of the level of criticality and material efficiency

1. By 31 December 2024, the Commission shall adopt delegated acts in accordance with Article 36 to supplement this Regulation by laying down the methodology to monitor the level of criticality and material efficiency of intermediate or final products containing critical raw materials.

2. The Commission shall adopt implementing acts specifying a list of intermediate or final products including critical raw materials for which the level of criticality and material efficiency shall be monitored. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).

3. After 31 December 2027, the Commission is empowered to adopt delegated acts in accordance with Article 36 to supplement this Regulation by laying down minimum requirements for reducing the level of criticality and material efficiency of intermediate and final products containing critical raw

materials.

Amendment 68
Proposal for a regulation
Article 26 – paragraph 1 – introductory part

Text proposed by the Commission

1. Operators obliged to submit waste management plans in accordance with Article 5 of Directive 2006/21/EC shall provide to the competent authority as defined in Article 3 of Directive 2006/21/EC a preliminary economic assessment study regarding the potential recovery of critical raw materials from:

Amendment

1. Operators obliged to submit waste management plans in accordance with Article 5 of Directive 2006/21/EC shall provide to the competent authority as defined in Article 3 of Directive 2006/21/EC a preliminary ***environmental and*** economic assessment study regarding the potential recovery of critical raw materials from:

Amendment 69
Proposal for a regulation
Article 26 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) the extractive waste disposed by the operator since the entry into force of Directive 2006/21/EC; and

Amendment 70
Proposal for a regulation
Article 26 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Operators are exempted from the obligation under paragraph 1, if they demonstrate to the competent authorities that the extractive waste does not contain critical raw materials that are technically recoverable.

Amendment 71
Proposal for a regulation
Article 26 – paragraph 2

Text proposed by the Commission

2. The study referred to in paragraph 1 shall at least include an estimation of the quantities and concentrations of critical raw materials contained in the extractive waste and in the extracted volume and an assessment of their technical and economic recoverability.

Amendment

2. The study referred to in paragraph 1 shall at least include an estimation of the quantities and concentrations of critical raw materials contained in the extractive waste and in the extracted volume and an assessment of their technical and economic recoverability, **as well as the environmental consequences of recovering them. Operators shall specify the methods used to estimate the quantities and concentrations.**

Amendment 72
Proposal for a regulation
Article 26 – paragraph 3

Text proposed by the Commission

3. Operators of existing waste facilities shall submit the study referred to in paragraph 1 to the competent authority as defined in Article 3 of Directive 2006/21/EC by [OP please insert: **3** years after the date of entry into force of this Regulation]. Operators of new waste facilities shall submit this study to the competent authority when submitting their waste management plans in accordance with Article 5 of Directive 2006/21/EC.

Amendment

3. Operators of existing waste facilities shall submit the study referred to in paragraph 1 to the competent authority as defined in Article 3 of Directive 2006/21/EC by [OP please insert: **2** years after the date of entry into force of this Regulation]. Operators of new waste facilities shall submit this study to the competent authority when submitting their waste management plans in accordance with Article 5 of Directive 2006/21/EC.

Amendment 73
Proposal for a regulation
Article 26 – paragraph 5

Text proposed by the Commission

5. The database referred to in paragraph 4 shall be put in place by [OP please insert: **1 year** after the date of entry into force of this Regulation] and all information completed by [OP please

Amendment

5. The database referred to in paragraph 4 shall be put in place by [OP please insert: **9 months** after the date of entry into force of this Regulation] and all information completed by [OP please

insert: **3** years after the date of entry into force of this Regulation]. It shall be made available in a publicly accessible and digital form and updated at least every 2 years to incorporate additional available information and newly closed or newly identified facilities.

insert: **2** years after the date of entry into force of this Regulation]. It shall be made available in a publicly accessible and digital form and updated at least every 2 years to incorporate additional available information and newly closed or newly identified facilities.

Amendment 74
Proposal for a regulation
Article 26 – paragraph 6 – point a

Text proposed by the Commission

(a) for all closed waste facilities, Member States shall comprehensively review the available permitting files by [OP please insert: **1 year** after the date of entry into force of this Regulation];

Amendment

(a) for all closed waste facilities, Member States shall comprehensively review the available permitting files by [OP please insert: **9 months** after the date of entry into force of this Regulation];

Amendment 75
Proposal for a regulation
Article 26 – paragraph 6 – point b

Text proposed by the Commission

(b) for such waste facilities where available information does not a priori exclude the presence of potentially economically recoverable quantities of critical raw materials, Member States shall additionally conduct, by [OP please insert: **2 years** after the date of entry into force of this Regulation], a representative geochemical sampling;

Amendment

(b) for such waste facilities where available information does not a priori exclude the presence of potentially economically recoverable quantities of critical raw materials, Member States shall additionally conduct, by [OP please insert: **18 months** after the date of entry into force of this Regulation], a representative geochemical sampling;

Amendment 76
Proposal for a regulation
Article 26 – paragraph 6 – point c

Text proposed by the Commission

(c) for such waste facilities where the activities described under points (a) and (b) of this paragraph have indicated potentially economically recoverable quantities of

Amendment

(c) for such waste facilities where the activities described under points (a) and (b) of this paragraph have indicated potentially economically recoverable quantities of

critical raw materials, Member States shall additionally carry out, by [OP please insert: **3 years** after the date of entry into force of this Regulation], a more detailed analysis involving core logging or equivalent techniques, where this is environmentally sound in accordance with applicable environmental requirements at Union level and with the requirements of Directive 2006/21/EC where relevant.

critical raw materials, Member States shall additionally carry out, by [OP please insert: **30 months** after the date of entry into force of this Regulation], a more detailed analysis involving core logging or equivalent techniques, where this is environmentally sound in accordance with applicable environmental requirements at Union level and with the requirements of Directive 2006/21/EC where relevant.

Amendment 77
Proposal for a regulation
Article 26 – paragraph 7

Text proposed by the Commission

7. The activities described in paragraph 6 shall be carried out within the limits of national legal systems pertaining to property rights, ownership of land, mineral resources and waste, and any other relevant provisions. ***Where such factors inhibit the activities***, the Member State authorities shall seek the cooperation of the operator or owner of the waste facility. The results of the activities described under paragraph 6 shall be made accessible as part of the database. Where possible, the Member States shall include in the database a classification of the closed extractive waste facilities according to the United Nations Framework Classification for Resources.

Amendment

7. The activities described in paragraph 6 shall be carried out within the limits of national legal systems pertaining to property rights, ownership of land, mineral resources and waste, and any other relevant provisions. The Member State authorities shall seek the cooperation of the operator or owner of the waste facility. The results of the activities described under paragraph 6 shall be made accessible as part of the database. Where possible, the Member States shall include in the database a classification of the closed extractive waste facilities according to the United Nations Framework Classification for Resources.

Amendment 78
Proposal for a regulation
Article 27 – paragraph 1 – introductory part

Text proposed by the Commission

1. From [OP please insert: **3 years** after the date of entry into force of this Regulation], any natural or legal person that places on the market magnetic resonance imaging devices, wind energy generators, industrial robots, motor

Amendment

1. From [OP please insert: **2 years** after the date of entry into force of this Regulation], any natural or legal person that places on the market magnetic resonance imaging devices, wind energy generators, industrial robots, motor

vehicles, light means of transport, cooling generators, heat pumps, electric motors, including where they are integrated in other products, automatic washing machines, tumble driers, microwaves, vacuum cleaners or dishwashers shall ensure that those products bear a conspicuous, clearly legible and indelible label indicating:

Amendment 79

Proposal for a regulation

Article 27 – paragraph 1 – point b a (new)

Text proposed by the Commission

vehicles, light means of transport, cooling generators, heat pumps, electric motors, including where they are integrated in other products, automatic washing machines, tumble driers, microwaves, vacuum cleaners or dishwashers shall ensure that those products bear a conspicuous, clearly legible and indelible label indicating:

Amendment

(ba) if the product incorporates one or more permanent magnets of the types referred to in point (b), how many of each type of magnets are incorporated in the product.

Amendment 80

Proposal for a regulation

Article 27 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The obligation set out in paragraph 1 of this Article shall not apply if a delegated act setting ecodesign criteria has been adopted according to Regulation (EU) .../... [the Ecodesign for Sustainable Products Regulation] or another binding Union act, setting equivalent or higher requirements for recyclability of permanent magnets.

Amendment 81

Proposal for a regulation

Article 27 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall adopt an implementing act establishing the format

2. By ... [1 year after the date of entry into force of this Regulation], the

for the labelling referred to in paragraph 1. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 37(3).

Commission shall adopt an implementing act establishing the format for the labelling referred to in paragraph 1. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 37(3).

Amendment 82
Proposal for a regulation
Article 27 – paragraph 3

Text proposed by the Commission

3. From [OP please insert: **3** years after the date of entry into force of this Regulation], any natural or legal person that places on the market products referred to in paragraph 1 incorporating one or more permanent magnets of the types referred in paragraph 1, point (b), points (i) to (iii), shall ensure that a data carrier is present on or in the product.

Amendment

3. From [OP please insert: **2** years after the date of entry into force of this Regulation], any natural or legal person that places on the market products referred to in paragraph 1 incorporating one or more permanent magnets of the types referred in paragraph 1, point (b), points (i) to (iii), shall ensure that a data carrier is present on or in the product.

Amendment 83
Proposal for a regulation
Article 27 – paragraph 4 – point a

Text proposed by the Commission

(a) the name, registered trade name or registered trade mark and the postal address of the responsible natural or legal person and, *where available*, electronic means of communication where they can be contacted;

Amendment

(a) the name, registered trade name or registered trade mark and the postal address of the responsible natural or legal person and electronic means of communication where they can be contacted;

Amendment 84
Proposal for a regulation
Article 27 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. For products referred to in paragraph 3 of this Article which incorporate a battery for which a digital passport is required under Regulation

(EU) .../... [the Batteries and Waste Batteries Regulation], the information referred to in paragraph 4 of this Article shall be included in that digital passport.

Amendment 85
Proposal for a regulation
Article 27 – paragraph 7 – subparagraph 2

Text proposed by the Commission

The information referred to in paragraph 4 shall refer to the product model or, where the information differs between units of the same model, to a particular batch or unit. The information referred to in paragraph 4 shall be accessible to recyclers, market surveillance authorities and customs authorities.

Amendment

The information referred to in paragraph 4 shall refer to the product model or, where the information differs between units of the same model, to a particular batch or unit. The information referred to in paragraph 4 shall be accessible to recyclers, **refurbishers, repairers**, market surveillance authorities and customs authorities.

Amendment 86
Proposal for a regulation
Article 27 – paragraph 9

Text proposed by the Commission

9. *Where information requirements relating to the recycling of permanent magnets are established in delegated acts adopted in accordance with Article 4 of the Regulation XX/XXXX [OP please insert: the Ecodesign for Sustainable Products Regulation] or in other Union harmonisation legislation for any of the products listed in paragraph 1, those requirements shall apply in replacement of the provisions of this Article.*

Amendment

deleted

Amendment 87
Proposal for a regulation
Article 27 – paragraph 11

Text proposed by the Commission

Amendment

11. *For magnetic resonance imaging devices, motor vehicles and light means of transport that are type-approved vehicles of category L, the requirements of this Article shall apply from [OP please insert: 5 years after the date of entry into force of this Regulation].*

deleted

Amendment 88

Proposal for a regulation

Article 27 – paragraph 12 a (new)

Text proposed by the Commission

Amendment

12a. *The Commission is empowered to adopt delegated acts in accordance with Article 36 to amend this Regulation, where appropriate and on the basis of regularly performed feasibility and cost-benefit evaluations, by expanding the list of products in paragraph 1 of this Article.*

Amendment 89

Proposal for a regulation

Article 28 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

After 31 December **2030**, the Commission *may* adopt delegated acts supplementing this Regulation by laying down minimum shares for neodymium, dysprosium, praseodymium, terbium, boron, samarium, nickel and cobalt recovered from post-consumer waste that must be present in the permanent magnet incorporated in the products referred to in paragraph 1.

By 31 December **2027**, the Commission *shall* adopt delegated acts supplementing this Regulation by laying down minimum shares for neodymium, dysprosium, praseodymium, terbium, boron, samarium, nickel and cobalt recovered from post-consumer waste *or manufacturing waste for the same category of product* that must be present in the permanent magnet incorporated in the products referred to in paragraph 1 *from 1 January 2031 and onwards. In duly justified cases, different minimum shares may be applied for different products or certain products may be excluded from this obligation.*

Amendment 90
Proposal for a regulation
Article 28 – paragraph 6

Text proposed by the Commission

6. *For magnetic resonance imaging devices, motor vehicles and light means of transport that are type-approved vehicles of category L, the requirements set out in paragraphs 1 and 6 shall apply from 5 years after the date of entry into force of the delegated act referred to in paragraph 2.*

Amendment

deleted

Amendment 91
Proposal for a regulation
Article 29 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Governments *or* organisations that have developed and oversee certification schemes related to the sustainability of critical raw materials ("scheme owners") may apply to have their schemes recognised by the Commission.

Amendment

Governments, *undertakings or multistakeholder* organisations that have developed and oversee certification schemes related to the sustainability of critical raw materials ("scheme owners") may apply to have their schemes recognised by the Commission.

Amendment 92
Proposal for a regulation
Article 29 – paragraph 2

Text proposed by the Commission

2. Where, on the basis of the evidence provided pursuant to the paragraph 1, the Commission determines that a certification scheme meets the criteria laid down in Annex IV, it shall adopt an implementing act granting that scheme a recognition. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).

Amendment

2. Where, on the basis of the evidence provided pursuant to the paragraph 1, the Commission determines that a certification scheme meets the criteria laid down in Annex IV, it shall adopt an implementing act granting that scheme a recognition. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3). *The timeframe for adopting those implementing acts shall not be longer than 6 months after the submission of the*

application by the scheme owner.

Amendment 93
Proposal for a regulation
Article 29 – paragraph 3

Text proposed by the Commission

3. The Commission shall **periodically** verify that recognised schemes continue to fulfil the criteria laid down in Annex IV.

Amendment

3. The Commission shall **every three years** verify that recognised schemes continue to fulfil the criteria laid down in Annex IV.

Amendment 94
Proposal for a regulation
Article 29 – paragraph 4

Text proposed by the Commission

4. Owners of recognised schemes shall inform the Commission **without delay** of any changes or updates made to recognised schemes. The Commission shall assess whether such changes or updates affect the basis for the recognition and take appropriate action.

Amendment

4. Owners of recognised schemes shall **without delay** inform the Commission of **and make public** any changes or updates made to recognised schemes **that are relevant for the compliance with this Regulation**. The Commission shall assess whether such changes or updates affect the basis for the recognition and take appropriate action.

Amendment 95
Proposal for a regulation
Article 29 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Commission shall establish a portal where stakeholders can submit feedback on the recognised schemes or evidence or information of cases where economic operators implementing a recognised scheme have failed to fulfil the requirements of that scheme. There shall be a possibility of submitting information to that portal anonymously.

Amendment 96
Proposal for a regulation
Article 29 – paragraph 6

Text proposed by the Commission

6. Where the Commission identifies deficiencies in a recognised scheme affecting the basis for the recognition, it may grant the scheme owner an appropriate period of time to take remedial action.

Amendment

6. Where the Commission identifies deficiencies in a recognised scheme affecting the basis for the recognition, it may grant the scheme owner an appropriate period of time **of maximum 6 months** to take remedial action.

Amendment 97
Proposal for a regulation
Article 30 – paragraph 1

Text proposed by the Commission

1. The Commission **is empowered to** adopt delegated acts in accordance with Article 36 to supplement this Regulation by establishing rules for the calculation and verification of the environmental footprint of different critical raw materials, in accordance with Annex V and taking into account scientifically sound assessment methods and relevant international standards. The calculation and verification rules shall identify which **is** the most important impact category. The footprint declaration shall **be limited to that** impact category.

Amendment

1. **By 31 December 2025**, the Commission **shall** adopt delegated acts in accordance with Article 36 to supplement this Regulation by establishing rules for the calculation and verification of the environmental footprint of different critical raw materials, in accordance with Annex V and taking into account scientifically sound assessment methods and relevant international standards. The calculation and verification rules shall identify the most important impact category **or, in duly justified cases, several impact categories**. The footprint declaration shall **cover that or those impact categories as well as greenhouse gas emissions**.

Amendment 98
Proposal for a regulation
Article 30 – paragraph 2

Text proposed by the Commission

2. The Commission **may** adopt calculation and verification rules for a specific critical raw material if it has concluded, having considered the various relevant environmental impact categories,

Amendment

2. The Commission **shall** adopt calculation and verification rules for a specific critical raw material if it has concluded, having considered the various relevant environmental impact categories

that the critical raw material in question has a **significant** environmental footprint and that therefore an obligation to declare the environmental footprint of that material regarding the most important impact category, when placing it on the market, is necessary and proportionate to contribute to the Union's climate and environmental objectives by facilitating the supply of critical raw materials with lower environmental footprint.

and greenhouse gas emissions, that the critical raw material in question has a **relevant** environmental footprint and that therefore an obligation to declare the environmental footprint of that material regarding the most important impact category **or categories**, when placing it on the market, is necessary and proportionate to contribute to the Union's climate and environmental objectives by facilitating the supply of critical raw materials with lower environmental footprint **and reducing the climate and environmental impacts of other actions in this Regulation**.

Amendment 99
Proposal for a regulation
Article 30 – paragraph 3 – point a

Text proposed by the Commission

(a) whether and how the Union's climate and environmental objectives are already being achieved through other Union legislation applicable to the critical raw material in question;

Amendment

(a) whether and how **as well as how effectively** the Union's climate and environmental objectives are already being achieved through other Union legislation applicable to the critical raw material in question;

Amendment 100
Proposal for a regulation
Article 30 – paragraph 3 – point c a (new)

Text proposed by the Commission

(a) whether and how the Union's climate and environmental objectives are already being achieved through other Union legislation applicable to the critical raw material in question;

Amendment

(ca) the associated economic costs and administrative burden for economic operators.

Amendment 101
Proposal for a regulation
Article 30 – paragraph 4 – point a – point i

Text proposed by the Commission

(i) all relevant stakeholders, such as industry including downstream industry,

Amendment

(i) all relevant stakeholders, such as industry including downstream industry,

SMEs and, where relevant, the craft industry, social partners, traders, retailers, importers, environmental protection **groups and** consumer organisations;

SMEs, and, where relevant, the craft industry, social partners, traders, retailers, importers, **organisations promoting human health and** environmental protection, consumer organisations **and academia**;

Amendment 102

Proposal for a regulation

Article 30 – paragraph 4 – point a – point iii a (new)

Text proposed by the Commission

Amendment

(iiia) the European Environment Agency, the European Scientific Advisory Board on Climate Change and the European Chemicals Agency;

Amendment 103

Proposal for a regulation

Article 30 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

(ba) assess whether similar obligations under Union law has produced the intended effects and significantly contributed to the achievement of the Union's environmental targets;

Amendment 104

Proposal for a regulation

Article 30 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Amendment

The requirement set out in the first subparagraph shall apply to each individual critical raw material type placed on the market and shall **not** apply to critical raw materials included in intermediate or final products.

The requirement set out in the first subparagraph shall apply to each individual critical raw material type placed on the market and shall apply to critical raw materials included in intermediate or final products **where the critical raw material makes up a non-negligible share of the product's total environmental footprint.**

Amendment 105
Proposal for a regulation
Article 30 – paragraph 6 – point a

Text proposed by the Commission

(a) the name, registered trade name or registered trade mark and the postal address of the responsible natural or legal person and, *where available*, electronic means of communication where they can be contacted;

Amendment

(a) the name, registered trade name or registered trade mark and the postal address of the responsible natural or legal person and electronic means of communication where they can be contacted;

Amendment 106
Proposal for a regulation
Article 30 – paragraph 7

Text proposed by the Commission

7. The Commission *may* adopt delegated acts in accordance with Article 36 to supplement this Regulation by establishing environmental footprint performance classes for critical raw materials for which calculation and verification rules have been adopted pursuant to paragraph 1, in accordance with Annex V.

Amendment

7. The Commission *shall* adopt delegated acts in accordance with Article 36 to supplement this Regulation by establishing environmental footprint performance classes *within 2 years* for critical raw materials for which calculation and verification rules have been adopted pursuant to paragraph 1, in accordance with Annex V.

Amendment 107
Proposal for a regulation
Article 30 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Where intermediate or final products containing critical raw materials are covered by Union environmental footprint requirements in other legislation, the environmental and carbon footprint of each critical raw material shall, where possible, be incorporated into the calculation of the environmental footprint of the whole product.

Amendment 108
Proposal for a regulation
Article 30 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

7b. By 31 December 2030, the Commission shall submit a report to the European Parliament and to Council analysing options to limit the access to the Union market only to raw materials belonging to the best performing environmental footprint performance classes referred to in paragraph 7 for all or certain products placed on the Union market. The Commission shall, where appropriate, accompany that report with legislative proposals.

Amendment 109
Proposal for a regulation
Article 30 – paragraph 8 – subparagraph 1

Text proposed by the Commission

Amendment

The environmental footprint declaration shall be made available on a free access website.

The environmental footprint declaration shall be made available on a free access website ***in an easily understandable manner.***

Amendment 110
Proposal for a regulation
Annex IV – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) it is open under transparent, fair and non-discriminatory terms to all economic operators willing and able to comply with the scheme's requirements;

(a) it is open under transparent, fair and non-discriminatory terms to all economic operators willing and able to comply with the scheme's requirements ***and it is of multistakeholder governance;***

Amendment 111
Proposal for a regulation
Annex IV – paragraph 1 – point b – point i

Text proposed by the Commission

(i) requirements ensuring environmentally sustainable practices, including requirements ensuring environmental management and impact mitigation;

Amendment

(i) requirements ensuring environmentally sustainable practices, ***before, during and after closure of operation***, including requirements ensuring environmental management and impact mitigation ***including, but not limited to, the following environmental risk categories:***

(1) air, including air pollution such as greenhouse gas emissions,

(2) water, including seabed and marine environment, and including water pollution, water use, water quantities (flooding or droughts) and access to water,

(3) soil, including soil pollution, soil erosion, land use and land degradation,

(4) biodiversity, including damage to habitats, wildlife, flora and ecosystems, including ecosystem services,

(5) hazardous substances,

(6) noise and vibration,

(7) plant safety,

(8) energy use,

(9) waste and residues;

Amendment 112

Proposal for a regulation

Annex IV – paragraph 1 – point b – point ii

Text proposed by the Commission

(ii) requirements for ensuring socially responsible practices, including respect for human rights and labour rights;

Amendment

(ii) requirements for ensuring ***multi-stakeholder participation***, socially responsible practices, including respect for human rights and labour rights ***including community life of indigenous peoples;***

Amendment 113
Proposal for a regulation
Annex IV – paragraph 1 – point b – point iii a (new)

Text proposed by the Commission

Amendment

(iiia) requirements ensuring public participation and access to information practices before, during and after closure of operation;

Amendment 114
Proposal for a regulation
Annex IV – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) verification and monitoring of compliance is objective, based on international, Union or national standards, requirements and procedures and carried out independently from the relevant economic operator;

(c) verification and monitoring of compliance is objective, based on international, Union or national standards ***as listed in Annex III, point 4, and international, Union or national requirements and procedures, sufficient to ensure compliance with the sustainability requirements in point (b) of this Annex and carried out by a third party*** independently from the relevant economic operator;

Amendment 115
Proposal for a regulation
Annex IV – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) verification and monitoring of compliance includes an on-site audit and the audit reports are made publicly available and consultation with relevant stakeholders, as appropriate and while respecting business sensitive information;

Amendment 116
Proposal for a regulation
Annex V – Part 2 – paragraph 4

Text proposed by the Commission

When establishing calculation rules for the environmental footprint of specific critical raw materials, the Commission shall aim to ensure consistency with calculation rules for the environmental footprint of **product** making use of the relevant critical raw materials.

Amendment

When establishing calculation rules for the environmental footprint of specific critical raw materials, the Commission shall aim to ensure consistency with calculation rules for the environmental footprint of **intermediate and final products** making use of the relevant critical raw materials.

Amendment 117

Proposal for a regulation

Annex V – Part 4 – paragraph 1 – point a

Text proposed by the Commission

(a) Upstream processes including the extraction of ore for raw material production, production and supply (transport) of chemicals, auxiliaries, production and supply (transport) of fuels, production and supply of electricity, and transport of materials in vehicles not owned by the organisation;

Amendment

(a) Upstream processes including the extraction of ore for raw material production, production and supply (**including** transport) of chemicals, auxiliaries, production and supply (**including** transport) of fuels, production and supply of electricity, and transport of materials in vehicles not owned **or operated** by the organisation;

Amendment 118

Proposal for a regulation

Annex V – Part 5 – paragraph 1 – introductory part

Text proposed by the Commission

The calculation rules shall specify the impact category that needs to be included in the environmental footprint calculation. The choice shall be based on the hotspot analysis performed in line with scientifically sound methodologies developed at international level and taking into account the:

Amendment

The calculation rules shall specify the impact category **or categories** that need to be included in the environmental footprint calculation **as well as greenhouse gas emissions**. The choice shall be based on the hotspot analysis performed in line with scientifically sound methodologies developed at international level and taking into account the:

Amendment 119

Proposal for a regulation

Annex V – Part 5 – paragraph 1 – point a

Text proposed by the Commission

(a) relative importance of different impacts, including their relative importance for **meeting Union** climate and environmental impacts;

Amendment

(a) relative importance of different impacts, including their relative importance for climate and environmental impacts;

Amendment 120
Proposal for a regulation
Annex V – Part 6 – paragraph 1

Text proposed by the Commission

The calculation rules shall specify the use of company specific or secondary datasets for all relevant processes and materials.

Amendment

The calculation rules shall specify the use of company specific or secondary datasets for all relevant processes and materials. ***If calculation rules allow for the choice between a company specific dataset and a secondary dataset, there shall be a sufficient incentive in the calculation method to use the company specific dataset.***

Amendment 121
Proposal for a regulation
Annex V – Part 6 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

When calculating the carbon intensity of the energy used across the process stages as listed in point 4, average greenhouse gas emissions data of the energy mix of the country or, where possible, region, where the specific activity or process took place, shall be used. Lower emission factors shall only be used where the economic operator can reliably demonstrate that its individual processes or energy supply are less carbon intensive than the energy mix of the country average or, where possible, region, average. This shall be demonstrated via a direct connection to a producer of renewable energy or a producer with lower carbon intensity or a contract

demonstrating a temporal and geographical link between the energy supply and the use by the economic operator, which shall be verified by a third party verification statement.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) 168/2013, (EU) 2018/858, 2018/1724 and (EU) 2019/1020
References	COM(2023)0160 – C9-0061/2023 – 2023/0079(COD)
Committee responsible Date announced in plenary	ITRE 8.5.2023
Opinion by Date announced in plenary	ENVI 8.5.2023
Associated committees - date announced in plenary	15.6.2023
Rapporteur for the opinion Date appointed	Jessica Polfjärd 4.4.2023
Discussed in committee	24.5.2023
Date adopted	18.7.2023
Result of final vote	+: 52 –: 3 0: 13
Members present for the final vote	Mathilde Androuët, Bartosz Arłukowicz, Margrete Auken, Marek Paweł Balt, Aurélie Beigneux, Hildegard Bentele, Alexander Bernhuber, Malin Björk, Michael Bloss, Delara Burkhardt, Pascal Canfin, Sara Cerdas, Mohammed Chahim, Nathalie Colin-Oesterlé, Esther de Lange, Christian Doleschal, Bas Eickhout, Agnès Evren, Heléne Fritzon, Pär Holmgren, Jan Huitema, Adam Jarubas, Karin Karlsbro, Ewa Kopacz, Joanna Kopcińska, Peter Liese, Sylvia Limmer, César Luena, Liudas Mažylis, Marina Measure, Tilly Metz, Silvia Modig, Dolors Montserrat, Alessandra Moretti, Ljudmila Novak, Grace O’Sullivan, Jutta Paulus, Francesca Peppucci, Stanislav Polčák, Erik Poulsen, Maria Veronica Rossi, Silvia Sardone, Christine Schneider, Günther Sidl, Ivan Vilibor Sinčić, Maria Spyraiki, Nils Torvalds, Edina Tóth, Achille Variati, Petar Vitanov, Alexandr Vondra, Mick Wallace, Pernille Weiss, Emma Wiesner, Michal Wiezik
Substitutes present for the final vote	Christophe Clergeau, Antoni Comín i Oliveres, Nicolás González Casares, Martin Häusling, Romana Jerković, Dan-Ștefan Motreanu, Manuela Ripa, Robert Roos, Susana Solís Pérez, Nicolae Ștefănuță
Substitutes under Rule 209(7) present for the final vote	Marie Dauchy, Maria Noichl, Jörgen Warborn

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

52	+
NI	Antoni Comín i Oliveres
Renew	Bartosz Arłukowicz, Hildegard Bentele, Alexander Bernhuber, Nathalie Colin-Oesterlé, Christian Doleschal, Agnès Evren, Adam Jarubas, Ewa Kopacz, Esther de Lange, Peter Liese, Liudas Mažylis, Dolors Montserrat, Dan-Ștefan Motreanu, Ljudmila Novak, Francesca Peppucci, Stanislav Polčák, Christine Schneider, Maria Spyraiki, Jörgen Warborn, Pernille Weiss
S&D	Pascal Canfin, Jan Huitema, Karin Karlsbro, Erik Poulsen, Susana Solís Pérez, Nils Torvalds, Emma Wiesner, Michal Wiezik
The Left	Marek Paweł Balt, Delara Burkhardt, Sara Cerdas, Mohammed Chahim, Christophe Clergeau, Heléne Fritzon, Nicolás González Casares, Romana Jerković, César Luena, Alessandra Moretti, Maria Noichl, Günther Sidl, Achille Variati, Petar Vitanov
Verts/ALE	Margrete Auken, Michael Bloss, Bas Eickhout, Martin Häusling, Pär Holmgren, Tilly Metz, Grace O'Sullivan, Jutta Paulus, Nicolae Ștefănuță

3	-
ID	Sylvia Limmer
NI	Ivan Vilibor Sinčić, Edina Tóth

13	0
ECR	Joanna Kopcińska, Robert Roos, Alexandr Vondra
ID	Mathilde Androuët, Aurélie Beigneux, Marie Dauchy, Maria Veronica Rossi, Silvia Sardone
The Left	Malin Björk, Marina Measure, Silvia Modig, Mick Wallace
Verts/ALE	Manuela Ripa

Key to symbols:

+ : in favour

- : against

0 : abstention

19.7.2023

OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS

for the Committee on Industry, Research and Energy

on the proposal for a regulation of the European Parliament and of the Council establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) 168/2013, (EU) 2018/858, 2018/1724 and (EU) 2019/1020 (COM(2023)0160 - C9-0061/2023 – 2023/0079(COD))

Rapporteur for opinion: Miriam Lexmann

SHORT JUSTIFICATION

The Rapporteur supports the European Commission's proposal for a framework for ensuring a secure and sustainable supply of critical raw materials. For the EU's strategic autonomy, it is essential not to be dependent on few suppliers, especially if these countries are not strategic partners but rather systemic rivals. Critical raw materials are essential for the success of the digital and green transitions, but also for the security and defence sector.

The EU therefore needs to reduce existing dependencies and achieve a more balanced set of suppliers. Ideally, these suppliers should be stable democracies that are sharing common values. When this is not possible due to the limited availability of certain critical raw materials, it is essential to keep the dependency on individual suppliers as low as possible in order to avoid disruptions of supply in case of geopolitical tensions. The EU must avoid replacing dependency on one systemic rival only to become dependent on one or more third countries that may pose a challenge to the Union's security.

Strategic Partnerships with likeminded countries are the cornerstone of a successful diversification on critical raw materials. The Rapporteur encourages the Commission to conclude more such Partnerships and to add a critical raw materials component to existing and future agreements with third countries. The wider the range of partner countries, the more stable the supply will be.

The Rapporteur suggests strengthening the human rights component in order to ensure that access to critical raw materials does not come at the expense of citizens and workers in third countries.

AMENDMENTS

The Committee on Foreign Affairs calls on the Committee on Industry, Research and Energy, as the committee responsible, to take the following into account:

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Access to raw materials is essential for the **Union** economy **and** the functioning of the internal market. There is a set of non-energy, non-agricultural raw materials that, due to their high economic importance and their exposure to high supply risk, often caused by a high concentration of supply from a few third countries, are considered critical. Given the key role of many such critical raw materials in realising the green and digital transitions, and in light of their use for defence and space applications, demand will increase exponentially in the coming decades. At the same time, the risk of supply disruptions is increasing against the background of rising geopolitical tensions and resource competition. Furthermore, if not managed properly, increased demand for critical raw materials could lead to negative environmental and social impacts. Considering these trends, it is necessary to take measures to ensure access to a secure and sustainable supply of critical raw materials to safeguard the Union's economic resilience and open strategic autonomy.

Amendment

(1) Access to raw materials is essential for the **Union's** economy, **security and defence, green transition as well as** the functioning of the internal market. There is a set of non-energy, non-agricultural raw materials that, due to their high economic importance and their exposure to high supply risk, often caused by a high concentration of supply from a few third countries, are considered critical **and strategic. Often, these third countries are ruled by non-democratic regimes and leverage their resources to exert undue influence on the Union or even as coercive mechanisms against the Union.** Given the key role of many such critical raw materials in realising the green and digital transitions, and in light of their use for **security and** defence and space applications, demand will increase exponentially in the coming decades. At the same time, the risk of supply disruptions is increasing against the background of rising geopolitical tensions, **insufficient coordination both within the European Union and amongst the European Union and its strategic partners** and resource competition. Furthermore, if not managed **and mitigated** properly, increased demand for critical raw materials could lead to negative **human rights,** environmental, **economic** and social impacts. Considering these trends, it is necessary to take measures to ensure access to a secure and sustainable supply of critical raw materials to safeguard the Union's economic resilience, **security and defence,** and open strategic autonomy **in line with the Versailles Declaration of 10 March 2022, the Strategic Compass, and the Joint Communication on the Defence Investment Gaps Analysis and**

Way Forward.

Amendment 2

Proposal for a regulation Recital 1 a (new)

Text proposed by the Commission

Amendment

(1 a) In light of the Russian war of aggression against Ukraine, the Member States committed to bolster European defence capabilities, pursuing a strategic course of action to increase the capacity of the Union to act autonomously in the field of defence, in complementarity with the North Atlantic Treaty Organisation (NATO).

Amendment 3

Proposal for a regulation Recital 1 b (new)

Text proposed by the Commission

Amendment

(1 b) The growing assertiveness of the People's Republic of China (PRC), including aggressive posturing against Taiwan, and the social and economic consequences of the COVID-19 pandemic, exposed the Union's vulnerabilities, and reaffirmed the need to de-risk the Union's relations vis-a-vis the PRC and other third countries.

Amendment 4

Proposal for a regulation Recital 1 c (new)

Text proposed by the Commission

Amendment

(1 c) The security situation in Europe and around the globe requires urgent reflection on how to strengthen supply

chain resilience, including in the defence sector.

Amendment 5
Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) Given the complexity and the transnational character of critical raw material value chains, uncoordinated national measures to ensure a secure and sustainable supply of critical raw materials have a high potential of distorting competition and fragmenting the internal market. Therefore, to safeguard the functioning of the internal market, a common **Union** framework **should be created** to collectively address this central challenge.

Amendment

(2) Given the complexity and the transnational character of critical raw material value chains, **security challenges facing many raw material suppliers as well as threats to transport**, uncoordinated national measures to ensure a secure and sustainable supply of critical raw materials have a high potential of distorting competition and fragmenting the internal market. Therefore, to safeguard the functioning of the internal market, **the EU should create** a common framework to collectively address this central challenge.

Or. en

Amendment 6
Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2 a) Once the Union has created its common framework for ensuring a secure and sustainable supply of critical raw materials, it is necessary to have a structured dialogue with like-minded partners to share the needs analysis and mapping of resources and extraction of critical raw materials, to avoid a harmful race between partners, and, moreover, to pool capacity in obtaining mutually beneficial access to critical raw materials.

Or. en

Amendment 7

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) Firstly, in order to effectively ensure the Union's access to a secure and sustainable supply of critical raw materials, that framework should include measures to decrease the Union's growing supply risks by strengthening Union capacities along all stages of the strategic raw materials value chain, including extraction, processing and recycling, towards benchmarks defined for each strategic raw material. Secondly, as the Union will continue to rely on imports, the framework should include measures to increase the diversification of external supplies of strategic raw materials. Thirdly, it is necessary to provide measures to reinforce the Union's ability to monitor and mitigate existing and future supply risks. **Fourthly**, the framework should contain measures to increase the circularity and sustainability of the critical raw materials consumed in the Union.

Amendment

(3) Firstly, in order to effectively ensure the Union's access to a secure, ***unhindered*** and sustainable supply of critical raw materials, that framework should include measures to decrease the Union's ***demand, dependence and*** growing supply risks by strengthening Union capacities along all stages of the strategic raw materials value chain, including extraction, processing and recycling ***and transport infrastructure***, towards benchmarks defined for each strategic raw material. Secondly, as the Union will continue to rely on imports, the framework should include measures to increase the diversification of external supplies of strategic raw materials, ***and reduce its dependence particularly on third countries that are recognised by the Union as systemic rivals, constitute a direct threat to the Union and/or pose a threat to rules-based multilateralism and core democratic values, especially the People's Republic of China.*** Thirdly, ***measures to increase diversification must have in regard the Union's strategic interests and principles enshrined in the EU Treaties.*** ***Fourthly, it*** is necessary to provide measures to reinforce the Union's ability to ***identify***, monitor and mitigate existing and future supply risks. ***Fifthly***, the framework should contain measures to increase the circularity and sustainability of the critical raw materials consumed in the Union ***and should envisage cooperation strategies to promote such measures in third countries.***

Amendment 8

Proposal for a regulation

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3 a) Future EU free trade and partnership agreements can provide not only greater supply security but also a reliable political and economic framework for relations with third countries. The EU should ensure that existing and future trade agreements support a just green transition in developing countries and follow the “do no significant harm” principle, and, where possible, they should include specific provisions on critical raw materials. This must be complemented by strengthened monitoring and enforcement of free trade agreements, including trade and sustainable development chapters, to ensure that commitments and provisions on the responsible sourcing of critical raw materials are defined and are met by the Union’s partners.

Amendment 9

Proposal for a regulation

Recital 4

Text proposed by the Commission

Amendment

(4) In order to ensure that the measures set out in the Regulation focus on the most relevant materials, a list of strategic raw materials and a list of critical raw materials should be established. Those lists should also serve to guide and coordinate Member States’ efforts to contribute to the realisation of the aims of this Regulation. The list of strategic raw materials should contain raw materials that are of high strategic importance, taking into account their use in strategic technologies underpinning the green and digital transitions or for defence or space

(4) In order to ensure that the measures set out in the Regulation focus on the most relevant materials, a list of strategic raw materials and a list of critical raw materials should be established. Those lists should also serve to guide and coordinate Member States’ efforts to contribute to the realisation of the aims of this Regulation. The list of strategic raw materials should contain raw materials that are of high strategic importance, taking into account their use in strategic technologies underpinning the green and digital transitions or for defence or space

applications, that are characterised by a potentially significant gap between global supply and projected demand, and for which an increase in production is relatively difficult, for instance due to long lead-times for new projects increasing supply capacity. To take account of possible technological and economic changes, the list of strategic materials should be periodically reviewed and, if necessary, updated. In order to ensure that efforts to increase the Union capacities along the value chain, reinforce the Union's capacity to monitor and mitigate supply risks and increase diversification of supply are focused on the materials for which they are most needed, the relevant measures should only apply to the list of strategic raw materials.

applications, that are characterised by a potentially significant gap between global supply and projected demand, and for which an increase in production is relatively difficult, for instance due to long lead-times for new projects increasing supply capacity. To take account of possible technological and economic changes, the list of strategic materials should be periodically reviewed and, if necessary, updated. ***The assessment should take into account not only the latest available data but the forecasted evolution of demand-supply over an appropriate reference period, to address possible future scarcity or supply disruption.*** In order to ensure that efforts to increase the Union capacities along the value chain, reinforce the Union's capacity to monitor and mitigate supply risks and increase diversification of supply are focused on the materials for which they are most needed, the relevant measures should only apply to the list of strategic raw materials.

Or. en

Amendment 10
Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) The list of critical raw materials should contain all strategic raw materials as well as any other raw materials of high importance for the overall Union economy and for which there is a high risk of supply disruption. To take account of possible technological and economic changes, the Commission should, in continuation of current practice, periodically perform an assessment based on data for production, trade, applications, recycling, and substitution for a wide range of raw materials to update the lists of critical and

Amendment

(5) The list of critical raw materials should contain all strategic raw materials as well as any other raw materials of high importance for the overall Union economy and for which there is a high risk of supply disruption, ***naturally or intentionally.*** To take account of possible technological and economic changes, the Commission should, in continuation of current practice, periodically perform an assessment based on data for production, trade, applications, recycling, and substitution for a wide range of raw materials to update the lists of

strategic raw materials reflecting the evolution in the economic importance and supply risk associated with those raw materials. The list of critical raw materials should include those raw materials which reach or exceed the thresholds for both economic importance and supply risk, without ranking the relevant raw materials in terms of criticality. This assessment should be based on an average of the latest available data over a 5-year-period. The measures set out in this Regulation related to one stop shop for permitting, planning, exploration, monitoring, circularity, and sustainability should apply to all critical raw materials.

critical and strategic raw materials reflecting the evolution in the economic importance and supply risk associated with those raw materials. The list of critical raw materials should include those raw materials which reach or exceed the thresholds for both economic importance and supply risk, without ranking the relevant raw materials in terms of criticality. This assessment should be based on an average of the latest available data over a 2-year-period. The measures set out in this Regulation related to one stop shop for permitting, planning, exploration, monitoring, circularity, and sustainability should apply to all critical raw materials.

Or. en

Amendment 11
Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) To strengthen Union capacities along the strategic raw materials value chain, benchmarks should be set to guide efforts and track progress. The aim should be to increase capacities for each strategic raw material at each stage of the value chain, while aiming to achieve overall capacity benchmarks for extraction, processing and recycling of strategic raw materials. Firstly, the Union should increase the use of its own geological resources of strategic raw materials and build up capacity to allow it to extract the materials needed to produce at least 10 % of the Union's consumption of strategic raw materials. Keeping in mind that extraction capacity is highly dependent on the availability of Union geological resources, the achievement of this benchmark is dependent on such availability. Secondly, in order to build a full value chain and prevent any

Amendment

(6) To strengthen Union capacities along the strategic raw materials value chain, benchmarks should be set to guide efforts and track progress. The aim should be to increase capacities for each strategic raw material at each stage of the value chain, while aiming to achieve overall capacity benchmarks for extraction, **transport**, processing and recycling of strategic raw materials. Firstly, the Union should increase the use of its own geological resources of strategic raw materials and build up capacity to allow it to extract the materials needed to produce at least 10 % of the Union's consumption of strategic raw materials. Keeping in mind that extraction capacity is highly dependent on the availability of Union geological resources, the achievement of this benchmark is dependent on such availability. Secondly, in order to build a full value chain and prevent any

bottlenecks at intermediate stages, the Union should in addition increase its processing capacity along the value chain and be able to produce at least 40 % of its annual consumption of strategic raw materials. Thirdly, it is expected that in the coming decades a growing share of the Union's consumption of strategic raw materials can be covered by secondary raw materials, which would improve both the security and the sustainability of the Union's raw materials supply. Therefore, Union recycling capacity should be able to produce at least 15 % of the Union's annual consumption of strategic raw materials. These benchmarks refer to the 2030 time horizon, in alignment with the Union's climate and energy targets set under Regulation (EU) 2021/1119 of the European Parliament and of the Council^[1] and the digital targets under the Digital Decade^[2], which they underpin. Furthermore, quality jobs, including skills development and job-to-job transitions, will address risks in the sectoral labour market and help ensure the EU's competitiveness.

¹ Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (OJ L 243, 9.7.2021, p. 1).

² Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJL 323, 19.12.2022, p. 4–26)

bottlenecks at intermediate stages, the Union should in addition increase its processing capacity along the value chain and be able to produce at least 40 % of its annual consumption of strategic raw materials. Thirdly, it is expected that in the coming decades a growing share of the Union's consumption of strategic raw materials can be covered by secondary raw materials, which would improve both the security and the sustainability of the Union's raw materials supply. Therefore, Union recycling capacity should be able to produce at least 15 % of the Union's annual consumption of strategic raw materials. These benchmarks refer to the 2030 time horizon, in alignment with the Union's climate and energy targets set under Regulation (EU) 2021/1119 of the European Parliament and of the Council^[1] and the digital targets under the Digital Decade^[2], which they underpin. Furthermore, quality jobs, including skills development and job-to-job transitions, will address risks in the sectoral labour market and help ensure the EU's competitiveness.

¹ Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (OJ L 243, 9.7.2021, p. 1).

² Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJL 323, 19.12.2022, p. 4–26)

Or. en

Amendment 12

Proposal for a regulation Recital 7

Text proposed by the Commission

(7) For some raw materials, the Union is almost fully dependent on a single country for its supply. Such dependencies entail a high risk of supply disruptions. To limit such **potential risk** and increase the Union's economic resilience, efforts should be undertaken to ensure that, by 2030, it is not dependent on a single third country for more than 65% of its supply of any strategic raw material, unprocessed and at any stage of processing, **giving however special consideration to countries with whom the Union has established a Strategic Partnership on raw materials giving rise to greater assurances regarding supply risks.**

Amendment

(7) For some raw materials, the Union is almost fully dependent on a single country for its supply. Such dependencies entail a high risk of supply disruptions **and, in the case of the People's Republic of China, increases the Union's vulnerability and security risks. Likewise, a large number of strategic raw materials are sourced from countries in which mining is linked to serious human rights abuses, the deterioration of governance, conflicts, and environmental destruction.** To limit such **adverse effects** and increase the Union's economic resilience, efforts should be undertaken to ensure that, by 2030, it is not dependent on a single third country for more than 65% **aiming to continue reducing this dependencies to around 45% in the future** of its supply of any strategic raw material, unprocessed and at any stage of processing, **and has implemented autonomous and collaborative measures to mitigate the risk of human rights abuses and environmental destruction in the raw material supply chain, including via the use of Strategic Partnerships. Furthermore, dependencies should be gradually reduced and bought to a minimum when they tie us to non-democratic countries who actively challenge the rules-based international system.**

Amendment 13

Proposal for a regulation Recital 10

(10) In order to diversify the Union's supply of strategic raw materials, the Commission should, with the support of the Board, identify Strategic Projects in third countries that intend to become active in the extraction, processing or recycling of strategic raw materials. To ensure that such Strategic Projects are effectively implemented, **they** should benefit from improved access to finance. In order to ensure their added value, projects should be assessed against a set of criteria. Like projects in the Union, Strategic Projects in third countries should strengthen the Union's security of supply for strategic raw materials, show sufficient technical feasibility and be implemented sustainably. For projects in emerging markets and developing economies, the project should be mutually beneficial for the Union and the third country involved and add value in that country, taking into account also its consistency with the Union's common commercial policy. Such value may be derived from the project's contribution to more than one stage of the value chain as well as from creating through the project wider economic and social benefits, including the creation of employment in compliance with international standards. Where the Commission assesses these criteria to be fulfilled, it should publish the recognition as a Strategic Project in a decision.

(10) In order to diversify the Union's supply of strategic raw materials, the Commission should, with the support of the Board **and, where possible, in coordination with like-minded partners including the G7 and NATO and EFTA Member States**, identify Strategic Projects in third countries that intend to become active in the extraction, **transport**, processing or recycling of strategic raw materials. To ensure that such Strategic Projects are effectively implemented **and are mutually beneficial, third countries** should benefit from improved access to finance, **and knowledge and technology transfer mechanisms**. In order to ensure their added value, projects should be assessed against a set of criteria. Like projects in the Union, Strategic Projects in third countries should strengthen the Union's security of supply for strategic raw materials, show sufficient technical feasibility and be implemented sustainably **and with full respect for human rights and the environment, based on rigorous environmental and social impact assessments, and the implementation of due-diligence principles**. For projects in emerging markets and developing economies, the project should be mutually beneficial for the Union and the third country involved and add value in that country, taking into account also its consistency with the **principles enshrined in the EU Treaties, the Union's common commercial policy and strategic priorities as well as relevant international agreements and conventions, notably ILO Conventions as well as the right to free, prior and informed consent in line with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP)**. Such value may be derived from the project's contribution to more than one stage of the **whole** value chain as well as from creating through the project wider economic and

social benefits, including the creation of employment in compliance with international standards. Where the Commission assesses these criteria to be fulfilled, it should publish the recognition as a Strategic Project in a decision.

Amendment 14

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) In order to ensure the sustainability of increased raw material production, new raw materials projects should be implemented sustainably. To that end, the Strategic Projects receiving support under this Regulation should be assessed taking into account international instruments covering all aspects of sustainability highlighted in the EU principles for sustainable raw materials³¹, including ensuring environmental protection, socially responsible practices, including respect for human rights such as the rights of women, and transparent business practices. Projects should also ensure engagement in good faith as well as comprehensive and meaningful consultations with local communities, including with indigenous peoples. To provide project promoters with a clear and efficient way of complying with this criterion, compliance with relevant Union legislation, international standards, guidelines and principles or ***participation in a*** certification scheme recognised under this Regulation should be considered sufficient.

Amendment

(11) In order to ensure the ***social and environmental*** sustainability of increased raw material production, new raw materials projects should be implemented sustainably ***and ensure the respect of human rights***. To that end, the Strategic Projects receiving support under this Regulation should be assessed taking into account international instruments covering all aspects of sustainability highlighted in the EU principles for sustainable raw materials³¹, including ensuring environmental protection, socially responsible practices, including respect for human rights such as the rights of women ***and children***, and transparent business practices. Projects should also ensure engagement in good faith as well as comprehensive, ***pragmatic*** and meaningful ***prior*** consultations with local communities, including with indigenous peoples. To provide project promoters with a clear and efficient way of complying with this criterion, compliance with relevant Union legislation, ***including the Directive on Corporate Sustainable Due Diligence or Regulation on Prohibiting Products Made with Forced Labour on the Union Market***, international standards, guidelines and principles or ***in compliance with the*** certification scheme recognised under this Regulation should be considered sufficient. ***The project promoters should have a deep understanding of the country they are***

negotiating with, build a relationship with the local communities and truly understand their needs, input and output to the project. The EU needs to build long-term partnerships that go beyond the sole purpose of accessing raw materials, but create diplomatic ties in a deeply polarized geopolitical context. In order to ensure that Strategic Projects are implemented in a sustainable manner and respect human rights, a dedicated subgroup of the Board bringing together experts from the Member States and the Commission as well as relevant stakeholders should be set up to monitor and address potential shortcomings regarding these aspects.

³¹ European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, EU principles for sustainable raw materials, Publications Office, 2021, <https://data.europa.eu/doi/10.2873/27875>

³¹ European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, EU principles for sustainable raw materials, Publications Office, 2021, <https://data.europa.eu/doi/10.2873/27875>

Amendment 15
Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) Any promoter of a strategic raw materials project should be able to apply to the Commission for the recognition of their project as a Strategic Project. The application should include several documents and evidence related to the criteria. To better assess the social, environmental and economic viability, the feasibility of the project as well as the level of confidence in the estimates, the project promoter should also provide a classification of the project according to the United Nations Framework Classification for Resources, and to allow for objective validation, they should support this classification with relevant

Amendment

(12) Any promoter of a strategic raw materials project should be able to apply to the Commission for the recognition of their project as a Strategic Project. The application should include several documents and evidence related to the criteria. To better assess the social, environmental and economic viability, the feasibility of the project as well as the level of confidence in the estimates, the project promoter should also provide a classification of the project according to the United Nations Framework Classification for Resources, and to allow for objective validation, they should support this classification with relevant

evidence. A timetable for the project should also be attached to an application, in order to estimate when the project would be able to contribute towards the benchmarks for domestic capacity or for diversification. As public acceptance of mining projects is crucial for their effective implementation, the promoter should also provide a plan containing measures to **facilitate** public **acceptance**. Special attention should be paid to social partners, civil society and other oversight actors. The promoter should also provide a business plan providing information regarding the project's financial viability and giving an overview of funding and off-take agreements already secured as well as estimates for potential job creation and for the project's needs in terms of skilled workforce, including upskilling and reskilling.

evidence. A timetable for the project should also be attached to an application, in order to estimate when the project would be able to contribute towards the benchmarks for domestic capacity or for diversification. As public acceptance of mining projects is crucial for their effective implementation, the promoter should also provide a plan containing measures to **ensure** public **participation**. Special attention should be paid to social partners, civil society and other oversight actors. The promoter should also provide a business plan providing information regarding the project's financial viability and giving an overview of funding and off-take agreements already secured as well as estimates for potential job creation and for the project's needs in terms of skilled workforce, including upskilling and reskilling.

Or. en

Amendment 16

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) To ensure the effective and efficient treatment of applications, the Commission should be able to prioritise the processing of applications for projects related to specific underrepresented value chain stages or strategic raw materials, in order to be able to ensure the Union's balanced progress towards all benchmark for Union capacity included in this Regulation.

Amendment

(13) To ensure the effective and efficient treatment of applications, the Commission should be able to prioritise the processing of applications for projects related to specific underrepresented value chain stages or strategic raw materials, in order to be able to ensure the Union's balanced progress towards all benchmark for Union capacity included in this Regulation. ***The Commission should also proactively seek out partner countries to promote strategic collaborations.***

Or. en

Amendment 17

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) As the cooperation of the Member State on whose territory a Strategic Project will be implemented is necessary to ensure its effective implementation, that Member State should have the right to object to and thereby prevent that a project is granted the status of Strategic Project against its will. If it does so, the relevant Member State should provide a reasoned justification for its refusal referring to the applicable criteria. Similarly, the Union should not grant the status of Strategic Project to projects that will be implemented by a third country against the will of its government and should therefore refrain from doing so where a third country government objects.

Amendment

(14) As the cooperation of the Member State on whose territory a Strategic Project will be implemented is necessary to ensure its effective implementation, that Member State should have the right to object to and thereby prevent that a project is granted the status of Strategic Project against its will. If it does so, the relevant Member State should provide a reasoned justification for its refusal referring to the applicable criteria. Similarly, the Union should not grant the status of Strategic Project to projects that will be implemented by a third country against the will of its government and should therefore refrain from doing so where a third country government objects, ***taking into account that environmental and social impacts are the main factors leading to a lack of public acceptance in the extractive sector.***

Or. en

Amendment 18

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) Given their role in ensuring the Union's security of supply for strategic raw materials, and their contribution to the Union's open strategic autonomy and the green and digital transition, Strategic Projects should be considered by the responsible permitting authority as being in the public interest. Strategic Projects which have an adverse impact on the environment, to the extent it falls under the scope of Directive 2000/60/EC, Council

Amendment

(19) Given their role in ensuring the Union's security of supply for strategic raw materials, and their contribution to the Union's, ***security, resilience,*** open strategic autonomy and the green and digital transition, Strategic Projects should be considered by the responsible permitting authority as being in the public interest. Strategic Projects which have an adverse impact on the environment, to the extent it falls under the scope of Directive

Directive 92/43/EEC and Directive 2009/147/EC³⁹ may be authorised where the responsible permitting authority concludes, based on its case-by-case assessment, that the public interest served by the project overrides those impacts, provided that all relevant conditions set out in those Directives are met. Where relevant, the case-by-case assessment should take into account the geological specificity of extraction sites, which constrains decisions on location.

³⁹ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7–25).

2000/60/EC, Council Directive 92/43/EEC and Directive 2009/147/EC may be authorised where the responsible permitting authority concludes, based on its case-by-case assessment, that the public interest served by the project overrides those impacts, provided that all relevant conditions set out in those Directives are met. Where relevant, the case-by-case assessment should take into account the geological specificity of extraction sites, which constrains decisions on location.

³⁹ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7–25).

Or. en

Amendment 19
Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) In order to reduce complexity and increase efficiency and transparency in permitting process, project promoters of critical raw materials projects should be able to interact with a single national authority, which is responsible for facilitating and coordinating the entire permit granting process and in the case of Strategic Projects shall issue a comprehensive decision within the applicable time limit. To that end, Member States should designate a single national competent authority. Where needed in light of a Member State's internal organisation, the tasks of the national competent authority should be able to be delegated to a different authority, subject to the same conditions. To ensure the effective implementation of its responsibilities, Member States should provide their

Amendment

(20) In order to reduce complexity and increase efficiency and transparency in permitting process, project promoters of critical raw materials projects should be able to interact with a single national authority, which is responsible for facilitating and coordinating the entire permit granting process and in the case of Strategic Projects shall issue a comprehensive decision within the applicable time limit. To that end, Member States should designate a single national competent authority. Where needed in light of a Member State's internal organisation, the tasks of the national competent authority should be able to be delegated to a different authority, subject to the same conditions. To ensure the effective implementation of its responsibilities, Member States should provide their

national competent authority, or any authority acting on its behalf, with sufficient personnel and resources.

national competent authority, or any authority acting on its behalf, with sufficient *qualified* personnel and resources.

Or. en

Amendment 20

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) Land use conflicts can *create barriers to* the deployment of critical raw material projects. Well-designed plans, including spatial plans and zoning, that take into account the potential for implementing critical raw material projects and whose potential environmental impacts are assessed, have the potential to help balance public goods and interests, decreasing the risk of conflict and accelerating the sustainable deployment of raw materials projects in the Union. Responsible national, regional and local authorities should therefore consider including provisions for raw materials projects when developing relevant plans.

Amendment

(25) Land use conflicts can *arise from* the deployment of critical raw material projects, *notably in developing countries, where forced eviction or relocation are common features of mining operations.* Well-designed plans, including spatial plans and zoning, that take into account the potential for implementing critical raw material projects and whose potential environmental impacts are assessed, have the potential to help balance public goods and interests, decreasing the risk of conflict and accelerating the sustainable deployment of raw materials projects in the Union. Responsible national, regional and local authorities should therefore consider including provisions for raw materials projects when developing relevant plans.

Or. en

Amendment 21

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) In order to overcome the limitations of the currently often fragmented public and private investments efforts, facilitate

Amendment

(28) In order to overcome the limitations of the currently often fragmented public and private investments efforts, facilitate

integration and return on investment, the Commission, Member States and promotional banks should better coordinate and create synergies between the existing funding programmes at Union and national level as well as ensure better coordination and collaboration with industry and key private sector stakeholders. To that end, a dedicated sub-group of the Board bringing together experts from the Member States and the Commission as well as relevant public financial institutions should be set up. This sub-group should discuss the individual financing needs of Strategic Projects and their existing funding possibilities in order to provide project promoters with a suggestion on how to best access existing financing possibilities. When discussing and making recommendations for the financing of Strategic Projects in third countries, the Board should in particular take into account the Global Gateway strategy⁴².

integration and return on investment, the Commission, Member States and promotional banks should better coordinate and create synergies between the existing funding programmes at Union and national level as well as ensure better coordination and collaboration with industry and key private sector stakeholders. To that end, a dedicated sub-group of the Board bringing together experts from the Member States and the Commission as well as relevant public financial institutions should be set up. This sub-group should discuss the individual financing needs of Strategic Projects and their existing funding possibilities in order to provide project promoters with a suggestion on how to best access existing financing possibilities. When discussing and making recommendations for the financing of Strategic Projects in third countries, the Board should in particular take into account the Global Gateway strategy⁴².

Furthermore, the Board shall ensure that the financing of Strategic Projects in third countries complies with the objectives and general principles set in NDICI - Global Europe Regulation and international investment guidelines and conventions.

⁴² Joint Communication to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank The Global Gateway (JOIN/2021/30 final).

⁴² Joint Communication to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank The Global Gateway (JOIN/2021/30 final).

Amendment 22
Proposal for a regulation
Recital 33

Text proposed by the Commission

(33) Space data and services derived from earth observation can support the efforts towards sustainable critical raw materials value chains by providing a

Amendment

(33) Space data and services derived from earth observation can support the efforts towards sustainable critical raw materials value chains by providing a

continuous flow of information, which could be useful for activities such as monitoring and management of mining areas, the environmental and socio-economic impact assessment, or mineral resource exploration. As earth observation is also able to provide data about remote and inaccessible areas, it should be considered by Member States when drawing up and implementing their national exploration programmes to the extent possible.

continuous flow of information, which could be useful for activities such as monitoring and management of mining areas, the environmental and socio-economic impact assessment, or mineral resource exploration. As earth observation is also able to provide data about remote and inaccessible areas, it should be considered by Member States when drawing up and implementing their national exploration programmes to the extent possible. ***Simultaneously, assessment should be made how to use Copernicus services and other space technology to detect cases of illegal and predatory exploitations, which should be additionally combatted, increasing availability of those material for legal, environmentally friendly and sustainable projects.***

Or. en

Amendment 23

Proposal for a regulation

Recital 34

Text proposed by the Commission

(34) Although the reinforcement of the Union's critical raw materials value chain is necessary to ensure increased security of supply, the supply chains of critical raw materials will remain global and exposed to external factors. Recent or ongoing events ranging from the COVID-19 crisis ***to the*** unprovoked and unjustified military aggression against Ukraine underlined the vulnerability of some of the Union's supply chains to disruptions. In order to ensure that Member States and European industries are able to anticipate supply disruption and prepared to withstand their consequences, measures should be developed to increase monitoring capacity, coordinate strategic stocks and reinforce

Amendment

(34) Although the reinforcement of the Union's critical raw materials value chain is necessary to ensure increased security of supply, the supply chains of critical raw materials will remain global and exposed to external factors. Recent or ongoing events ranging from the COVID-19 crisis, ***Russia's*** unprovoked and unjustified military aggression against Ukraine ***and the People's Republic of China's growing assertiveness and aggressive posturing against Taiwan, as well as a generally more complex geopolitical situation worldwide,*** underlined the vulnerability of some of the Union's supply chains to disruptions. In order to ensure that Member States and European industries are able to

the preparedness of companies.

anticipate supply disruption and prepared to withstand their consequences, measures should be developed to increase monitoring capacity, **exchange information**, coordinate strategic stocks and reinforce the preparedness of companies.

Amendment 24
Proposal for a regulation
Recital 46

Text proposed by the Commission

(46) To address the current lack of information on the critical raw materials potential of closed extractive waste facilities, Member States should draw up a database containing all information relevant to promote the recovery, notably the quantities and concentrations of critical raw materials in the extractive waste facility, in compliance with Union competition rules. The information should be made publicly available and in a user-friendly and digital form, enabling access to more detailed, technical information. To facilitate user-friendly access to the information, Member States should for instance provide a point of contact to enable more in-depth exchanges with potential developers of critical raw materials recovery projects. The database should be designed to allow potential project promoters to easily identify facilities with a high potential for economically viable recovery. To focus limited resources, Member States should follow a staged approach in the collection of information and perform the more demanding information collection steps only for the most promising facilities. The information collection activities should be aimed at providing accurate and representative information on the extractive waste facilities and gaining the best possible indication of the critical raw materials recovery potential.

Amendment

(46) To address the current lack of information on the critical raw materials potential of closed extractive waste facilities, Member States should draw up a database containing all information relevant to promote the recovery, notably the quantities and concentrations of critical raw materials in the extractive waste facility, in compliance with Union competition rules. The information should be made publicly available and in a user-friendly and digital form, enabling access to more detailed, technical information. To facilitate **interactive**, user-friendly access to the information, Member States should for instance provide a point of contact to enable more in-depth exchanges with potential developers of critical raw materials recovery projects. The database should be designed to allow potential project promoters to easily identify facilities with a high potential for economically viable recovery. To focus limited resources, Member States should follow a staged approach in the collection of information and perform the more demanding information collection steps only for the most promising facilities. The information collection activities should be aimed at providing accurate and representative information on the extractive waste facilities and gaining the best possible indication of the critical raw materials recovery potential.

Amendment 25**Proposal for a regulation****Recital 49***Text proposed by the Commission*

(49) Critical raw materials sold on the Union market are often certified regarding the sustainability of their production and supply chain. Certification can be obtained in the context of a broad range of public and private certification schemes available with varying scopes and stringency, creating the potential for confusion regarding the nature and veracity of claims made about the relative sustainability of critical raw materials placed on the Union market based on such certification. The Commission should be empowered to adopt implementing acts recognising certification schemes that should be considered comprehensive and trustworthy, providing a common basis for authorities and market participants for assessing the sustainability of critical raw materials. Recognition should be given only to certification schemes that cover a broad range of sustainability aspects, including environmental protection, human rights including labour rights and business transparency, and which contain provisions for independent third party verification and monitoring of compliance. To ensure efficient procedures, promoters of projects applying to be recognised as Strategic Projects should be allowed to rely on participation in a recognised scheme to show that their project is implemented sustainably.

Amendment

(49) Critical raw materials sold on the Union market are often certified regarding the sustainability of their production and supply chain. Certification can be obtained in the context of a broad range of public and private certification schemes available with varying scopes and stringency, creating the potential for confusion regarding the nature and veracity of claims made about the relative sustainability of critical raw materials placed on the Union market based on such certification. The Commission should be empowered to adopt implementing acts recognising certification schemes that should be considered comprehensive and trustworthy, providing a common basis for authorities and market participants for assessing the sustainability of critical raw materials. Recognition should be given only to certification schemes that cover a broad range of sustainability aspects, including environmental protection, human rights including labour rights and business transparency, and which contain provisions **for *due diligence process including due diligence in relation to forced labour***, independent third party verification and monitoring of compliance. To ensure efficient procedures, promoters of projects applying to be recognised as Strategic Projects should be allowed to rely on participation in a recognised scheme to show that their project is implemented sustainably.

Amendment 26

Proposal for a regulation Recital 50

Text proposed by the Commission

(50) The production of critical raw materials at different stages of the value chain **causes** environmental impacts, whether on climate, water, fauna or flora. In order to limit **such** damage and incentivise the production of more sustainable critical raw materials, the Commission should be empowered to develop a system for the calculation of the environmental footprint of critical raw materials, including a verification process, to ensure that critical raw materials placed on the Union market publicly display information on such footprint. The system should be based on taking into account scientifically sound assessment methods and relevant international standards in the area of life cycle assessment. The requirement to declare the environmental footprint of a material should only apply where it has been concluded, based on a dedicated assessment, that it would contribute to the Union's climate and environmental objectives by facilitating the procurement of critical raw materials with lower environmental footprint and would not disproportionately affect trade flows. When the relevant calculation methods have been adopted, the Commission should develop performance classes for critical raw materials, thereby allowing potential buyers to easily compare the relative environmental footprint of available materials and driving the market towards more sustainable materials. Sellers of critical raw materials should ensure that the environmental footprint declaration is available to their customers. Transparency on the relative footprint of critical raw materials placed on the Union market may also enable other policies at Union and national level, such as incentives or green

Amendment

(50) ***The prevention and elimination of human rights abuses, including the use of forced labour is one of the guiding principles of Union's external commercial and economic relations.*** The production of critical raw materials at different stages of the value chain ***may have negative effects on human rights and has*** environmental impacts, whether on climate, water, fauna or flora. In order to limit ***potential human rights abuses and environmental*** damage and incentivise the production of more sustainable critical raw materials, the Commission should be empowered to develop a system for the calculation of the environmental footprint of critical raw materials, including a verification process, to ensure that critical raw materials placed on the Union market publicly display information on such footprint. The system should be based on taking into account scientifically sound assessment methods and relevant international standards, ***including*** in the area of life cycle assessment. The requirement to declare the ***human rights and*** environmental footprint of a material should only apply where it has been concluded, based on a dedicated assessment, that it would contribute to the Union's ***human rights***, climate and environmental objectives by facilitating the procurement of critical raw materials with lower environmental footprint ***and in line with the Union's human rights commitments*** and would not disproportionately affect trade flows. When the relevant calculation methods have been adopted, the Commission should develop performance classes for critical raw materials, thereby allowing potential buyers to easily compare the relative ***human rights and*** environmental footprint

public procurement criteria, fostering the production of critical raw materials with lower environmental impacts.

of available materials and driving the market towards more sustainable materials. Sellers of critical raw materials should ensure that the environmental footprint declaration is available to their customers ***in a clear and accesible manner***. Transparency on the relative footprint of critical raw materials placed on the Union market may also enable other policies at Union and national level, such as incentives or green public procurement criteria, fostering the production of critical raw materials with lower environmental impacts.

Amendment 27
Proposal for a regulation
Recital 53 a (new)

Text proposed by the Commission

Amendment

(53 a) The Agenda 2030 has given a new impetus to deliver improved livelihoods from extractive resources, provided that careful consideration is paid to the views and expectations of all the key actors in home and host countries, to reconcile issues of sustainable development and security of supply, such as the Africa Mining Vision and the EU Raw Materials Initiative. At the local level, inclusive business models should be implemented in which local communities participate in decision-making, their rights are protected and they benefit from extractive industries.

Or. en

Amendment 28
Proposal for a regulation
Recital 54

(54) The Union has concluded Strategic Partnerships covering raw materials with third countries in order to implement the 2020 Action Plan on Critical Raw Materials. In order to diversify supply, these efforts should continue. To develop and ensure a coherent framework for the conclusion of future partnerships, the Member States and the Commission should, as part of their interaction on the Board, discuss and ensure coordination on, inter alia, whether existing partnerships achieve the intended aims, the prioritisation of third countries for new partnerships, the content of such partnerships and their coherence and potential synergies between Member States' bilateral cooperation with relevant third countries. The Union should seek mutually beneficial partnerships with emerging market and developing economies, in coherence with its Global Gateway strategy, which contribute to the diversification of its raw materials supply chain as well as add value in the production in these countries.

(54) The Union has concluded Strategic Partnerships covering raw materials with third countries in order to implement the 2020 Action Plan on Critical Raw Materials. In order to diversify supply, these efforts should continue. ***Further effort must also be paid to cooperation and coordination with international partners, especially like-minded partners, countries participating in the internal market or candidate countries.*** To develop and ensure a coherent framework for the conclusion of future partnerships, the Member States and the Commission should, as part of their interaction on the Board, ***and with full involvement of the European Parliament***, discuss and ensure coordination on, inter alia, whether existing partnerships achieve the intended aims, the prioritisation of third countries for new partnerships, the content of such partnerships and their coherence and potential synergies between Member States' bilateral cooperation with relevant third countries. The Union should seek mutually beneficial partnerships with emerging market and developing economies, in coherence with its Global Gateway strategy, which contribute to the diversification of its raw materials supply chain as well as add value in the production in these countries. ***Strategic partnerships should include commitments from the Union to offer technical assistance to tackle illicit financial flows, improve regulation of the activities of trans-national corporations and financial regulation, as well technical assistance to governments and private actors to support compliance with Union legislation on supply chain due diligence.***

Amendment 29

Proposal for a regulation Recital 55

Text proposed by the Commission

(55) In order to support the implementation of tasks pertaining to the development of Strategic Projects and their financing, exploration programmes, monitoring capacities or strategic stocks and to advise the Commission appropriately, a European Critical Raw Materials Board should be established. The Board should be composed of Member States and of the Commission, while being able to ensure participation of other parties as observers. To develop the necessary expertise for the implementation of certain tasks, the Board should establish standing sub-groups on financing, exploration, monitoring **and** strategic stocks, that should act as a network by gathering the different relevant national authorities and, when necessary, consult industry, academia, civil society and other relevant stakeholders. The Board's advice and opinions should be non-binding and the absence of such an advice or opinion should not prevent the Commission from performing its tasks under this Regulation.

Amendment

(55) In order to support the implementation of tasks pertaining to the development of Strategic Projects and their financing, exploration programmes, monitoring capacities or strategic stocks and to advise the Commission appropriately, a European Critical Raw Materials Board should be established. The Board should be composed of Member States and of the Commission, while being able to ensure participation of other parties as observers, ***such as academics, civil society organisations, other EU institutions, and EU agencies. The European Defence Agency should be invited to take part in the Board meetings and consulted for items related to supply of critical raw materials directly affecting the defence industry.*** To develop the necessary expertise for the implementation of certain tasks, the Board should establish standing sub-groups on financing, exploration, monitoring, strategic stocks ***and sustainability***, that should act as a network by gathering the different relevant national authorities and, when necessary, consult industry, academia, civil society and other relevant stakeholders. The Board's advice and opinions should be non-binding and the absence of such an advice or opinion should not prevent the Commission from performing its tasks under this Regulation.

Amendment 30

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

1. The general objective of this Regulation is to improve the functioning of the internal market by establishing a framework to ensure the Union's access to a secure and sustainable supply of critical raw materials.

Amendment

1. The general objective of this Regulation is to improve the functioning of the internal market by establishing a framework to ensure the Union's access to a secure, ***unhindered*** and sustainable supply of critical ***and strategic*** raw materials, ***while strengthening existing democratic partnerships and creating new diplomatic ties.***

Amendment 31

Proposal for a regulation

Article 1 – paragraph 2 – point a – point iii

Text proposed by the Commission

(iii) Union recycling capacity, including for all intermediate recycling steps, is able to produce at least **15%** of the Union's annual consumption of strategic raw materials.

Amendment

(iii) Union recycling capacity, including for all intermediate recycling steps, is able to produce at least **25%** of the Union's annual consumption of strategic raw materials.

Or. en

Amendment 32

Proposal for a regulation

Article 1 – paragraph 2 – point b

Text proposed by the Commission

(b) diversify the Union's imports of strategic raw materials with a view to ensure that, by 2030, the Union's annual consumption of each strategic raw material at any relevant stage of processing can rely on imports from several third countries, none of which provide more than 65% of the Union's annual consumption;

Amendment

(b) diversify the Union's imports of strategic raw materials with a view to ensure that, by 2030, the Union's annual consumption of each strategic raw material at any relevant stage of processing can rely on imports from several third countries, none of which provide more than 65% of the Union's annual consumption, ***and to continue working towards further reducing the level of dependency on individual third countries, particularly on those recognised by the Union as systemic***

rivals that constitute a direct threat to the Union and pose a threat to rules-based multilateralism, and countries failing to uphold fundamental democratic standards.

Amendment 33
Proposal for a regulation
Article 1 – paragraph 2 – point c

Text proposed by the Commission

(c) improve the Union's ability to monitor and mitigate the supply risk related to critical raw materials;

Amendment

(c) improve the Union's ability to monitor and mitigate the supply risk related to critical raw materials, *taking into account global competitiveness and avoiding any undue costs*;

Or. en

Amendment 34
Proposal for a regulation
Article 1 – paragraph 2 – point d

Text proposed by the Commission

(d) ensure the free movement of critical raw materials and products containing critical raw materials placed on the Union market while ensuring a high level of environmental protection, by improving their circularity and sustainability.

Amendment

(d) ensure the free movement of critical raw materials and products containing critical raw materials placed on the Union market while ensuring a high level of environmental protection *and sustainability*, by improving their circularity and sustainability;

Or. en

Amendment 35
Proposal for a regulation
Article 1 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(d a) bolster the Union's ability to

achieve its objectives in the realm of security and defence policy by ensuring the secure supply of critical and strategic raw materials;

Amendment 36
Proposal for a regulation
Article 1 – paragraph 2 – point d b (new)

Text proposed by the Commission

Amendment

(d b) work towards limiting illegal and predatory extraction of raw materials, which should lead to greater availability of such materials to legally and environmentally friendly projects;

Or. en

Amendment 37
Proposal for a regulation
Article 1 – paragraph 2 – point d c (new)

Text proposed by the Commission

Amendment

(d c) strengthen cooperation with like-minded countries in order to commonly address existing and future global challenges.

Or. en

Amendment 38
Proposal for a regulation
Article 1 – paragraph 3

Text proposed by the Commission

Amendment

3. *Where*, based on *the* report referred to in Article 42, *the Commission concludes* that the Union is likely *not* to achieve the objectives set out in paragraph 2, *it shall assess* the feasibility and proportionality of *proposing* measures *or*

3. *The European Commission has to publish a report, at the latest 6 months after publication of this regulation, outlining its methodology for the benchmarks that apply to each strategic raw material. This has to include a*

exercising its powers at Union level in order to ensure *the achievement of* those objectives.

quantification of the level of investment required per material and an overview of the main bottlenecks that need to be overcome. Should the Commission conclude, based on *this initial report or the additional three-year progress reports* referred to in Article 42, that the Union is *not* likely to achieve the objectives set out in paragraph 2, *an assessment needs to be undertaken on* the feasibility and proportionality of *new* measures in order to ensure *that* those objectives *can be achieved at Union level*.

Or. en

Amendment 39

Proposal for a regulation Article 1 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. *An open and constant dialogue between industry and policymakers should be encouraged to identify benchmarks that are both technically and economically feasible, as well as in line with the EU's objectives.*

Amendment 40

Proposal for a regulation Article 2 – paragraph 1 – point 3 a (new)

Text proposed by the Commission

Amendment

(3 a) *'secondary raw material' means a substance or material recovered from processes residuals or from end of life products, that can be used in manufacturing processes instead of or in combination with virgin raw material;*

Or. en

Amendment 41

Proposal for a regulation

Article 2 – paragraph 1 – point 38 a (new)

Text proposed by the Commission

Amendment

(38 a) ‘defence products’ mean products awarded in the field of defence and security within the meaning established in Directive 2009/81/EC;

Amendment 42

Proposal for a regulation

Article 2 – paragraph 1 – point 62

Text proposed by the Commission

Amendment

(62) ‘Strategic Partnership’ means a commitment between the Union and a third country to increase cooperation related to the raw materials value chain that is established through a non-binding instrument setting out concrete actions of mutual interest.

(62) ‘Strategic Partnership’ means a ***reciprocal*** commitment between the Union and a third country to increase cooperation related to the raw materials value chain that is established through a non-binding instrument setting out concrete actions of mutual interest.

Or. en

Amendment 43

Proposal for a regulation

Article 2 – paragraph 1 – point 62 a (new)

Text proposed by the Commission

Amendment

(62 a) ‘Essential Use Concept’ means a concept as described in the Commission Report ‘Supporting the Commission in developing an essential use concept’, published in March 2023;

Or. en

Amendment 44
Proposal for a regulation
Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. *By derogation from Paragraph 3 of this Article, the Commission shall add additional raw materials on the list upon request of the Board if the Board or the Commission detects while exercising the monitoring, stress testing and information obligations under Articles 19.1, 19.2 and 20 of this regulation changes in supply and access to specific raw materials that risk endangering supply and the targets set out in Article 1.2.*

Or. en

Amendment 45
Proposal for a regulation
Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. *The status of critical and strategic raw materials shall be considered in all EU legislation where materials are directly or indirectly impacted both in general, product specific, and substance specific legislation.*

Amendment 46
Proposal for a regulation
Article 4 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. *All critical and strategic raw materials should be considered to meet the “essentiality” criteria under the Essential Use Concept.*

Amendment 47
Proposal for a regulation
Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. By derogation from Paragraph 3 of this Article, the Commission shall update the list upon request of the Board if the Board or the Commission detects while exercising the monitoring, stress testing and information obligations under Articles 19.1, 19.2 and 20 of this regulation changes in supply and access to specific raw materials that risk endangering supply and the targets set out in Article 1.

Or. en

Amendment 48
Proposal for a regulation
Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Following an application of the project promoter and in accordance with the procedure established in Article 6, the Commission shall recognise as Strategic Projects raw material projects that meet the following criteria:

1. Following an application of the project promoter and in accordance with the procedure established in Article 6, the Commission shall recognise as Strategic Projects raw material projects that **contributes to the objectives of this Regulation as set out in Article 1 and** meet the following criteria:

Or. en

Amendment 49
Proposal for a regulation
Article 5 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the project would make a meaningful contribution to the security of

(a) the project would make a meaningful contribution to the **Union's**

the Union's supply of strategic raw materials;

security of supply of strategic raw materials;

Or. en

Amendment 50
Proposal for a regulation
Article 5 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) the project would contribute to reducing European Union dependency systemic rivals and countries failing to uphold fundamental democratic standards;

Or. en

Amendment 51
Proposal for a regulation
Article 5 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the project would be implemented sustainably, in particular as regards the monitoring, prevention and minimisation of environmental impacts, ***the use of socially responsible practices*** including respect of human and labour rights, quality jobs potential and meaningful engagement with local communities and relevant social partners, and the use of transparent business practices with ***adequate*** compliance policies to prevent and minimise risks of adverse impacts on the proper functioning of public administration, including corruption and bribery;

(c) the project would be implemented sustainably, in particular as regards the monitoring, prevention and minimisation of ***social and human rights violations***, including respect of human and labour rights, quality jobs potential and meaningful engagement with local communities and relevant social partners, and the use of transparent business practices with ***strong*** compliance policies to prevent and minimise risks of adverse impacts on the proper functioning of public administration, including corruption and bribery;

Or. en

Amendment 52

Proposal for a regulation

Article 5 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) the projects would also provide a detailed complaints mechanism for individuals to report any human rights violations, as well as remedies for such violations;

Amendment 53

Proposal for a regulation

Article 5 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) for projects in the Union, the establishment, operation or production of the project would have cross-border benefits beyond the Member State concerned, including for downstream sectors;

(d) for projects in the Union, ***that the project contributes to the volumes required to achieve the self-sufficiency objectives in Article 1(2)(a) indent (i), (ii), and (iii) and that*** the establishment, operation or production of the project would have cross-border benefits beyond the Member State concerned, including for downstream sectors;

Or. en

Amendment 54

Proposal for a regulation

Article 5 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) for projects in third countries that are emerging markets or developing economies, the project would be mutually beneficial for the Union and the third country concerned by adding value ***in that country***.

(e) for projects in third countries that are emerging markets or developing economies, the project would ***respect international standards and conventions on human rights and the environment, and*** be mutually beneficial for the Union and the third country concerned by adding ***local*** value, ***notably through inclusive***

business models in which local communities participate in decision-making, their rights are protected and they benefit from extractive activities, and to contribute to the Union's economic resilience as well as security and defence objectives.

Amendment 55

Proposal for a regulation Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Where relevant, consider the feasibility of complementary infrastructure strategic projects that have the possibility to improve transport and communication related to the raw materials strategic projects

Amendment 56

Proposal for a regulation Article 6 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) a plan containing measures to **facilitate** public **acceptance** including, **where appropriate**, the establishment of recurrent communication channels with the local communities and organisations, including social partners, the implementation of awareness-raising and information campaigns and the establishment of mitigation and compensation mechanisms;

(d) a plan containing measures to **ensure public participation and consent at all stages of the project** including the establishment of recurrent communication **and consultation** channels with the local communities and organisations, including social partners, the implementation of awareness-raising and information campaigns and the establishment of mitigation and compensation mechanisms. **Where the project involves resettlement, a plan detailing how legitimate tenure rights-holders will be identified and participate in the valuation process, and how compensation processes for loss of assets or lands are fair, timely and guaranteed;**

Or. en

Amendment 57
Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. The Commission is empowered to adopt implementing acts establishing a template to be used by project promoters for the applications referred to in paragraph 1. The template may indicate how the information referred to in paragraph 1 shall be expressed. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2).

Amendment

2. The Commission is empowered to adopt implementing acts establishing a template to be used by project promoters for the applications referred to in paragraph 1. The template may indicate how the information referred to in paragraph 1 shall be expressed. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2) ***no later than 6 months after the entry into force of this Regulation.***

Or. en

Amendment 58
Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

3. Where the Commission considers that information provided in the application is incomplete, it shall give the applicant ***the opportunity*** to submit the additional information required to complete the application in a timely manner.

Amendment

3. Where the Commission considers that information provided in the application is incomplete, it shall give the applicant ***further clarifications regarding the missing information and the possibility*** to submit the additional information required to complete the application in a timely manner.

Or. en

Amendment 59
Proposal for a regulation
Article 6 – paragraph 4

Text proposed by the Commission

4. The European Critical Raw

Amendment

4. The European Critical Raw

Materials Board referred to in Article 34 ('the Board') shall, based on a fair and transparent process, discuss and issue an opinion on the completeness of the application and whether the proposed project fulfils the criteria set out in Article 5(1).

Materials Board referred to in Article 34 ('the Board') shall, based on a fair and transparent process, discuss and issue an opinion on the completeness of the application and whether the proposed project fulfils the criteria set out in Article 5(1) ***no later than within 3 months of the application. The Board shall invite the relevant representatives from industry, local communities and civil society for these discussions, and issue an opinion following a broad consultation.***

Or. en

Amendment 60
Proposal for a regulation
Article 6 – paragraph 9

Text proposed by the Commission

9. Projects which are no longer recognised as Strategic Projects shall lose all rights connected to that status under this Regulation.

Amendment

9. Projects which are no longer recognised as Strategic Projects shall lose all rights connected to that status under this Regulation. ***The project promoter shall ensure that no sensitive or classified information about EU critical raw materials is made publicly available on the website beyond what is required for fulfilling the transparency obligations in this paragraph.***

Or. en

Amendment 61
Proposal for a regulation
Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Whether or not a Strategic Project meets the conditions laid down in paragraph 2, shall be discussed and agreed in cooperation with national authorities in charge of those legislative

frameworks.

Or. en

Amendment 62
Proposal for a regulation
Article 14 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(a a) expedited processing of administrative requirements directly related to the granting of Strategic Project status and the implementation of the Project;

Or. en

Amendment 63
Proposal for a regulation
Article 14 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) assistance to project promoters to further increase the **public** acceptance of the project.

(b) assistance to project promoters to **provide detailed information to the public in a timely manner to** further increase the **public's participation and** acceptance of the project. .

Or. en

Amendment 64
Proposal for a regulation
Article 15 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) additional private sources of financing;

(a) additional private sources of financing, **in particular generated through the Global Gateway initiative;**

Or. en

Amendment 65
Proposal for a regulation
Article 17 – paragraph 1 – point a

Text proposed by the Commission

- (a) the permit-granting process;

Amendment

- (a) the permit-granting process ***and related administrative processes required for obtaining the permit,***

Or. en

Amendment 66
Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

1. Each Member State shall draw up a national programme for general exploration targeted at critical raw materials. Each Member State shall draw up the first such programme by [OP please insert: 1 year after the date of entry into force of this Regulation]. The national programmes shall be reviewed and, if necessary, updated, at least every 5 years.

Amendment

1. Each Member State shall draw up a national programme for general exploration targeted at critical raw materials. Each Member State shall draw up the first such programme by [OP please insert: 1 year after the date of entry into force of this Regulation]. The national programmes shall be reviewed and, if necessary, updated, at least every 3 years.

Or. en

Amendment 67
Proposal for a regulation
Article 19 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

- (d a) Geopolitical developments and security challenges facing the Union as well as the human rights situation in third countries.***

Amendment 68

Proposal for a regulation Article 19 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Commission shall protect European critical and strategic raw materials' production from unfair trade practices by maintaining and strengthening trade defense measures, in order to ensure a level playing field.

Amendment 69

Proposal for a regulation Article 19 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

The Commission, in collaboration with the national authorities participating in the standing sub-group referred to in Article 35(6), point (c), shall ensure that a stress test is performed for each strategic raw material's supply chain at least every **three** years. To that end, the standing sub-group referred to in Article 35(6), point (c) shall coordinate and divide the implementation of stress tests for the different strategic raw materials by the different participating authorities.

The Commission, in collaboration with the national authorities participating in the standing sub-group referred to in Article 35(6), point (c), shall ensure that a stress test is performed for each strategic raw material's supply chain at least every **two** years. To that end, the standing sub-group referred to in Article 35(6), point (c) shall coordinate and divide the implementation of stress tests for the different strategic raw materials by the different participating authorities.

Or. en

Amendment 70

Proposal for a regulation Article 19 – paragraph 3 – subparagraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(a a) whether the raw materials are controlled by countries failing to uphold fundamental democratic standards and the extent to which the Union is dependent on the given raw material;

Amendment 71
Proposal for a regulation
Article 19 – paragraph 3 – subparagraph 2 – point a b (new)

Text proposed by the Commission

Amendment

(a b) the extent to which the Union can rely on import from other third country for given critical raw material;

Or. en

Amendment 72
Proposal for a regulation
Article 19 – paragraph 3 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

(c) factors that might affect supply, including but not limited to the geopolitical situation, logistics, energy supply, workforce or natural disasters;

(c) factors that might affect supply, including but not limited to the geopolitical situation, ***trade disputes***, logistics, energy supply, workforce or natural disasters;

Or. en

Amendment 73
Proposal for a regulation
Article 19 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The Commission shall ensure that no sensitive or classified information received from Member States or aggregated from the Member States relating to Member States or EU critical raw materials strategic vulnerabilities or resilience is published on this website.

Or. en

Amendment 74
Proposal for a regulation
Article 20 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States shall identify key market operators along the critical raw materials value chain established in their territory and shall:

Amendment

2. Member States, ***after consulting relevant stakeholders including SME representatives***, shall identify key market operators along the critical raw materials value chain established in their territory and shall:

Or. en

Amendment 75
Proposal for a regulation
Article 24 – paragraph 5 – point b a (new)

Text proposed by the Commission

(b a) directly or indirectly owned or controlled by, or acting on behalf or at the direction of systemic rivals or countries failing to uphold fundamental democratic standards, controlling more than 50% of the supply for the given strategic raw material.

Amendment

Or. en

Amendment 76
Proposal for a regulation
Article 24 – paragraph 5 – point b b (new)

Text proposed by the Commission

(b b) entities registered in or whose shares are controlled by systemic rivals that are not currently on a sanctions list must be analysed by competent authorities with additional scrutiny and have their credentials properly verified.

Amendment

Or. en

Amendment 77
Proposal for a regulation
Article 25 – paragraph 1 – point a

Text proposed by the Commission

(a) increase the collection of waste with high critical raw materials recovery potential and ensure their introduction into the appropriate recycling system, with a view to maximising the availability and quality of recyclable material as an input to critical raw material recycling facilities;

Amendment

(a) increase the collection **and sorting** of waste with high critical raw materials recovery potential and ensure their introduction into the appropriate recycling system, with a view to maximising the availability and quality of recyclable material as an input to critical raw material recycling facilities;

Or. en

Amendment 78
Proposal for a regulation
Article 25 – paragraph 1 – point c

Text proposed by the Commission

(c) increase the use of secondary critical raw materials in manufacturing, including, where appropriate, by taking recycled content into account in award criteria related to public procurement;

Amendment

(c) increase the use of secondary critical raw materials in **processing and** manufacturing, including, where appropriate, by taking recycled content **and recyclability all along the life-cycle** into account, **including** in award criteria related to public procurement;

Or. en

Amendment 79
Proposal for a regulation
Article 29 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Governments or organisations that have developed and oversee certification schemes related to the sustainability of critical raw materials ("scheme owners") may apply to have their schemes

Amendment

Governments or **multi-stakeholder** organisations that have developed and oversee certification schemes related to the sustainability of critical raw materials ("scheme owners") may apply to have their

recognised by the Commission.

schemes recognised by the Commission.

Or. en

Amendment 80
Proposal for a regulation
Article 29 – paragraph 3

Text proposed by the Commission

3. The Commission shall periodically verify that recognised schemes continue to fulfil the criteria laid down in Annex IV.

Amendment

3. The Commission shall periodically verify that recognised schemes continue to fulfil the criteria laid down in Annex IV ***and be in line with the Corporate Due Diligence Directive and Corporate Sustainable Reporting Directive to ensure Strategic Projects fulfill the highest environmental and human rights standards.***

Or. en

Amendment 81
Proposal for a regulation
Article 29 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. The Commission shall develop a portal where stakeholders are able to submit feedback and information about evidence of repeated or significant cases where economic operators implementing a recognised scheme have failed to fulfil the requirements of that scheme, in order for the Commission to be able to make an independent assessment.

Or. en

Amendment 82
Proposal for a regulation
Article 29 – paragraph 6

Text proposed by the Commission

6. Where the Commission identifies deficiencies in a recognised scheme affecting the basis for the recognition, it may grant the scheme owner an appropriate period of time to take remedial action.

Amendment

6. Where the Commission identifies, ***in accordance with paragraph 5 and 5a***, deficiencies in a recognised scheme affecting the basis for the recognition, it may grant the scheme owner an appropriate period of time to take remedial action. ***This period shall not be longer than 6 months.***

Or. en

Amendment 83
Proposal for a regulation
Article 33 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. Strategic Partnerships concluded by the Union with third countries shall contain concrete measures contributing towards:

(i) improving the security, resilience and sustainability of the Union's supply of critical raw materials listed in Annex II;

(ii) the benchmark set out in Article 1, paragraph 2, point (b);

(iii) improving cooperation and shared responsibility along the critical raw materials value chain between the Union and partner countries in achieving the agreed partnership objectives, while respecting the policy space of the EU and of the partner countries;

(iv) the economic and social development in partner countries, in particular for emerging and developing economies, through a governance framework that prioritises human rights, while also promoting the uptake of environmentally sustainable and circular economy practices and decent working conditions;

(v) the increase of local value addition by

facilitating the manufacturing of finished and semi-finished goods in relevant downstream industries, including via the facilitation or support of private and public investment;

Or. en

Amendment 84
Proposal for a regulation
Article 33 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Board shall periodically discuss:

Amendment

1. *In order to evaluate the implementation and the impact of this Regulation*, the Board shall periodically discuss:

Or. en

Amendment 85
Proposal for a regulation
Article 33 – paragraph 1 – point a – point i a (new)

Text proposed by the Commission

Amendment

(i a) reducing the Union's dependence on third countries, particularly on third countries that are recognised by the Union as systemic rivals, constitute a direct threat to the Union and/or pose threat to rules-based multilateralism and core democratic values;

Amendment 86
Proposal for a regulation
Article 33 – paragraph 1 – point a – point iii

Text proposed by the Commission

(iii) improving cooperation along the

Amendment

(iii) improving cooperation *and*

critical raw materials value chain between the Union and partner countries;

coordination along the critical ***and strategic*** raw materials value chain between the Union and partner countries, ***including through the Minerals Security Partnership and the Conference on Critical Materials and Minerals***;

Amendment 87

Proposal for a regulation

Article 33 – paragraph 1 – point c – point i

Text proposed by the Commission

(i) the potential contribution to security of supply, taking into account a third country's potential reserves, extraction, processing and recycling capacities related to critical raw materials;

Amendment

(i) the potential contribution to security of supply ***and diversification***, taking into account a third country's potential reserves, extraction, processing and recycling capacities related to critical raw materials ***as well as its reliability as a supplier***;

Or. en

Amendment 88

Proposal for a regulation

Article 33 – paragraph 1 – point c – point ii

Text proposed by the Commission

(ii) whether a third country's regulatory framework ensures the monitoring, prevention and minimisation of environmental impacts, the use of socially responsible practices including respect of human and labour rights and meaningful engagement with local communities, the use of transparent business practices and the prevention of adverse impacts on the proper functioning of public administration and the rule of law;

Amendment

(ii) whether a third country's regulatory framework ***and the governance framework for its implementation*** ensures the monitoring, prevention and minimisation of ***social and*** environmental impacts, the use of socially responsible practices including respect of human and labour rights and meaningful engagement with ***and free prior and informed consent by*** local communities, the use of ***accountable and*** transparent business practices and the prevention of adverse impacts on the proper functioning of public administration and the rule of law;

Or. en

Amendment 89
Proposal for a regulation
Article 33 – paragraph 1 – point c – point iii a (new)

Text proposed by the Commission

Amendment

(iii a) whether civil society participation processes are in place in the partner country to enable participation of the public in the implementation of the partnership;

Or. en

Amendment 90
Proposal for a regulation
Article 33 – paragraph 1 – point c – point iv a (new)

Text proposed by the Commission

Amendment

(iv a) the potential to build new partnerships and create a mutually beneficial cooperation with long-term geopolitical gains;

Amendment 91
Proposal for a regulation
Article 33 – paragraph 1 – point c – point iv b (new)

Text proposed by the Commission

Amendment

(iv b) whether a third country demonstrates alignment with European values and the Union's CFSP priorities;

Amendment 92
Proposal for a regulation
Article 33 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. reducing strategic dependencies for critical raw materials on systemic rivals or countries failing to uphold fundamental democratic standards;

Or. en

Amendment 93

Proposal for a regulation Article 33 – paragraph 2

Text proposed by the Commission

Amendment

2. The Board shall, in the context of paragraph 1 and in so far as relates to emerging market and developing economies, ensure cooperation with other relevant coordination fora, including those established as part of the Global Gateway strategy.

2. The Board shall, in the context of paragraph 1 and in so far as relates to emerging market and developing economies, ensure cooperation with other relevant coordination fora ***and partners, especially the G7***, including those established as part of the Global Gateway strategy ***and the Union's common commercial policy, including its investment components, and its Trade and Sustainable Development approach.***

Amendment 94

Proposal for a regulation Article 33 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Board shall seek cooperation and coordination with international partners, especially like-minded partners, countries participating in the internal market or candidate countries ;

Amendment 95

Proposal for a regulation Article 33 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. The Board, in coordination with the Commission and the EEAS, shall ensure that international environmental and human right standards are respected by way of cooperation with international bodies such as the WTO, OECD, International Labour Organisation (ILO) and the United Nations (UN).

Amendment 96

Proposal for a regulation Article 33 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) coordinate with the Commission to ensure coherence between their bilateral cooperation with relevant third countries and the Union's non-binding Strategic Partnerships with third countries, whose scope at least includes critical raw materials value chain;

(a) coordinate with the Commission to ensure coherence between their bilateral cooperation with relevant third countries and the Union's non-binding Strategic Partnerships with third countries, whose scope at least includes critical raw materials value chain **and the guarantee of knowledge and technology transfer for mutual benefit between Member States and third countries;**

Or. en

Amendment 97

Proposal for a regulation Article 33 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(b a) seek to reduce their bilateral strategic dependencies on systemic rivals or countries failing to uphold fundamental democratic standards.

Amendment 98

Proposal for a regulation Article 33 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The Commission shall integrate a critical raw materials component in existing and future international agreements.

Amendment 99

Proposal for a regulation Article 33 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3 b. The strategic partners should also be evaluated taking into account challenges arising from transport restraints, including resulting from both the lack of proper infrastructure or problematic ownership or insecure transport routes. The Commission should address these challenges in cooperation with Member States and other institutions.

Amendment 100

Proposal for a regulation Article 35 – paragraph 1

Text proposed by the Commission

Amendment

1. The Board shall be composed of Member States and the Commission. It shall be chaired by the Commission.

1. The Board shall be composed of Member States, **the European External Action Service** and the Commission. It shall be chaired by the Commission. **The European Defence Agency should be**

consulted and invited to participate in the Board when it concerns matters related to security and defence.

Amendment 101

Proposal for a regulation

Article 35 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Board shall ensure regular coordination and collaboration with industry and key stakeholders

Amendment 102

Proposal for a regulation

Article 35 – paragraph 6 – subparagraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(d a) a subgroup on sustainability to discuss the provisions of Article 5(1)(c) and their implementation;

Or. en

Amendment 103

Proposal for a regulation

Article 35 – paragraph 6 – subparagraph 2 – point d b (new)

Text proposed by the Commission

Amendment

(d b) a sub-group bringing together Member States representatives, industry and representatives of EU strategic partners to coordinate and explore avenues for cooperation and coordination in achieving the strategic objectives of this Regulation, including by leveraging strategic coordination fora such as the EU-US Trade and Technology Council.

Or. en

Amendment 104

Proposal for a regulation

Article 35 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Where appropriate, the Board may invite experts, other third parties or representatives of third countries to attend meetings of the standing or temporary sub-groups referred to in paragraph 6 as observers or to provide written contributions.

Amendment

Where appropriate, the Board may invite experts, ***industry and key private sector stakeholders, civil society organisations, academia***, other third parties or representatives of third countries to attend meetings of the standing or temporary sub-groups referred to in paragraph 6 as observers or to provide written contributions.

Amendment 105

Proposal for a regulation

Article 35 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9 a. The Board shall report annually to the European Parliament on the duties of the board and the discussion held in the different sub-groups.

Amendment 106

Proposal for a regulation

Annex I – Section 1 – paragraph 1 – point p a (new)

Text proposed by the Commission

Amendment

(p a) Erbium

Or. en

Amendment 107

Proposal for a regulation

Annex I – Section 1 – paragraph 1 – point p b (new)

Text proposed by the Commission

Amendment

(p b) Europium

Or. en

Amendment 108

Proposal for a regulation

Annex I – Section 1 – paragraph 1 – point p c (new)

Text proposed by the Commission

Amendment

(p c) Lanthanum

Or. en

Amendment 109

Proposal for a regulation

Annex I – Section 1 – paragraph 1 – point p d (new)

Text proposed by the Commission

Amendment

(p d) Ytterbium

Or. en

Amendment 110

Proposal for a regulation

Annex I – Section 1 – paragraph 1 – point p e (new)

Text proposed by the Commission

Amendment

(p e) Yttrium

Or. en

Amendment 111

Proposal for a regulation

Annex III – point 2 – point d

Text proposed by the Commission

(d) whether the project is in line with the Union's development cooperation **and** foreign policy objectives.

Amendment 112
Proposal for a regulation
Annex III – point 4 – point b a (new)

Text proposed by the Commission

Amendment

(d) whether the project is in line with the Union's development cooperation, foreign, **security and defence** policy objectives, **and meets international human rights and environmental standards**.

(b a) [OP please insert: reference to Regulation of the European Parliament and of the Council on making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation], in so far as it applies to the project promoter;

Or. en

Amendment 113
Proposal for a regulation
Annex III – point 4 – point b b (new)

Text proposed by the Commission

Amendment

(b b) [OP please insert: reference to Regulation on Batteries and waste batteries], in so far as it applies to the project promoter;

Or. en

Amendment 114
Proposal for a regulation
Annex III – point 4 – point b c (new)

Text proposed by the Commission

Amendment

(b c) Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas, in so far as it applies to the project promoter;

Or. en

Amendment 115
Proposal for a regulation
Annex III – point 4 – point b d (new)

Text proposed by the Commission

Amendment

(b d) Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries, in so far as it applies to the project promoter;

Or. en

Amendment 116
Proposal for a regulation
Annex III – point 4 – point b e (new)

Text proposed by the Commission

Amendment

(b e) [OP please insert: Directive on the Protection of journalists and human rights defenders from manifestly unfounded or abusive court proceedings]

Or. en

Amendment 117
Proposal for a regulation
Annex III – point 4 – point c a (new)

Text proposed by the Commission

Amendment

(c a) Further relevant ILO Conventions;

Or. en

Amendment 118
Proposal for a regulation
Annex III – point 4 – point i a (new)

Text proposed by the Commission

Amendment

(i a) The International Bill of Human Rights, including the international covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

Or. en

Amendment 119
Proposal for a regulation
Annex III – point 4 – point i b (new)

Text proposed by the Commission

Amendment

(i b) The principles of Free, Prior and Informed Consent (FPIC) as established in the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the UN General Assembly in 2007;

Or. en

Amendment 120
Proposal for a regulation
Annex III – point 4 – point i c (new)

Text proposed by the Commission

Amendment

(i c) Ten Principles of the United Nations Global Compact;

Or. en

Amendment 121
Proposal for a regulation
Annex III – point 4 – point i d (new)

Text proposed by the Commission

Amendment

(i d) EIB Eligibility, Excluded Activities and Excluded sectors list.

Or. en

Amendment 122
Proposal for a regulation
Annex III – point 4 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) committing to obtain certification for the project concerned as part of a recognised scheme referred to in Article 29 and providing sufficient evidence that when implemented the project concerned will be able to meet the criteria for such certification.

deleted

Or. en

Amendment 123
Proposal for a regulation
Annex IV – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) it is open under transparent, fair and non-discriminatory terms to all economic operators willing and able to comply with

(a) it is open under transparent, fair and non-discriminatory terms to all economic operators willing and able to comply with

the scheme's requirements;

the scheme's requirements ***and ensures highest possible human rights and environmental standards, including through multi-stakeholder governance;***

Or. en

Amendment 124
Proposal for a regulation
Annex IV – paragraph 1 – point b – point ii

Text proposed by the Commission

Unmodified text included in the compromise

(ii) requirements for ensuring socially responsible practices, including respect for human rights and labour rights;

(ii) requirements for ensuring socially responsible practices, including respect for human rights and labour rights;

Or. en

Amendment 125
Proposal for a regulation
Annex IV – paragraph 1 – point b – point iii

Text proposed by the Commission

Amendment

(iii) requirements for ensuring business integrity and transparency including requirements to apply sound management of financial, environmental and social matters;

(iii) requirements for ensuring business integrity and transparency including requirements to apply sound management of financial, environmental and social matters, ***and robust anti-corruption and bribery policies in line with the OECD Guidelines outlined in Annex III;***

Or. en

Amendment 126
Proposal for a regulation
Annex IV – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) it includes an on-site audit with in-

person consultation with relevant stakeholders including local communities, civil society, workers, and trade unions;

Or. en

Amendment 127
Proposal for a regulation
Annex IV – paragraph 1 – point c

Text proposed by the Commission

(c) verification and monitoring of compliance is objective, based on international, Union or national standards, requirements and procedures and carried out independently from the relevant economic operator;

Amendment

(c) verification and monitoring of compliance is objective, based on international, Union or national standards, requirements and procedures and carried out independently from the relevant economic operator ***through the use of third-party audits. Such audits shall be made publically available following their completion;***

Or. en

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) 168/2013, (EU) 2018/858, 2018/1724 and (EU) 2019/1020
References	COM(2023)0160 – C9-0061/2023 – 2023/0079(COD)
Committee responsible Date announced in plenary	ITRE 8.5.2023
Opinion by Date announced in plenary	AFET 8.5.2023
Rapporteur for the opinion Date appointed	Miriam Lexmann 4.5.2023
Discussed in committee	24.5.2023
Date adopted	18.7.2023
Result of final vote	+: 53 –: 3 0: 0
Members present for the final vote	Alexander Alexandrov Yordanov, François Alfonsi, Maria Arena, Petras Auštrevičius, Traian Băsescu, Anna Bonfrisco, Reinhard Bütikofer, Susanna Ceccardi, Włodzimierz Cimoszewicz, Katalin Cseh, Michael Gahler, Kinga Gál, Klemen Grošelj, Dietmar Köster, Andrius Kubilius, Ilhan Kyuchyuk, Jean-Lin Lacapelle, David Lega, Miriam Lexmann, Leopoldo López Gil, Antonio López-Istúriz White, Lukas Mandl, Thierry Mariani, Pedro Marques, David McAllister, Vangelis Meimarakis, Sven Mikser, Alessandra Moretti, Matjaž Nemeč, Gheorghe-Vlad Nistor, Kostas Papadakis, Tonino Picula, Thijs Reuten, Nacho Sánchez Amor, Isabel Santos, Andreas Schieder, Dragoș Tudorache, Viola von Cramon-Taubadel, Witold Jan Waszczykowski, Charlie Weimers, Isabel Wiseler-Lima, Salima Yenbou, Željana Zovko
Substitutes present for the final vote	Attila Ara-Kovács, Malik Azmani, Jakop G. Dalunde, Georgios Kyrtos, Sergey Lagodinsky, Juozas Olekas, Nikos Papandreou, Javier Zarzalejos
Substitutes under Rule 209(7) present for the final vote	Theresa Bielowski, Franc Bogovič, Gilles Boyer, Othmar Karas, Samira Rafaela

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

53	+
ECR	Witold Jan Waszczykowski, Charlie Weimers
ID	Anna Bonfrisco, Susanna Ceccardi
NI	Kinga Gál
PPE	Alexander Alexandrov Yordanov, Traian Băsescu, Franc Bogovič, Michael Gahler, Othmar Karas, Andrius Kubilius, David Lega, Miriam Lexmann, Leopoldo López Gil, Antonio López-Istúriz White, David McAllister, Lukas Mandl, Vangelis Meimarakis, Gheorghe-Vlad Nistor, Isabel Wiseler-Lima, Javier Zarzalejos, Željana Zovko
Renew	Petras Auštrevičius, Malik Azmani, Gilles Boyer, Katalin Cseh, Klemen Grošelj, Georgios Kyrtos, Ilhan Kyuchyuk, Samira Rafaela, Dragoș Tudorache, Salima Yebou
S&D	Attila Ara-Kovács, Maria Arena, Theresa Bielowski, Włodzimierz Cimoszewicz, Dietmar Köster, Pedro Marques, Sven Mikser, Alessandra Moretti, Matjaž Nemeč, Juozas Olekas, Nikos Papandreou, Tonino Picula, Thijs Reuten, Nacho Sánchez Amor, Isabel Santos, Andreas Schieder
Verts/ALE	François Alfonsi, Reinhard Bütikofer, Jakop G. Dalunde, Sergey Lagodinsky, Viola von Cramon-Taubadel

3	-
ID	Jean-Lin Lacapelle, Thierry Mariani
NI	Kostas Papadakis

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention

29.6.2023

OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS

for the Committee on Industry, Research and Energy

on the proposal for a regulation of the European Parliament and of the Council establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) 168/2013, (EU) 2018/858, 2018/1724 and (EU) 2019/1020 (COM2023/0160 – C9-0061/2023 – 2023/0079(COD))

Rapporteur for opinion: Jessica Polfjärd

AMENDMENT

The Committee on Economic and Monetary Affairs calls on the Committee on Industry, Research and Energy, as the committee responsible, to take the following into account:

Amendment 1

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Given the complexity and the transnational character of critical raw material value chains, uncoordinated national measures to ensure a secure and sustainable supply of critical raw materials have a high potential of distorting competition and fragmenting the internal market. Therefore, to safeguard the functioning of the internal market, a common Union framework should be created to collectively address this central challenge.

Amendment

(2) Given the complexity and the transnational character of critical raw material value chains, coordinated national measures to ensure a secure and sustainable supply of critical raw materials ***are crucial***. Therefore, to safeguard the functioning ***and integrity*** of the internal market, a common Union framework should be created to collectively address this central challenge ***in a fair and just manner, in full compliance with applicable Union competition and State aid rules***.

Amendment 2

Proposal for a regulation

Recital 29

PE746.959v02-00

276/371

RR1285359EN.docx

Text proposed by the Commission

(29) Private investment by companies, financial investors and off takers is essential. Where private investment alone is not sufficient, the effective roll-out of projects along the critical raw material value chain may require public support, for example in the form of guarantees, loans or equity and quasi-equity investments. This public support may constitute State aid. Such aid must have an incentive effect and be necessary, appropriate and proportionate. The existing State aid guidelines, which have recently undergone an in-depth revision in line with twin transition objectives, provide ample possibilities to support investments along the critical raw materials value chain subject to certain conditions.

Amendment

(29) Private investment by companies, financial investors and off takers is essential. Where private investment alone is not sufficient, the effective roll-out of projects along the critical raw material value chain may require public support, for example in the form of guarantees, loans or equity and quasi-equity investments. This public support may, ***where duly justified and without undermining competition on the internal market***, constitute State aid. Such aid must have an incentive effect and be necessary, appropriate and proportionate ***and should not lead to an excessive concentration on a small number of suppliers***. The existing State aid guidelines, which have recently undergone an in-depth revision in line with twin transition objectives, provide ample possibilities to support investments along the critical raw materials value chain ***and other objectives under the European Green Deal*** subject to certain conditions.

Amendment 3

Proposal for a regulation
Recital 29 a (new)

Text proposed by the Commission

Amendment

(29 a) The Temporary State Aid Crisis and Transition Framework is part of the second pillar of the Green Deal Industry Plan. It should be noted that this is a temporary and targeted framework and that there are trade-offs between speeding up financing for ensuring the availability of critical raw materials in Europe and the integrity of the internal market, as not all Member States have the same fiscal space to deliver the necessary investments. Appropriate instruments to give a structural answer to the investment needs are therefore needed. The Commission

should only permit State aid by Member States if it pursues an objective of common interest, and Member States are encouraged to introduce further binding conditions for the receipt of State aid.

Amendment 4

Proposal for a regulation Recital 29 b (new)

Text proposed by the Commission

Amendment

(29 b) From a long-term perspective, raw material projects will not be able to rely on public funding, especially as State aid financing might not be as generous in the future. When the European Critical Raw Materials Board and its subgroups give advice to projects, priority should be given to private sources of financing. The better able companies and projects are in attracting private capital, the more competitive they will be.

Amendment 5

Proposal for a regulation Recital 30

Text proposed by the Commission

Amendment

(30) Public support is used to address specific identified market failures or sub-optimal investment situations in a proportionate manner, and actions should not duplicate or crowd out private financing or distort competition in the internal market. Actions should have a clear added value for the Union.

(30) Public support is used to address specific identified market failures or sub-optimal investment situations in a proportionate manner, and actions should not duplicate or crowd out private financing, ***impede cooperation between companies from different Member States***, or distort competition in the internal market. Actions should ***be targeted and efficient and*** have a clear added value for the Union ***and avoid crowding out private investments and should ultimately promote consumer welfare.***

Amendment 6

Proposal for a regulation Recital 39

Text proposed by the Commission

(39) Many markets for strategic raw materials are not fully transparent and are concentrated on the supply side, which increases the negotiating power of sellers and increases prices for buyers. To help lower prices for undertaking established in the Union, the Commission should set up a system that is able to aggregate the demand of interested buyers. In developing such a system, the Commission should take into account experience gained in similar endeavours, in particular regarding the joint purchasing of gas as established under Council Regulation 2022/2576⁴⁴. Member State authorities should also be able to participate in this system in order to build up their strategic stocks. All measures under this mechanism should be compatible with Union competition law.

Amendment

(39) Many markets for strategic raw materials are not fully transparent and are concentrated on the supply side, which increases the negotiating power of sellers and increases prices for buyers. To help ***ensure the availability of raw materials*** for undertaking established in the Union, the Commission should set up a system that is able to aggregate the demand of interested buyers. In developing such a system, the Commission should take into account experience gained in similar endeavours, in particular regarding the joint purchasing of gas as established under Council Regulation 2022/2576. Member State authorities should also be able to participate in this system in order to build up their strategic stocks. All measures under this mechanism should be compatible with Union competition law.

Amendment 7

Proposal for a regulation Recital 39a

Text proposed by the Commission

Amendment

(39 a) A resilient and competitive raw material sector is of great economic and strategic importance for the Union. Given the objectives of this Regulation to strengthen the Union's capacity in extraction, processing, and recycling of strategic raw materials, it is important to ensure a fair and predictable market environment for undertakings across the full raw materials value chain. Any system intended to aggregate demand in order to strengthen the market position of Union undertakings on the demand side

must therefore also carefully consider the market effects on Union undertakings on the supply side.

Amendment 8

Proposal for a regulation

Recital 46

Text proposed by the Commission

(46) To address the current lack of information on the critical raw materials potential of closed extractive waste facilities, Member States should draw up a database containing all information relevant to promote the recovery, notably the quantities and concentrations of critical raw materials in the extractive waste facility, in compliance with Union competition rules. The information should be made publicly available and in a user-friendly and digital form, enabling access to more detailed, technical information. To facilitate user-friendly access to the information, Member States should for instance provide a point of contact to enable more in-depth exchanges with potential developers of critical raw materials recovery projects. The database should be designed to allow potential project promoters to easily identify facilities with a high potential for economically viable recovery. To focus limited resources, Member States should follow a staged approach in the collection of information and perform the more demanding information collection steps only for the most promising facilities. The information collection activities should be aimed at providing accurate and representative information on the extractive waste facilities and gaining the best possible indication of the critical raw materials recovery potential.

Amendment

(46) To address the current lack of information on the critical raw materials potential of closed extractive waste facilities, Member States should draw up a database containing all information relevant to promote the recovery, notably the quantities and concentrations of critical raw materials in the extractive waste facility, in compliance with Union competition rules. The information should be made publicly available and in a user-friendly and digital form, enabling access to more detailed, technical information. To facilitate user-friendly access to the information, Member States should for instance provide a point of contact to enable more in-depth exchanges with potential developers of critical raw materials recovery projects. The database should be designed to allow potential project promoters to easily identify facilities with a high potential for economically viable recovery. To focus limited resources, Member States **could** follow a staged approach in the collection of information and perform the more demanding information collection steps only for the most promising facilities. The information collection activities should be aimed at providing accurate and representative information on the extractive waste facilities and gaining the best possible indication of the critical raw materials recovery potential.

Amendment 9

Proposal for a regulation

Recital 54

Text proposed by the Commission

(54) The Union has concluded Strategic Partnerships covering raw materials with third countries in order to implement the 2020 Action Plan on Critical Raw Materials. In order to diversify supply, these efforts should continue. To develop and ensure a coherent framework for the conclusion of future partnerships, the Member States and the Commission should, as part of their interaction on the Board, discuss and ensure coordination on, inter alia, whether existing partnerships achieve the intended aims, the prioritisation of third countries for new partnerships, the content of such partnerships and their coherence and potential synergies between Member States' bilateral cooperation with relevant third countries. The Union should seek mutually beneficial partnerships with emerging market and developing economies, in coherence with its Global Gateway strategy, which contribute to the diversification of its raw materials supply chain as well as add value in the production in these countries.

Amendment

(54) The Union has concluded Strategic Partnerships covering raw materials with third countries in order to implement the 2020 Action Plan on Critical Raw Materials. In order to diversify supply, these efforts should ***intensify and lead to the establishment of concrete strategic projects***. To develop and ensure a coherent framework for the conclusion of future partnerships ***in line with the Union's industrial, energy and climate policies***, the Member States and the Commission should, as part of their interaction on the Board, discuss and ensure coordination on, inter alia, whether existing partnerships achieve the intended aims, the prioritisation of third countries for new partnerships, the content of such partnerships and their coherence and potential synergies between Member States' bilateral cooperation with relevant third countries. The Union should seek mutually beneficial ***and sustainable*** partnerships with emerging market and developing economies, in coherence with its Global Gateway strategy, which contribute to the diversification of its raw materials supply chain as well as add value in the production in these countries. ***The Board may therefore also consider how Strategic Partnerships could contribute to third countries' security of natural capital and resilience to climate stress.***

Amendment 10

Proposal for a regulation

Recital 63

Text proposed by the Commission

(63) To the extent that any of the measures envisaged by the present Regulation constitute State aid, the provisions concerning such measures are without prejudice to the application of Articles 107 and 108 the Treaty.

Amendment

(63) To the extent that any of the measures envisaged by the present Regulation constitute State aid, the provisions concerning such measures are without prejudice to the application of Articles 107 and 108 the Treaty ***and should avoid additional barriers to competition on the internal market.***

Amendment 11

**Proposal for a regulation
Article 14 – paragraph 1**

Text proposed by the Commission

1. The Commission and the Member States shall undertake activities to accelerate and crowd-in private investments in Strategic Projects. Such activities may, without prejudice to Article 107 and Article 108 of the TFEU, include providing and coordinating support to Strategic Projects facing difficulties in accessing finance.

Amendment

1. The Commission and the Member States shall undertake activities to ***facilitate***, accelerate and crowd-in private investments in Strategic Projects. Such activities may, without prejudice to Article 107 and Article 108 of the TFEU, include providing and coordinating support to Strategic Projects facing difficulties in accessing finance. ***The Commission and the Member States shall refrain from activities that crowd out private investments.***

Amendment 12

**Proposal for a regulation
Article 14 – paragraph 2 – introductory part**

Text proposed by the Commission

2. Member States may provide administrative support to Strategic Projects to facilitate their rapid and effective implementation, including by providing:

Amendment

2. Member States ***shall, where requested to do so***, provide administrative support to Strategic Projects to facilitate their rapid and effective implementation, including by providing:

Amendment 13

Proposal for a regulation

Article 14 – paragraph 2 – point b

Text proposed by the Commission

(b) assistance to project promoters to further increase the public acceptance of the project.

Amendment

(b) assistance to project promoters to further increase the **timely** public **consultation and** acceptance of the project.

Amendment 14

Proposal for a regulation

Article 14 – paragraph 2 – point c (new)

Text proposed by the Commission

Amendment

(c) **predictable, regular, timely and clear communication to project promoters, especially in cases where the information flow is at risk of delaying the project.**

Amendment 15

Proposal for a regulation

Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. **The Commission may address an opinion to Member States on the alignment between the national implementation and the objectives laid down in Article 1(2).**

Amendment 16

Proposal for a regulation

Article 15 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The standing sub-group referred to in Article 35(6), point (a) shall , at the

1. The standing sub-group referred to in Article 35(6), point (a) shall, at the

request of a project promoter of a Strategic Project, discuss and advise on how the financing of its project can be completed, taking into account the funding already secured and considering at least the following elements:

request of a project promoter of a Strategic Project, discuss and advise on how the financing of its project can be completed ***and issue recommendations on future resources and funding instruments***, taking into account the funding already secured and considering at least the following elements:

Amendment 17

Proposal for a regulation Article 15 – paragraph 1 – point e (new)

Text proposed by the Commission

Amendment

(e) fair information and opportunity for actors throughout the Member States.

Amendment 18

Proposal for a regulation Article 16 – paragraph 1

Text proposed by the Commission

Amendment

Article 16

Facilitating off-take agreements

1. The Commission shall set up a system to facilitate the conclusion of off-take agreements related to Strategic Projects, in compliance with competition rules.

1. The Commission shall set up a system to facilitate the conclusion of off-take agreements to ***the benefit of Strategic Projects recognised pursuant to Article 6, even if a permit by the national competent authority has not yet been granted***, in compliance with competition rules.

Amendment 19

Proposal for a regulation Article 16 – paragraph 4a (new)

Text proposed by the Commission

Amendment

(4a) The Commission shall monitor the financial viability of such projects and, if

deemed necessary, propose remedy.

Amendment 20

Proposal for a regulation Article 19 – paragraph 1e (new)

Text proposed by the Commission

Amendment

(1e) *the integrity of the single market*

Amendment 21

Proposal for a regulation Article 24 – paragraph 4

Text proposed by the Commission

Amendment

Union undertakings and Member State authorities participating in the system referred to in paragraph 1 may, on a transparent basis, jointly negotiate the purchase, including the prices or other terms and conditions of the purchasing agreement or use joint purchasing in order to achieve better conditions with their suppliers or to prevent shortages. Participating Union undertakings and Member State authorities shall comply with Union law, **including** Union competition law.

Union undertakings and Member State authorities participating in the system referred to in paragraph 1 may, on a transparent basis, jointly negotiate the purchase, including the prices or other terms and conditions of the purchasing agreement or use joint purchasing in order to achieve better conditions with their suppliers or to prevent shortages. Participating Union undertakings and Member State authorities shall comply with Union law, **notably** Union competition law.

Amendment 22

Proposal for a regulation Article 25 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

With respect to points (a) and (b) of paragraph 1, the programmes referred to in that paragraph may include, without prejudice to Articles 107 and 108 of the TFEU, the introduction of financial incentives, such as discounts, monetary rewards or deposit-refund systems, to

With respect to points (a) and (b) of paragraph 1, the programmes referred to in that paragraph may include, without prejudice to Articles 107 and 108 of the TFEU, **and where duly justified**, the introduction of **economic instruments, such as those listed in Annex IVa of**

encourage the re-use of products with high critical raw materials recovery potential and the collection of waste from such products.

Directive 2008/98/EC, including discounts, monetary rewards or deposit-refund systems, to encourage the re-use of products with high critical raw materials recovery potential and the collection of waste from such products. Such economic instruments shall only be introduced where private companies' contributions are deemed insufficient.

Amendment 23

Proposal for a regulation

Article 46 – paragraph 2 – introductory part

Text proposed by the Commission

2. The report referred to in paragraph shall at least assess ***the appropriateness of establishing maximum environmental footprint thresholds for critical raw materials for which calculation and verification rules have been adopted.***

Amendment

The report referred to in paragraph shall at least assess:

Amendment 24

Proposal for a regulation

Article 46 – paragraph 2 – point a (new)

Text proposed by the Commission

Amendment

(a) further measures to encourage investments in Strategic Projects and strengthen the European critical raw materials capacity along the entire value chain, including the suitability of extending the benefits associated with Strategic Projects to other areas as well;

Amendment 25

Proposal for a regulation

Article 46 – paragraph 2 – point b (new)

Text proposed by the Commission

Amendment

(b) the contribution of the measures laid down in this Regulation to the Union's environment and climate objectives, notably those of Regulation (EU) 2021/1119;

Amendment 26

**Proposal for a regulation
Article 46 – paragraph 2 – point c (new)**

Text proposed by the Commission

Amendment

(c) the impact of the measures laid down in this Regulation on local communities;

Amendment 27

**Proposal for a regulation
Article 46 – paragraph 2 – point d (new)**

Text proposed by the Commission

Amendment

the appropriateness of establishing maximum environmental footprint thresholds for critical raw materials for which calculation and verification rules have been adopted.

(d) the appropriateness of establishing maximum environmental footprint thresholds for critical raw materials for which calculation and verification rules have been adopted.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) 168/2013, (EU) 2018/858, 2018/1724 and (EU) 2019/1020
References	COM(2023)0160 – C9-0061/2023 – 2023/0079(COD)
Committee responsible Date announced in plenary	ITRE 8.5.2023
Opinion by Date announced in plenary	ECON 8.5.2023
Rapporteur for the opinion Date appointed	Jessica Polfjård 20.4.2023
Date adopted	28.6.2023
Result of final vote	+: 50 –: 3 0: 0
Members present for the final vote	Rasmus Andresen, Anna-Michelle Asimakopoulou, Isabel Benjumea Benjumea, Stefan Berger, Engin Eroglu, Markus Ferber, Jonás Fernández, Valentino Grant, Claude Gruffat, José Gusmão, Michiel Hoozeveer, Danuta Maria Hübner, Stasys Jakeliūnas, France Jamet, Billy Kelleher, Ondřej Kovařík, Georgios Kyrtos, Aurore Lalucq, Philippe Lamberts, Aušra Maldeikienė, Csaba Molnár, Denis Nesci, Luděk Niedermayer, Lefteris Nikolaou-Alavanos, Lídia Pereira, Kira Marie Peter-Hansen, Eva Maria Poptcheva, Antonio Maria Rinaldi, Dorien Rookmaker, Alfred Sant, Joachim Schuster, Ralf Seekatz, Inese Vaidere, Johan Van Overtveldt, Stéphanie Yon-Courtin
Substitutes present for the final vote	Damien Carême, Niels Fuglsang, Henrike Hahn, Valérie Hayer, Martin Hlaváček, Eugen Jurzyca, Janusz Lewandowski, Chris MacManus, Tonino Picula, Jessica Polfjård, René Repasi, Eleni Stavrou
Substitutes under Rule 209(7) present for the final vote	Vladimír Bilčík, Marco Campomenosi, Hannes Heide, Leszek Miller, Patrizia Toia, Juan Ignacio Zoido Álvarez

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

50	+
ECR	Michiel Hoogeveen, Eugen Jurzyca, Denis Nesci, Dorien Rookmaker, Johan Van Overtveldt
ID	Marco Campomenosi, Valentino Grant, France Jamet, Antonio Maria Rinaldi
PPE	Anna-Michelle Asimakopoulou, Isabel Benjumea Benjumea, Stefan Berger, Vladimír Bilčík, Markus Ferber, Danuta Maria Hübner, Janusz Lewandowski, Aušra Maldeikienė, Luděk Niedermayer, Lídia Pereira, Jessica Polfjård, Ralf Seekatz, Eleni Stavrou, Inese Vaidere, Juan Ignacio Zoido Álvarez
Renew	Engin Eroglu, Valérie Hayer, Martin Hlaváček, Billy Kelleher, Ondřej Kovařík, Georgios Kyrtos, Eva Maria Poptcheva, Stéphanie Yon-Courtin
S&D	Jonás Fernández, Niels Fuglsang, Hannes Heide, Aurore Lalucq, Leszek Miller, Csaba Molnár, Tonino Picula, René Repasi, Alfred Sant, Joachim Schuster, Patrizia Toia
Verts/ALE	Rasmus Andresen, Damien Carême, Claude Gruffat, Henrike Hahn, Stasys Jakeliūnas, Philippe Lamberts, Kira Marie Peter-Hansen

3	-
NI	Lefteris Nikolaou-Alavanos
The Left	José Gusmão, Chris MacManus

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention

19.7.2023

OPINION OF THE COMMITTEE ON REGIONAL DEVELOPMENT

for the Committee on Industry, Research and Energy

on the proposal for a regulation of the European Parliament and of the Council establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) 168/2013, (EU) 2018/858, 2018/1724 and (EU) 2019/1020 (COM(2023)0160 – C9-0061/2023 – 2023/0079(COD))

Rapporteur for opinion: Franc Bogovič

PA_Legam

AMENDMENT

The Committee on Regional Development calls on the Committee on Industry, Research and Energy, as the committee responsible, to take the following into account:

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Access to raw materials is essential for the Union economy **and** the functioning of the internal market. There is a set of non-energy, non-agricultural raw materials that, due to their high economic importance and their exposure to high supply risk, often caused by a high concentration of supply from a few third countries, are considered critical. Given the key role of many such critical raw materials in realising the green and digital transitions, and in light of their use for defence and space applications, demand will increase exponentially in the coming decades. At the same time, the risk of supply disruptions is increasing against the background of rising geopolitical tensions and resource competition. Furthermore, if

Amendment

(1) Access to raw materials is essential for the Union economy, **green transition, security and defence, as well as** the functioning of the internal market. There is a set of non-energy, non-agricultural raw materials that, due to their high economic importance and their exposure to high supply risk, often caused by a high concentration of supply from a few third countries, are considered critical **and strategic**. Given the key role of many such critical raw materials in realising the green and digital transitions, and in light of their use for defence and space applications, demand will increase exponentially in the coming decades **if no sufficient measures are implemented to promote material efficiency and to protect the EU from the**

not managed properly, increased demand for critical raw materials could lead to negative environmental and social impacts. Considering these trends, it is necessary to take measures to ensure access to a secure and sustainable supply of critical raw materials to safeguard the Union's economic resilience and open strategic autonomy.

rising gap between demand and supply at the global level. Further raw materials used in other sectors such as, amongst others, agriculture, health or construction, might be exposed to high supply risks in the future. At the same time, the risk of supply disruptions is increasing against the background of rising geopolitical tensions and resource competition. Furthermore, if not managed *and mitigated* properly, increased demand for critical raw materials could lead to negative *regional and local*, environmental, *industrial* and social impacts. Considering these trends, it is necessary to take measures to ensure access to a secure and sustainable supply of critical raw materials, *including through the involvement of regional and local actors and the strengthening of regional supply chains, and to curb the expected exponential growth in demand in the Union*, to safeguard the Union's economic resilience, *green transition, security and defence* and open strategic autonomy, *while the green and digital transition should not increase the EU's dependence on third countries for the supply of raw materials in such a way that creates vulnerabilities and once again disrupts entire supply chains.*

Amendment 2

Proposal for a regulation Recital 2

Text proposed by the Commission

(2) Given the complexity and the transnational character of critical raw material value chains, uncoordinated national measures to ensure a secure and sustainable supply of critical raw materials have a high potential of distorting competition and fragmenting the internal market. Therefore, to safeguard the functioning of the internal market, a

Amendment

(2) Given the complexity and the transnational character of critical raw material value chains, uncoordinated national measures to ensure a secure and sustainable supply of critical *and strategic* raw materials have a high potential of distorting competition and fragmenting the internal market. Therefore, to safeguard the functioning of the internal market, a

common Union framework should be created to collectively address this central challenge.

common Union framework should be created to collectively address this central challenge.

Amendment 3

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) Firstly, in order to effectively ensure the Union's access to a secure and sustainable supply of critical raw materials, that framework should include measures to decrease the Union's growing supply risks by strengthening Union capacities along all stages of the strategic raw materials value chain, including extraction, processing and recycling, towards benchmarks defined for each strategic raw material. Secondly, as the Union will continue to rely on imports, the framework should include measures to increase the diversification of external supplies of strategic raw materials. Thirdly, is necessary to provide measures to reinforce the Union's ability to monitor and mitigate existing and future supply risks. **Fourthly**, the framework should contain measures to increase the circularity and sustainability of the critical raw materials consumed in the Union.

Amendment

(3) Firstly, in order to effectively ensure the Union's access to a secure and sustainable supply of critical raw materials, that framework should include measures to decrease the Union's growing supply risks **and dependence** by strengthening Union capacities along all stages of the **critical and** strategic raw materials value chain, including extraction, processing and recycling, towards benchmarks defined for each strategic raw material. Secondly, as the Union will continue to rely on imports, the framework should include measures to increase the diversification of external supplies of strategic raw materials. Thirdly, **the framework should especially focus on candidate and neighbouring countries, rich in critical and strategic raw materials to ensure better future cooperation, regional and local development and smaller environmental footprint by shortening transport lines. Fourthly, it is necessary to provide measures to reinforce the Union's ability to identify, monitor and mitigate existing and future supply risks and rapidly act accordingly. Fifthly, the framework should contain measures to increase the circularity and sustainability of the critical raw materials consumed in the Union, towards a fully circular economy, and ensuring public control of all life-cycle processes related to these critical and strategic raw materials. Sixthly, the Union should develop strategic storage programmes for certain critical raw materials, which would help manage and cushion the impact of supply disruptions**

and ensure availability in times of crisis and instability.

Amendment 4

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) In order to ensure that the measures set out in the Regulation focus on the most relevant materials, a list of strategic raw materials and a list of critical raw materials should be established. Those lists should also serve to guide and coordinate Member States' efforts to contribute to the realisation of the aims of this Regulation. The list of strategic raw materials should contain raw materials that are of high strategic importance, taking into account their use in strategic technologies underpinning the green and digital transitions or for defence or space applications, that are characterised by a potentially significant gap between global supply and projected demand, and for which an increase in production is relatively difficult, for instance due to long lead-times for new projects increasing supply capacity. To take account of possible technological and economic changes, the list of strategic materials should be periodically reviewed and, if necessary, updated. ***In order to ensure that efforts to increase the Union capacities along the value chain, reinforce the Union's capacity to monitor and mitigate supply risks and increase diversification of supply are focused on the materials for which they are most needed, the relevant measures should only apply to the list of strategic raw materials.***

Amendment

(4) In order to ensure that the measures set out in the Regulation focus on the most relevant materials, a list of strategic raw materials and a list of critical raw materials should be established. Those lists should also serve to guide and coordinate Member States' efforts to contribute to the realisation of the aims of this Regulation. The list of strategic raw materials should contain raw materials that are of high strategic importance, taking into account their use in strategic technologies underpinning the green and digital transitions or for defence or space applications, ***as well as for health and food security*** that are characterised by a potentially significant gap between global supply and projected demand, and for which an increase in production is relatively difficult, for instance due to long lead-times for new projects increasing supply capacity. To take account of possible technological and economic changes ***as well as ad-hoc risks resulting from i.e. geopolitical conflicts or natural catastrophes***, the list of strategic materials should be periodically reviewed and, if necessary, updated. ***Upon request by the Board, amendments to the list should also be possible at any time outside of the scheduled reviews.***

Amendment 5

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) The list of critical raw materials should contain all strategic raw materials as well as any other raw materials of high importance for the overall Union economy and for which there is a high risk of supply disruption. To take account of possible technological and economic changes, the Commission should, in continuation of current practice, periodically perform an assessment based on data for production, trade, applications, recycling, and substitution for a wide range of raw materials to update the lists of critical and strategic raw materials reflecting the evolution in the economic importance and supply risk associated with those raw materials. The list of critical raw materials should include those raw materials which reach or exceed the thresholds for both economic importance and supply risk, without ranking the relevant raw materials in terms of criticality. This assessment should be based on an average of the latest available data over a 5-year-period. The measures set out in this Regulation related to one stop shop for permitting, planning, exploration, monitoring, circularity, and sustainability should apply to all critical raw materials.

Amendment 6

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) To strengthen Union capacities along the strategic raw materials value chain, benchmarks should be set to guide efforts and track progress. The aim should be to increase capacities for each strategic

Amendment

(5) The list of critical raw materials should contain all strategic raw materials as well as any other raw materials of high importance for the overall Union economy and for which there is a high risk of supply disruption. To take account of possible technological and economic changes, the Commission should, in continuation of current practice, periodically perform an assessment based on data for production, trade, applications, recycling, and substitution for a wide range of raw materials to update the lists of critical and strategic raw materials reflecting the evolution in the economic importance and supply risk associated with those raw materials. The list of critical raw materials should include those raw materials which reach or exceed the thresholds for both economic importance and supply risk, without ranking the relevant raw materials in terms of criticality. This assessment should be based on an average of the latest available data over a 5-year-period. The measures set out in this Regulation related to one stop shop for permitting, planning, exploration, monitoring, circularity, ***access to finance and administrative support*** and sustainability should apply to all critical raw materials.

Amendment

(6) To strengthen Union capacities along the strategic raw materials value chain, benchmarks should be set to guide efforts and track progress. The aim should be to increase capacities for each strategic

raw material at each stage of the value chain, while aiming to achieve overall capacity benchmarks for extraction, processing and recycling of strategic raw materials. Firstly, the Union should increase the use of its own geological resources of strategic raw materials and build up capacity to allow it to extract the materials needed to produce at least 10 % of the Union's consumption of strategic raw materials. Keeping in mind that extraction capacity is highly dependent on the availability of Union geological resources, the achievement of this benchmark is dependent on such availability. Secondly, in order to build a full value chain and prevent any bottlenecks at intermediate stages, the Union should in addition increase its processing capacity along the value chain and be able to produce at least 40 % of its annual consumption of strategic raw materials. Thirdly, it is expected that in the coming decades a growing share of the Union's consumption of strategic raw materials can be covered by secondary raw materials, which would improve both the security and the sustainability of the Union's raw materials supply. Therefore, Union recycling capacity should be able to produce at least 15 % of the Union's annual consumption of strategic raw materials. These benchmarks refer to the 2030 time horizon, in alignment with the Union's climate and energy targets set under Regulation (EU) 2021/1119 of the European Parliament and of the Council²⁹ and the digital targets under the Digital Decade³⁰, which they underpin. Furthermore, quality jobs, including skills development and job-to-job transitions, will address risks in the sectoral labour market and help ensure the EU's competitiveness.

²⁹ Regulation (EU) 2021/1119 of the

raw material at each stage of the value chain, while aiming to achieve overall capacity benchmarks for extraction, processing and recycling of strategic raw materials. Firstly, the Union should increase the use of its own geological resources of strategic raw materials and build up capacity to allow it to extract the materials needed to produce at least 10 % of the Union's consumption of strategic raw materials. Keeping in mind that extraction capacity is highly dependent on the availability of Union geological resources, the achievement of this benchmark is dependent on such availability, **and secondary raw materials should be prioritised**. Secondly, in order to build a full value chain and prevent any bottlenecks at intermediate stages, the Union should in addition increase its processing capacity along the value chain and be able to produce at least 40 % of its annual consumption of strategic raw materials. Thirdly, it is expected that in the coming decades a growing share of the Union's consumption of strategic raw materials can be covered by secondary raw materials, which would improve both the security and the sustainability of the Union's raw materials supply. Therefore, Union recycling capacity should be able to produce at least 15 % of the Union's annual consumption of strategic raw materials. These benchmarks refer to the 2030 time horizon, in alignment with the Union's climate and energy targets set under Regulation (EU) 2021/1119 of the European Parliament and of the Council²⁹ and the digital targets under the Digital Decade³⁰, which they underpin. Furthermore, quality jobs, including skills development and job-to-job transitions, **supporting the development of the local community** will address risks in the sectoral labour market and help ensure the EU's competitiveness.

²⁹ Regulation (EU) 2021/1119 of the

European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (OJ L 243, 9.7.2021, p. 1).

³⁰ Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJL 323, 19.12.2022, p. 4–26)

European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (OJ L 243, 9.7.2021, p. 1).

³⁰ Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJL 323, 19.12.2022, p. 4–26)

Amendment 7

Proposal for a regulation Recital 7

Text proposed by the Commission

(7) For some raw materials, the Union is almost fully dependent on a single country for its supply. Such dependencies entail a high risk of supply disruptions. To limit such potential risk and increase the Union's economic resilience, efforts should be undertaken to ensure that, by 2030, it is not dependent on a single third country for more than 65% of its supply of any strategic raw material, unprocessed and at any stage of processing, giving however special consideration to countries with whom the Union has established a Strategic Partnership on raw materials giving rise to greater assurances regarding supply risks.

Amendment

(7) For some raw materials, the Union is almost fully dependent on a single country for its supply. Such dependencies entail a high risk of supply disruptions, ***security risks and vulnerability***. To limit such potential risk and increase the Union's economic resilience, efforts should be undertaken to ensure that, by 2030, it is not dependent on a single third country for more than 65% of its supply of any strategic ***or critical*** raw material, unprocessed and at any stage of processing, ***taking into account the level of concentration of the corresponding value chain at a global scale***, giving however special consideration to ***candidate, neighbouring and other*** countries and ***regions*** with whom the Union has established a Strategic Partnership on raw materials giving rise to greater assurances regarding supply risks.

Amendment 8

Proposal for a regulation Recital 9

(9) In order to build capacities in the Union, the Commission should, with the support of the Board, identify Strategic Projects in the Union that intend to become active in the extraction, processing or recycling of strategic raw materials. Effective support to Strategic Projects has the potential to improve access to materials for downstream sectors as well as to create economic opportunities along the value chain, including for SMEs, and contribute to the creation of employment. Therefore, to ensure the development of Strategic Projects across the Union, such projects should benefit from streamlined and predictable permitting procedures **and** support in gaining access to finance. In order to focus support and ensure their added value, projects should, before receiving such support, be assessed against a set of criteria. Strategic Projects in the Union should strengthen the Union's security of supply for strategic raw materials, show sufficient technical feasibility and be implemented in an environmentally and socially sustainable manner. They should also provide cross-border benefits beyond the Member State concerned. Where the Commission assesses these criteria to be fulfilled, it should publish the recognition as a Strategic Project in a decision. As a speedy recognition is key to effectively supporting the Union's security of supply, the assessment process should remain light and not overly burdensome.

(9) In order to build capacities in the Union, the Commission should, with the support of the Board, identify Strategic Projects in the Union that intend to become active in the extraction, processing or recycling of strategic raw materials. Effective support to Strategic Projects has the potential to improve access to materials for downstream sectors as well as to create economic opportunities along the value chain, including for SMEs, **regional and local communities**, and contribute to the creation of employment. Therefore, to ensure the development of Strategic Projects across the Union, such projects should benefit from **more efficient and transparent**, streamlined and predictable permitting procedures **without reducing environmental and social requirements, as well as support in securing fundings and** in gaining access to finance, **which could, if proven successful, be a role model for permitting procedures and access to finance for critical or other raw materials**. In order to focus support and ensure their added value, projects should, before receiving such support, be assessed against a set of criteria. Strategic Projects in the Union should strengthen the Union's security of supply for strategic raw materials, show sufficient technical feasibility and be implemented in an environmentally and socially sustainable manner. They should also provide cross-border benefits beyond the Member State concerned. Where the Commission assesses these criteria to be fulfilled, it should publish the recognition as a Strategic Project in a decision. As a speedy recognition is key to effectively supporting the Union's security of supply, the assessment process should remain light and not overly burdensome.

Amendment 9

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) In order to diversify the Union's supply of strategic raw materials, the Commission should, with the support of the Board, identify Strategic Projects in third countries that intend to become active in the extraction, processing or recycling of strategic raw materials. To ensure that such Strategic Projects are effectively implemented, they should benefit from improved access to finance. In order to ensure their added value, projects should be assessed against a set of criteria. Like projects in the Union, Strategic Projects in third countries should **strengthen** the Union's security of supply for strategic raw materials, show sufficient technical feasibility and be implemented sustainably. For projects in emerging markets and developing economies, the project should be mutually beneficial for the Union and the third country involved **and** add value in that country, taking into account also its consistency with the Union's common commercial policy. Such value may be derived from the project's contribution to more than one stage of the value chain as well as from creating through the project wider economic and social benefits, including the creation of employment in compliance with international standards. Where the Commission assesses these criteria to be fulfilled, it should publish the recognition as a Strategic Project in a decision.

Amendment

(10) In order to diversify the Union's supply of strategic raw materials, the Commission should, with the support of the Board, identify Strategic Projects in **candidate, neighbouring and** third countries that intend to become active in the extraction, processing or recycling of strategic raw materials. To ensure that such Strategic Projects are effectively implemented, they should benefit from improved access to finance. In order to ensure their added value, **including for third countries where they are located**, projects should be assessed against a set of criteria. Like projects in the Union, Strategic Projects in third countries **and especially in candidate and neighbouring countries** should **contribute to the strengthening of** the Union's security of supply for strategic raw materials, show sufficient technical feasibility and be implemented sustainably **in such a way as to contribute to the development of regional and local communities**. For projects in emerging markets and developing economies, the project should be mutually beneficial for the Union and the third country involved. **If needed, the EU will support candidate, neighbouring or third countries in reinforcing their legal framework, good governance capacity and transparency in the raw materials sector with the aim of making the raw material partnership a win-win situation, also for the local population. A project should** add value in that country, taking into account also its consistency with the **principles enshrined in the EU Treaties**, the Union's common commercial policy **and strategic priorities**. Such value may be derived from the project's contribution to more than one stage of the **raw materials** value chain as well as from

creating through the project wider economic and social benefits, including the creation of employment in compliance with international standards. Where the Commission assesses these criteria to be fulfilled, it should publish the recognition as a Strategic Project in a decision.

Amendment 10

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) In order to ensure the sustainability of increased raw material production, new raw materials projects should be implemented sustainably. To that end, the Strategic Projects receiving support under this Regulation should be assessed taking into account international instruments covering all aspects of sustainability highlighted in the EU principles for sustainable raw materials³¹, including ensuring environmental protection, socially responsible practices, including respect for human rights such as the rights of women, and transparent business practices. Projects should **also** ensure engagement in good faith as well as comprehensive and meaningful consultations with local communities, including with indigenous peoples. To provide project promoters with a clear and efficient way of complying with this criterion, compliance with relevant Union legislation, international standards, guidelines and principles or participation in a certification scheme recognised under this Regulation should be considered sufficient.

Amendment

(11) In order to ensure the sustainability of increased raw material production, new raw materials projects should be implemented sustainably. To that end, the Strategic Projects receiving support under this Regulation should be assessed taking into account international instruments covering all aspects of sustainability highlighted in the EU principles for sustainable raw materials³¹, including ensuring environmental protection, **and the protection of marine and coastal environment**, socially responsible practices, including respect for human rights such as the rights of women and **children, as well as** transparent business practices, **boosting social, economic and territorial cohesion, also by creating employment opportunities for under-represented and socially disadvantaged groups. In addition, these regulations must be assessed in accordance with international human rights law, international environmental law, and due diligence principles**, projects should **as well** ensure engagement in good faith as well as comprehensive and meaningful consultations with **regional and** local communities, including with indigenous peoples. To provide project promoters with a clear and efficient way of complying with this criterion, compliance with relevant Union legislation, international standards,

guidelines and principles or participation in a certification scheme recognised under this Regulation should be considered sufficient.

³¹ European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, EU principles for sustainable raw materials, Publications Office, 2021, <https://data.europa.eu/doi/10.2873/27875>

³¹ European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, EU principles for sustainable raw materials, Publications Office, 2021, <https://data.europa.eu/doi/10.2873/27875>

Amendment 11

Proposal for a regulation Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Sustainable and environmentally respectful extraction projects, incorporating innovative processes and conducting mineralogical and metallurgical processing close to the extraction sites, may be regarded as Important Projects of Common European Interest according to communication from the Commission on IPCEI^{1a}. These projects should significantly contribute to economic growth, job creation, the green and digital transition, and enhance competitiveness for the Union industry and economy. Furthermore, to align with European values and objectives, these projects should exhibit an unwavering commitment to transparency, regional development, education, and community engagement, avoiding the use of fossil fuels through the integration of renewable energy sources, reducing waste, and utilizing sustainable water usage practices.

^{1a} Communication on the criteria for the analysis of the compatibility with the internal market of State aid to promote

Amendment 12

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Any promoter of a strategic raw materials project should be able to apply to the Commission for the recognition of their project as a Strategic Project. The application should include **several** documents and evidence related to the criteria. To better assess the social, environmental and economic viability, the feasibility of the project as well as the level of confidence in the estimates, the project promoter should also provide a classification of the project according to the United Nations Framework Classification for Resources, and to allow for objective validation, they should support this classification with relevant evidence. A timetable for the project should also be attached to an application, in order to estimate when the project would be able to contribute towards the benchmarks for domestic capacity or for diversification. As public acceptance of mining projects is crucial for their effective implementation, the promoter should also provide a plan containing measures to facilitate public acceptance. Special attention should be paid to social partners, civil society and other oversight actors. The promoter should also provide a business plan providing information regarding the project's financial viability and giving an overview of funding and off-take agreements already secured as well as estimates for potential job creation and for the project's needs in terms of skilled workforce, including upskilling and reskilling.

Amendment

(12) Any promoter of a strategic raw materials project should be able to apply to the Commission for the recognition of their project as a Strategic Project. The application should include **relevant** documents and evidence related to the criteria. To better assess the social, environmental and economic viability, the feasibility of the project as well as the level of confidence in the estimates, the project promoter should also provide a classification of the project according to the United Nations Framework Classification for Resources, and to allow for objective validation, they should support this classification with relevant evidence. A timetable for the project should also be attached to an application, in order to estimate when the project would be able to contribute towards the benchmarks for domestic capacity or for diversification. As public acceptance of mining projects is crucial for their effective implementation, the promoter should also provide a plan containing measures to **ensure a proper** facilitate public **participation, consultation, acceptance and control. This is also valid for projects in candidate, neighbouring and third countries.** Special attention should be paid to social partners, civil society and other oversight actors **as well as local and regional authorities.** The promoter should also provide a business plan providing information regarding the project's financial viability and giving an overview of funding and off-take agreements already secured as well as estimates for potential

job creation and for the project's needs in terms of skilled workforce, including upskilling and reskilling, **and the initiatives envisaged to improve participation of women as well as the overall working conditions.**

Amendment 13

Proposal for a regulation Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) Raw materials not considered as critical or strategic may still be essential to the Member States and their industries and for sectors not covered by this Regulation.

Justification

It is hence crucial that this Regulation is not interpreted in a contrary way. It must be ensured that the regulation does not affect the availability of raw materials needed for e.g., agriculture and construction.

Amendment 14

Proposal for a regulation Recital 20

Text proposed by the Commission

Amendment

(20) In order to reduce complexity and increase efficiency and transparency in permitting process, project promoters of critical raw materials projects should be able to interact with a single national authority, which is responsible for facilitating and coordinating the entire permit granting process and in the case of Strategic Projects shall issue a comprehensive decision within the applicable time limit. To that end, Member States should designate a single national competent authority. Where needed in light

(20) In order to reduce complexity and increase efficiency and transparency in permitting process, project promoters of critical raw materials projects should be able to interact with a single national authority, which is responsible for facilitating and coordinating the entire permit granting process and in the case of Strategic Projects shall issue a comprehensive decision within the applicable time limit. To that end, Member States should designate a single national competent authority **that should consult**

of a Member State's internal organisation, the tasks of the national competent authority should be able to be delegated to a different authority, subject to the same conditions. To ensure the effective implementation of its responsibilities, Member States should provide their national competent authority, or any authority acting on its behalf, with sufficient personnel and resources.

regularly with the relevant regional authorities. Where needed in light of a Member State's internal organisation, the tasks of the national competent authority should be able to be delegated to a different authority, subject to the same conditions. ***This designation shall not affect the ministerial organisation, including its decisional process.*** To ensure the effective implementation of its responsibilities, Member States should provide their national competent authority, or any authority acting on its behalf, with sufficient personnel and resources.

Amendment 15

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) In order to ensure clarity about the permitting status of Strategic Projects and to limit the effectiveness of potential abusive litigation, while not undermining effective judicial review, Member States should ensure that any dispute concerning the permit granting process for Strategic Projects is resolved in a timely manner. To that end, national competent authorities should ensure that applicants and project promoters have access to simple dispute settlement procedure and that Strategic Projects are granted urgent treatment in all judicial and dispute resolution procedures relating to the projects.

Amendment

(21) In order to ensure clarity about the permitting status of Strategic Projects and to limit the effectiveness of potential abusive litigation, while not undermining effective judicial review, Member States should ensure that any dispute concerning the permit granting process for Strategic Projects is resolved in a timely manner. To that end, national competent authorities should ensure that applicants and project promoters have access to simple dispute settlement procedure and that Strategic Projects are granted urgent treatment in all judicial and dispute resolution procedures relating to the projects. ***In addition, this Regulation should contribute to the exchange of best practices for resolving disputes.***

Amendment 16

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) Land use conflicts can create barriers to the deployment of critical raw material projects. Well-designed plans, including spatial plans and zoning, that take into account the potential for implementing critical raw material projects and whose potential environmental impacts are assessed, have the potential to help balance public goods and interests, decreasing the risk of conflict and accelerating the sustainable deployment of raw materials projects in the Union. Responsible national, regional and local authorities should therefore consider including provisions for raw materials projects when developing relevant plans.

Amendment

(25) Land use conflicts can create barriers to the deployment of critical raw material projects. Well-designed plans, ***based on close cooperation of authorities on national, regional and local level***, including spatial plans and zoning, that take into account the potential for implementing critical raw material projects and whose potential environmental, ***cultural and social impacts, including the impact on food production***, are assessed, have the potential to help balance public goods and interests, decreasing the risk of conflict and accelerating the sustainable deployment of raw materials projects in the Union ***and in candidate, neighbouring and third countries***. Responsible national, regional and local authorities should therefore consider including provisions for raw materials projects when developing relevant plans.

Amendment 17

Proposal for a regulation
Recital 25 a (new)

Text proposed by the Commission

Amendment

(25 a) Recognizing the critical role of local and regional authorities in multilevel governance, their active involvement is imperative to foster regional development in critical and strategic raw material projects. Their unique knowledge and proximity to these projects ensure effective decision-making, promote local buy-in, and drive sustainable practices tailored to regional specifics, ultimately enhancing the success and positive impact of these initiatives.

Amendment 18

Proposal for a regulation
Recital 25 b (new)

Text proposed by the Commission

Amendment

(25 b) Recognizing the unique needs and circumstances of outermost regions, it is crucial to tailor mining, recycling, and processing projects to their specific conditions. Ensuring such considerations promotes sustainable development, preserves local ecosystems, respects cultural nuances, and maximizes the potential benefits for these regions, thereby aligning with the Union's commitment to equitable, inclusive progress across all territories.

Amendment 19

Proposal for a regulation
Recital 25 c (new)

Text proposed by the Commission

Amendment

(25 c) It is essential to acknowledge the potential of mining, processing, and recycling projects to retain and increase value within regions, improve local skill sets, and combat depopulation, as they can serve as pivotal economic drivers, providing job opportunities, enhancing local capacities, and attracting populations, thus promoting regional development and long-term sustainability.

Amendment 20

Proposal for a regulation
Recital 26

Text proposed by the Commission

Amendment

(26) Within the Union, critical raw materials projects often face difficulties with access to finance. Critical raw

(26) Within the Union, critical raw materials projects often face difficulties with access to finance. Critical raw

materials markets are often characterised by high volatility of prices, long lead times, high concentration and opacity.

Additionally, financing for the sector requires a high level of expert knowledge that is often lacking among financial institutions. To overcome these factors and contribute towards ensuring a stable and reliable supply of strategic raw materials, Member States and the Commission should assist in access to finance and administrative support.

materials markets are often characterised by high volatility of prices, long lead times, high concentration and opacity.

Additionally, financing for the sector requires a high level of expert knowledge that is often lacking among financial institutions. To overcome these factors and contribute towards ensuring a stable and reliable supply of strategic raw materials, Member States and the Commission should ***tackle hurdles in terms of policies and*** assist in access to finance and administrative support.

Amendment 21

Proposal for a regulation Recital 27 a (new)

Text proposed by the Commission

Amendment

(27 a) In order to ensure that the supply chain problems which arose from the COVID-19 pandemic and the energy crisis triggered by Russia's invasion of Ukraine can no longer happen, the European Union needs a suitable workforce, and must therefore harness EU financial instruments such as the European Social Fund Plus (ESF+), the European Regional Development Fund (ERDF) and the Just Transition Mechanism (JTM) to support education and training measures to upskill the workforce all along the raw materials value chain.

Amendment 22

Proposal for a regulation Recital 28

Text proposed by the Commission

Amendment

(28) In order to overcome the limitations of the currently often fragmented public and private investments efforts, facilitate

(28) In order to overcome the limitations of the currently often fragmented public and private investments efforts, facilitate

integration and return on investment, the Commission, Member States and promotional banks should better coordinate and create synergies between the existing funding programmes at Union and national level as well as ensure better coordination and collaboration with industry and key private sector stakeholders. To that end, a dedicated sub-group of the Board bringing together experts from the Member States and the Commission as well as relevant public financial institutions should be set up. This sub-group should discuss the individual financing needs of Strategic Projects and their existing funding possibilities in order to provide project promoters with a suggestion on how to best access existing financing possibilities. When discussing and making recommendations for the financing of Strategic Projects in third countries, the Board should in particular take into account the Global Gateway strategy⁴².

integration and return on investment, the Commission, Member States and promotional banks should better coordinate and create synergies between the existing funding programmes at Union and national level as well as ensure better coordination and collaboration with industry and key private sector stakeholders. To that end, a dedicated sub-group of the Board bringing together experts from the Member States and the Commission as well as relevant public financial institutions should be set up. This sub-group should discuss the individual financing needs of Strategic Projects and their existing funding possibilities in order to provide project promoters with a suggestion on how to best access existing financing possibilities. When discussing and making recommendations for the financing of Strategic Projects in ***candidate, neighbouring and*** third countries, the Board should in particular take into account the Global Gateway strategy⁴²***and strategic partnerships and accession agreements***.

⁴² Joint Communication to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank The Global Gateway (JOIN/2021/30 final).

⁴² Joint Communication to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank The Global Gateway (JOIN/2021/30 final).

Amendment 23

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) Private investment by companies, financial investors and off takers is essential. Where private investment alone is not sufficient, the effective roll-out of projects along the critical raw material value chain may require public support, for

Amendment

(29) Private investment by companies, financial investors and off takers is essential. Where private investment alone is not sufficient, the effective roll-out of projects along the critical raw material value chain may require public support, for

example in the form of guarantees, loans or equity and quasi-equity investments. This public support may constitute State aid. Such aid must have an incentive effect and be necessary, appropriate and proportionate. The existing State aid guidelines, which have recently undergone an in-depth revision in line with twin transition objectives, provide ample possibilities to support investments along the critical raw materials value chain subject to certain conditions.

example in the form of guarantees, loans or equity and quasi-equity investments. This public support may constitute State aid. Such aid must have an incentive effect and be necessary, appropriate and proportionate. The existing State aid guidelines, which have recently undergone an in-depth revision in line with twin transition objectives, provide ample possibilities to support investments along the critical raw materials value chain subject to certain conditions. ***The Commission and the Member States should clarify how State Aid rules could be used. Furthermore, they should introduce financial mechanisms that support existing and new industrial capacities along the critical raw materials value chain covering both operational and capital expenditure. The Commission should further explore the possibility of a dedicated funding on EU level, for example earmarking of financial support under new or existing funds that are not dedicated to raw materials alone.***

Amendment 24

Proposal for a regulation Recital 33

Text proposed by the Commission

(33) Space data and services derived from earth observation can support the efforts towards sustainable critical raw materials value chains by providing a continuous flow of information, which could be useful for activities such as monitoring and management of mining areas, the environmental and socio-economic impact assessment, or mineral resource exploration. As earth observation is also able to provide data about remote and inaccessible areas, it should be considered by Member States when drawing up and implementing their national exploration programmes to the

Amendment

(33) Space data and services derived from earth observation can support the efforts towards sustainable critical raw materials value chains by providing a continuous flow of information, which could be useful for activities such as monitoring and management of mining areas, the environmental and socio-economic impact assessment ***before and during exploitation to ensure compliance with social and environmental regulatory frameworks***, or mineral resource exploration. As earth observation is also able to provide data about remote and inaccessible areas, it should be considered

extent possible.

by Member States when drawing up and implementing their national exploration programmes to the extent possible.

Amendment 25

Proposal for a regulation

Recital 34

Text proposed by the Commission

(34) Although the reinforcement of the Union's critical raw materials value chain is necessary to ensure increased security of supply, the supply chains of critical raw materials will remain global and exposed to external factors. Recent or ongoing events ranging from the COVID-19 crisis to the unprovoked and unjustified military aggression against Ukraine underlined the vulnerability of some of the Union's supply chains to disruptions. In order to ensure that Member States and European industries are able to anticipate supply disruption and prepared to withstand their consequences, measures should be developed to increase monitoring capacity, coordinate strategic stocks and reinforce the preparedness of companies.

Amendment

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Amendment 26

Proposal for a regulation

Recital 35

Text proposed by the Commission

(35) Member States do not have the same capacity when it comes to risk-awareness and anticipation, and not all Member States have developed dedicated structures that monitor the supply chains of critical raw materials and can inform companies about potential risks of supply disruptions. Similarly, although some companies have invested in the monitoring

Amendment

(35) Member States do not have the same capacity when it comes to risk-awareness and anticipation, and not all Member States have developed dedicated structures that monitor the supply chains of critical raw materials and can inform companies about potential risks of supply disruptions. Similarly, although some companies have invested in the monitoring

of their supply chains, others lack the capacity to do so. Therefore, in light of the global dimension of critical raw materials supply chains as well as their complexity, the Commission should develop a dedicated monitoring dashboard assessing critical raw materials' supply risks and ensure the availability of the information gathered for public authorities and private actors, thereby increasing synergies amongst Member States. In order to ensure that Union value chains are sufficiently prepared against potential supply disruptions, the Commission should conduct stress tests assessing the vulnerability of the strategic raw materials supply chains and their exposure to supply risks. Member States should contribute to this exercise by, when possible conducting such stress tests through their national supply and information agencies covering critical raw materials. The Board should ensure the coordination of the implementation of the stress tests by the Commission and Member States. When no Member State has the capacity to perform a required stress test on a given strategic raw material, the Commission should conduct it itself. When making the results of such stress tests publicly available, the Commission should also suggest potential strategies that can be adopted by the public authorities and private actors to mitigate supply risks, such as building strategic stocks or further diversifying their supply. For the purpose of gathering the information necessary to conduct the monitoring and stress tests measures, the Commission should coordinate with the relevant standing subgroup of the Board and Member States should identify and monitor key market operators that are important to the functioning of the value chain. When no member of the standing sub-group has the capacity to perform a required stress test on a given strategic raw material, the Commission should conduct it itself.

of their supply chains, others lack the capacity to do so. Therefore, in light of the global dimension of critical raw materials supply chains as well as their complexity, the Commission should develop a dedicated monitoring dashboard assessing critical raw materials' supply risks and ensure the availability of the information gathered for public authorities and private actors, thereby increasing synergies amongst Member States. In order to ensure that Union value chains are sufficiently prepared against potential supply disruptions, the Commission should conduct stress tests assessing the vulnerability of the strategic raw materials supply chains and their exposure to supply risks. Member States should contribute to this exercise by, when possible conducting such stress tests through their national supply and information agencies covering critical raw materials. The Board should ensure the coordination of the implementation of the stress tests by the Commission and Member States. When no Member State has the capacity to perform a required stress test on a given strategic raw material, the Commission should conduct it itself. When making the results of such stress tests publicly available, the Commission should also suggest potential strategies that can be adopted by the public authorities and private actors to mitigate supply risks, such as ***implementing additional policy measures to reduce the need of strategic raw materials***, building strategic stocks or further diversifying their supply. For the purpose of gathering the information necessary to conduct the monitoring and stress tests measures, the Commission should coordinate with the relevant standing subgroup of the Board and Member States should identify and monitor key market operators that are important to the functioning of the value chain. When no member of the standing sub-group has the capacity to perform a required stress test on a given strategic raw material, the Commission should conduct it

itself.

Amendment 27

Proposal for a regulation Recital 41

Text proposed by the Commission

(41) Most critical raw materials are metals, which can be in principle endlessly recycled, albeit with sometimes deteriorating qualities. This offers the potential to move to a truly circular economy in the context of the green transition. After an initial phase of rapid growth of demand for critical raw material for new technologies, where primary extraction and processing will still constitute the predominant source, recycling should become increasingly important and reduce the need for primary extraction and its associated impacts. Today, however, recycling rates of most critical raw materials are low, and recycling systems and technologies are often not adapted to the specificities of these raw materials. Action addressing the different factors holding back the circularity potential is thus required.

Amendment

(41) Most critical raw materials are metals, which can be in principle endlessly recycled, albeit with sometimes deteriorating qualities. This offers the potential to move to a truly circular economy in the context of the green transition. After an initial phase of rapid growth of demand for critical raw material for new technologies, where primary extraction and processing will still constitute the predominant source, recycling **and re-use** should become increasingly important and reduce the need for primary extraction and its associated impacts. Today, however, recycling rates of most critical raw materials are low, **owing to the lack of incentives**, and recycling systems and technologies are often not adapted to the specificities of these raw materials. Action addressing the different factors holding back the circularity potential is thus required **so that recycling is placed at the heart of the transition to an efficient economy and of the obtention of the raw materials needed. (AM 50). Regardless of the amount of strategic raw materials consumed in the Union in 2030, the horizon of travel should aim at the full circularity of those raw materials.**

Amendment 28

Proposal for a regulation Recital 41 a (new)

Text proposed by the Commission

Amendment

(41 a) There is a need to educate and raise public awareness on the importance of recycling and resource efficiency, encouraging sustainable behaviour both individually and collectively, as this is a proper way to ensure a shift towards a truly circular economy that will help reduce dependence on third countries for raw materials.

Amendment 29

Proposal for a regulation Recital 42 a (new)

Text proposed by the Commission

Amendment

(42 a) Electronic waste contains critical raw materials in concentrations significantly superior to those found in the world's finest ore grades. This offers an immense developmental potential for urban mining. Therefore, it is crucial to establish supportive infrastructure for recycling centers, enabling them to reintroduce these recycled materials into the market effectively and efficiently.

Amendment 30

Proposal for a regulation Recital 43

Text proposed by the Commission

Amendment

(43) The Union has, in many of its regions, a legacy of raw materials extraction and thus substantial amounts of extractive waste on closed facilities which, due to their only recent rise in economic importance, have generally not been analysed for critical raw materials potential. The recovery of critical raw materials from extractive waste facilities

(43) The Union has, in many of its regions, a legacy of raw materials extraction and thus substantial amounts of extractive waste on closed facilities which, due to their only recent rise in economic importance, have generally not been analysed for critical raw materials potential. The recovery of critical raw materials from extractive waste facilities

has the potential to create economic value and employment in historical mining regions, which are often affected by deindustrialisation and decline. The lack of attention to, and information on critical raw materials content, especially on closed waste facilities, constitutes a key barrier to greater use of the critical raw materials potential of extractive waste.

has the potential to create economic value and employment in historical mining regions ***and positively contribute to the further development of regional and local communities concerned***, which are often affected by deindustrialisation and decline ***that deepen regional disparities and inequalities; in this context the Union needs to improve its resilience by limiting the negative environmental and social impacts of access to raw materials***. The lack of attention to ***social and economic aspects*** and information ***as such*** on critical raw materials content, especially on closed waste facilities, constitutes a key barrier to greater use of the critical raw materials potential of extractive waste ***also for territorial cohesion***.

Amendment 31

Proposal for a regulation Recital 44 a (new)

Text proposed by the Commission

Amendment

(44 a) There is a need to create a clear and cohesive regulatory framework for the recovery of critical raw materials from extractive waste in order to ensure compliance with environmental and human health protection standards, and also to stimulate investment in the infrastructure needed to recover critical raw materials from extractive waste, including by facilitating access to finance and the granting of government support, to enable less dependence on new types of extraction and the reuse of existing resources in a sustainable way.

Amendment 32

Proposal for a regulation Recital 45

Text proposed by the Commission

Amendment

(45) Operators of extractive waste facilities, both existing and new, should perform a preliminary economic assessment study regarding the recovery of critical raw materials from extractive waste present on the site and from such waste being generated. In line with the waste hierarchy established in Directive 2008/98/EC of the European Parliament and of the Council⁴⁶, priority should be given to preventing the generation of waste containing critical raw materials, by extracting critical raw materials from the extracted volume prior to it becoming waste. In elaborating this study, operators should gather the necessary information, including concentrations and quantities of critical raw materials in the extractive waste, and perform an assessment of multiple options regarding processes, operations or business arrangements that could enable an economically viable recovery of critical raw materials. This obligation comes in addition to obligations laid down in Directive 2006/21/EC and the national laws transposing it and is directly applicable. In its implementation, operators and competent authorities should seek to minimise administrative burden and integrate procedures to the extent possible.

⁴⁶ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3-30).

Amendment 33

Proposal for a regulation

Recital 46

Text proposed by the Commission

(46) To address the current lack of information on the critical raw materials

(45) Operators of extractive waste facilities, both existing and new, should perform a preliminary economic assessment study regarding the recovery of critical raw materials from extractive waste present on the site and from such waste being generated. In line with the waste hierarchy established in Directive 2008/98/EC of the European Parliament and of the Council⁴⁶, priority should be given to preventing the generation of waste containing critical raw materials, by extracting critical raw materials from the extracted volume prior to it becoming waste. In elaborating this study, operators should gather the necessary information, including concentrations and quantities of critical raw materials in the extractive waste, and perform an assessment of multiple options regarding processes, operations or business arrangements that could enable an economically, ***environmentally and socially*** viable recovery of critical raw materials. This obligation comes in addition to obligations laid down in Directive 2006/21/EC and the national laws transposing it and is directly applicable. In its implementation, operators and competent authorities should seek to minimise administrative burden and integrate procedures to the extent possible.

⁴⁶ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3-30).

Amendment

(46) To address the current lack of information on the critical raw materials

potential of closed extractive waste facilities, Member States should draw up a database containing all information relevant to promote the recovery, notably the quantities and concentrations of critical raw materials in the extractive waste facility, in compliance with Union competition rules. The information should be made publicly available and in a user-friendly and digital form, enabling access to more detailed, technical information. To facilitate user-friendly access to the information, Member States should for instance provide a point of contact to enable more in-depth exchanges with potential developers of critical raw materials recovery projects. The database should be designed to allow potential project promoters to easily identify facilities with a high potential for economically viable recovery. To focus limited resources, Member States should follow a staged approach in the collection of information and perform the more demanding information collection steps only for the most promising facilities. The information collection activities should be aimed at providing accurate and representative information on the extractive waste facilities and gaining the best possible indication of the critical raw materials recovery potential.

potential of closed extractive waste facilities, Member States should draw up a database containing all information relevant to promote the recovery, notably the quantities and concentrations of critical raw materials in the extractive waste facility, in compliance with Union competition rules. The information should be made publicly available and in a user-friendly and digital form, enabling access to more detailed, technical information. To facilitate user-friendly access to the information, Member States ***local and regional authorities*** should for instance provide a point of contact to enable more in-depth exchanges with potential developers of critical raw materials recovery projects. The database should be designed to allow potential project promoters to easily identify facilities with a high potential for economically, ***environmentally and socially*** viable recovery. To focus limited resources, Member States should follow a staged approach in the collection of information and perform the more demanding information collection steps only for the most promising facilities. The information collection activities should be aimed at providing accurate and representative information on the extractive waste facilities and gaining the best possible indication of the critical raw materials recovery potential ***in a way that is least harmful to the environment.***

Amendment 34

Proposal for a regulation Recital 54

Text proposed by the Commission

(54) The Union has concluded Strategic Partnerships covering raw materials with third countries in order to implement the 2020 Action Plan on Critical Raw Materials. In order to diversify supply,

Amendment

(54) The Union has concluded Strategic Partnerships covering raw materials with third countries in order to implement the 2020 Action Plan on Critical Raw Materials. In order to diversify supply,

these efforts should continue. To develop and ensure a coherent framework for the conclusion of future partnerships, the Member States and the Commission should, as part of their interaction on the Board, discuss and ensure coordination on, inter alia, whether existing partnerships achieve the intended aims, the prioritisation of third countries for new partnerships, the content of such partnerships and their coherence and potential synergies between Member States' bilateral cooperation with relevant third countries. The Union should seek mutually beneficial partnerships with emerging market and developing economies, in coherence with its Global Gateway strategy, which contribute to the diversification of its raw materials supply chain as well as add value in the production in these countries.

these efforts should continue *with a specific attention to due respect to legislation on forced labour and due diligence, labour rights and ILO recommendations on mining sector, and meaningful engagement with local communities*. To develop and ensure a coherent framework for the conclusion of future partnerships, the Member States and the Commission should, as part of their interaction on the Board, discuss and ensure coordination on, inter alia, whether existing partnerships achieve the intended aims, the prioritisation of third countries for new partnerships, the content of such partnerships and their coherence and potential synergies between Member States' bilateral cooperation with relevant third countries. The Union should seek mutually beneficial partnerships with emerging market and developing economies, in coherence with its Global Gateway strategy, which contribute to the diversification of its raw materials supply chain as well as add value in the production in these countries. *Further effort must also be paid to cooperation and coordination with international partners, as well as Members of the European Free Trade Association, countries participating in the internal market or candidate and neighbouring countries.*

Amendment 35

Proposal for a regulation Recital 54 a (new)

Text proposed by the Commission

Amendment

(54 a) When prioritising the new partnerships with candidate, neighbouring and third countries, specific attention should be paid to human rights, conflict-resolution and regional stability.

Amendment 36

Proposal for a regulation

Recital 55

Text proposed by the Commission

(55) In order to support the implementation of tasks pertaining to the development of Strategic Projects and their financing, exploration programmes, monitoring capacities or strategic stocks and to advise the Commission appropriately, a European Critical Raw Materials Board should be established. The Board should be composed of Member States and of the Commission, while being able to ensure participation of other parties as observers. To develop the necessary expertise for the implementation of certain tasks, the Board should establish standing sub-groups on financing, exploration, monitoring and strategic stocks, that should act as a network by gathering the different relevant national authorities and, when necessary, consult industry, academia, civil society and other relevant stakeholders. The Board's advice and opinions should be non-binding and the absence of such an advice or opinion should not prevent the Commission from performing its tasks under this Regulation.

Amendment

(55) In order to support the implementation of tasks pertaining to the development of Strategic Projects and their financing, exploration programmes, monitoring capacities or strategic stocks and to advise the Commission appropriately, a European Critical Raw Materials Board should be established. The Board should be composed of Member States and of the Commission, while being able to ensure participation of ***local and regional authorities, civil society and other parties as observers. The European Parliament should systematically be invited to the meetings of the Board.*** To develop the necessary expertise for the implementation of certain tasks, the Board should establish standing sub-groups on financing, exploration, monitoring and strategic stocks ***as well as sustainability***, that should act as a network by gathering the different relevant national authorities, and, when necessary, consult industry, academia, civil society and other relevant stakeholders. The Board's advice and opinions should be non-binding and the absence of such an advice or opinion should not prevent the Commission from performing its tasks under this Regulation.

Amendment 37

Proposal for a regulation

Recital 56

Text proposed by the Commission

(56) The absence of progress towards the objectives, including the capacity and diversification benchmarks, may indicate the need for adopting additional measures. The Commission should therefore monitor

Amendment

(56) The absence of progress towards the objectives, including the capacity and diversification benchmarks, may indicate the need for adopting additional measures. The Commission should therefore monitor

the progress towards those objectives.

the progress towards those objectives ***and report to the European Parliament.***

Amendment 38

Proposal for a regulation Recital 56 a (new)

Text proposed by the Commission

Amendment

(56a) During the evaluation proces in accordance with Article 46, the Commission should establish specific objectives related to the extraction, processing, and recycling capacities for each strategic raw material. This should be done either within two years after the date of entry of this regulation or contingent upon the availability of necessary information regarding material availability in municipal waste management facilities, as well as requisite technological developments.

Justification

The current objectives are very broad and include all the materials. Specific objectives should be considered according to the characteristics and availability of each material considering the reports made by local and regional authorities of their municipal facilities of waste management.

Amendment 39

Proposal for a regulation Recital 58

Text proposed by the Commission

Amendment

(58) In order to ensure trustful and constructive cooperation of competent authorities at Union and national levels, all parties involved in the application of this Regulation should respect the confidentiality of information and data obtained in carrying out their tasks. The Commission and the national competent authorities, their officials, civil servants and other persons working under the supervision of these authorities as well as officials and civil servants of other

(58) In order to ensure trustful and constructive cooperation of competent authorities at Union and national levels, all parties involved in the application of this Regulation should respect the confidentiality of information and data obtained in carrying out their tasks. The Commission and the national competent authorities, their officials, civil servants and other persons working under the supervision of these authorities as well as officials and civil servants of other

authorities of the Member States should not disclose information acquired or exchanged by them pursuant to this Regulation and of the kind covered by the obligation of professional secrecy. This should also apply to the European Critical Raw Materials Board. The data should be handled and stored in a secure environment.

Amendment 40

Proposal for a regulation Recital 62

Text proposed by the Commission

(62) The Commission should carry out an evaluation of this Regulation. Pursuant to paragraph 22 of the Interinstitutional Agreement on Better Law-Making, that evaluation should be based on the five criteria of efficiency, effectiveness, relevance, coherence and EU value added and should provide the basis for impact assessments of possible further measures. The Commission should submit to the European Parliament, to the Council, the European Economic and Social Committee, a report on the implementation of this Regulation and progress towards achieving its objectives, including the capacity and diversification benchmarks. The report should also, based on the implementation of the measures related the transparency of the environmental footprint of critical raw materials, assess the appropriateness of establishing maximum thresholds related to the environmental footprint.

Amendment 41

Proposal for a regulation Recital 64 a (new)

authorities of the Member States **and of the European Parliament** should not disclose information acquired or exchanged by them pursuant to this Regulation and of the kind covered by the obligation of professional secrecy. This should also apply to the European Critical Raw Materials Board. The data should be handled and stored in a secure environment.

Amendment

(62) The Commission should carry out an evaluation of this Regulation. Pursuant to paragraph 22 of the Interinstitutional Agreement on Better Law-Making, that evaluation should be based on the five criteria of efficiency, effectiveness, relevance, coherence and EU value added and should provide the basis for impact assessments of possible further measures **in particular on Human rights, environment and circularity**. The Commission should submit to the European Parliament, to the Council, the European Economic and Social Committee, a report on the implementation of this Regulation and progress towards achieving its objectives, including the capacity and diversification benchmarks. The report should also, based on the implementation of the measures related the transparency of the environmental footprint of critical raw materials, assess the appropriateness of establishing maximum thresholds related to the environmental footprint.

Text proposed by the Commission

Amendment

(64a) The need to ensure a sustainable and resilient supply of critical raw materials also depends on strengthening supply chains at the European regional level. In order to enhance the stability of supply chains and reduce dependence on external sources, the involvement of regional actors as well is crucial.

Amendment 42

Proposal for a regulation Recital 64 b (new)

Text proposed by the Commission

Amendment

(64b) The importance of transparency in supply chains is recognised by the introduction of measures to ensure adequate clarity and control over the traceability of critical raw materials. In order to ensure social and environmental responsibility of companies operating in this sector and to provide accurate information, digital solutions and advanced technologies are encouraged to monitor and transparently communicate the origin of raw materials, the adopted standards of sustainability and the social and environmental practices developed by suppliers.

Amendment 43

Proposal for a regulation Recital 64 c (new)

Text proposed by the Commission

Amendment

(64c) In view of promoting a progressive resilience and sustainability to supply critical raw materials, it is highly recommended investing in research and development to foster regional diversification of supply sources. Through a collaboration among companies, universities and research centres,

sustainable alternatives will be identified and developed, such as the use of recycled materials or the adoption of new technologies to reduce dependence on global sources of supply.

Amendment 44

Proposal for a regulation Recital 64 d (new)

Text proposed by the Commission

Amendment

(64d) The protection of the environment and the health of citizens should be the priority in the selection of projects; thorough environmental assessments are required, taking into consideration territorial peculiarities and fragilities, not least hydro-geological stability, by involving regional actors of the areas involved with a prominent role.

Amendment 45

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

Amendment

1. The general objective of this Regulation is to improve the functioning of the internal market by establishing a framework to ensure the Union's access to a secure and sustainable supply of critical raw materials.

1. The general objective of this Regulation is to improve the functioning of the internal market by establishing a framework to ensure the Union's access to a secure and sustainable supply of critical raw materials *and the sustainable development of its regions, by prioritising sustainability, efficiency, sufficiency and circularity provisions in order to improve the Union's competitiveness.*

Amendment 46

Proposal for a regulation Article 1 – paragraph 2 – point a – point iii

Text proposed by the Commission

Amendment

(iii) Union recycling capacity, including for ***all intermediate*** recycling ***steps***, is able to produce at least 15% of the Union's annual consumption of strategic raw materials.

(iii) Union recycling capacity, including ***the preparation*** for recycling ***stage from collection, to sorting and pre-treatment***, is able to produce at least 15% of the Union's annual consumption of strategic raw materials;

Amendment 47

Proposal for a regulation

Article 1 – paragraph 2 – point a – point iii a (new)

Text proposed by the Commission

Amendment

(iii a) As part of the report referred to in Article 1 paragraph 3, the Commission is required to publish its methodology for calculating and reporting on these benchmarks. A mechanism should be developed to ensure that all materials are treated equally;

Amendment 48

Proposal for a regulation

Article 1 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(c a) secure more efficient and transparent permitting procedures without reducing environmental and social requirements;

Amendment 49

Proposal for a regulation

Article 1 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) ensure the free movement of critical raw materials and products containing

(d) ensure the free movement of critical raw materials and products containing

critical raw materials placed on the Union market while ensuring **a high** level of environmental protection, by improving their circularity and sustainability.

critical raw materials placed on the Union market while ensuring **the highest** level of environmental protection, by improving their **durability, reparability**, circularity and sustainability;

Amendment 50

Proposal for a regulation Article 1 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(d a) ensure public control of all life-cycle processes related to the critical and strategic raw materials;

Amendment 51

Proposal for a regulation Article 1 – paragraph 2 – point d b (new)

Text proposed by the Commission

Amendment

(d b) provide quality jobs and promote an inclusive and fair job-market throughout the value chain of critical raw materials;

Amendment 52

Proposal for a regulation Article 1 – paragraph 3

Text proposed by the Commission

Amendment

3. Where, based on the report referred to in Article 42, the Commission concludes that the Union is likely not to achieve the objectives set out in paragraph 2, it shall **assess the feasibility and proportionality of proposing** measures or **exercising** its powers at Union level **in order to ensure the achievement of those** objectives.

3. Where, based on the report referred to in Article 42, the Commission concludes that the Union is likely not to achieve the objectives set out in paragraph 2, it shall **examine, in close cooperation with relevant stakeholders, the reasons why the objectives are not achieved and propose** measures or **exercise** its powers at Union level. **In this regard the Commission shall allow for a certain level of flexibility to**

best reflect the uniqueness of the value chain of the raw material targeted, as each material has specific properties and challenges associated with its sourcing, processing and recycling. It should focus on maintaining existing capacities and supporting them. An open and constant dialogue between industry and policymakers should be encouraged to identify benchmarks that are both technically and economically feasible, as well as in line with the EU's objectives.

Amendment 53

Proposal for a regulation

Article 2 – paragraph 1 – point 5

Text proposed by the Commission

(5) ‘exploration’ means all activities aimed at identifying and establishing the properties of mineral occurrences;

Amendment

(5) ‘exploration’ means all activities aimed at identifying and establishing the properties of mineral occurrences, ***including the development of new extraction and processing technologies, exploration drilling campaigns, and launching pilot plants;***

Amendment 54

Proposal for a regulation

Article 2 – paragraph 1 – point 8

Text proposed by the Commission

(8) ‘reserves’ means all mineral occurrences that are economically viable to extract;

Amendment

(8) ‘reserves’ means all mineral occurrences that are economically ***environmentally and socially*** viable to extract ***in a given market context*** ;

Amendment 55

Proposal for a regulation

Article 2 – paragraph 1 – point 11

Text proposed by the Commission

(11) ‘recycling’ means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes;

Amendment

(11) ‘recycling’ means any recovery operation, by which waste materials are ***collected, sorted disassembled and*** reprocessed into products, materials or substances whether for the original or other purposes;

Amendment 56

Proposal for a regulation

Article 2 – paragraph 1 – point 18

Text proposed by the Commission

(18) ‘project promoter’ means any undertaking or consortium of undertakings developing a raw material project;

Amendment

(18) ‘project promoter’ means any undertaking or consortium of undertakings developing a raw material project ***in the Union or in third countries***;

Amendment 57

Proposal for a regulation

Article 2 – paragraph 1 – point 28

Text proposed by the Commission

(28) ‘key market operators’ means producers involved in the extraction, processing or recycling of critical raw materials, traders and distributors of critical raw materials, and downstream companies consuming significant amounts of critical raw materials;

Amendment

(28) ‘key market operators’ means producers involved in the ***exploration,*** extraction, processing or recycling of critical raw materials, traders and distributors of critical raw materials, and downstream companies consuming significant amounts of critical raw materials.

Amendment 58

Proposal for a regulation

Article 3 – paragraph 2 – subparagraph 2

Text proposed by the Commission

An updated list of strategic raw materials

Amendment

An updated list of strategic raw materials

shall include, from among the raw materials assessed, the raw materials that score among the highest in terms of strategic importance, forecasted demand growth and difficulty of increasing production. The strategic importance, projected demand growth and difficulty of increasing production shall be determined in accordance with Annex I, Section 2.

shall include, from among the raw materials assessed, the **critical** raw materials that score among the highest in terms of strategic importance, forecasted demand growth, **forecasted demand availability that could jeopardize regional development**, and difficulty of increasing production. The strategic importance, projected demand growth, **forecasted demand availability that could jeopardize regional development** and difficulty of **developing** increasing production shall be determined in accordance with Annex I, Section 2.

Amendment 59

Proposal for a regulation

Article 3 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The Commission shall use a transparent and clearly defined methodology for the assessment of materials to be included in the strategic raw materials list, including through the use of technical factsheets, similar to the methodology applied to the critical raw materials list. Future strategic materials lists shall be accompanied by an impact assessment of existing EU legislation and the impact it has on materials on those lists.

Amendment 60

Proposal for a regulation

Article 3 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall review and, if necessary, update the list of strategic raw materials by [OP please insert: **four** years after the date of entry into force of this Regulation], and every **4 four** years

3. The Commission shall review and, if necessary, update the list of strategic raw materials by [OP please insert: **three** years after the date of entry into force of this Regulation], and every **three (3)** years thereafter. ***Upon request by the Board,***

thereafter.

based on monitoring and stress testing in accordance with this Regulation, if needed the Commission shall review or update the list at any time outside of these scheduled reviews.

Amendment 61

Proposal for a regulation

Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. In the event that the raw material would no longer be classified as strategic raw material as a result of the update referred to in paragraph 1. 3, by way of derogation, should continue to be considered a critical raw material for three years after the publication of such an update.

Amendment 62

Proposal for a regulation

Article 4 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall review and, if necessary, update the list of critical raw materials by [OP please insert: **four** years after the date of entry into force of this Regulation], and every **4 four** years thereafter.

4. The Commission shall review and, if necessary, update the list of critical raw materials by [OP please insert: **three** years after the date of entry into force of this Regulation], and every **three (3)** years thereafter. *Upon request by the Board, based on monitoring and stress testing in accordance with this Regulation, if needed the Commission shall review or update the list at any time outside of these scheduled reviews.*

Amendment 63

Proposal for a regulation

Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. *In the event that the raw material would no longer be classified as critical raw material as a result of the update referred to in paragraph 1. 4, by way of derogation, should continue to be considered as critical raw material for three years after the publication of such an update.*

Amendment 64

Proposal for a regulation Article 4 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4 b. *The status of critical and strategic raw materials shall be considered in all EU legislation where materials are directly or indirectly impacted both in general, product specific, and substance specific legislation.*

Amendment 65

Proposal for a regulation Article 5 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the project would make a meaningful contribution to the security of the Union's supply of strategic raw materials;

(a) the project would make a meaningful contribution to the security of the Union's supply of **critical and** strategic raw materials **and to the Union's supply of products manufactured from critical raw materials**;

Amendment 66

Proposal for a regulation Article 5 – paragraph 1 – point c

Text proposed by the Commission

(c) the project would be implemented sustainably, in particular as regards the monitoring, prevention and minimisation of **environmental** impacts, the use of socially responsible practices including respect of human and labour rights, quality jobs potential and meaningful engagement with local communities and relevant social partners, and the use of transparent business practices with adequate compliance policies to prevent and minimise risks of adverse impacts on the proper functioning of public administration, including corruption and bribery;

Amendment

(c) the project would be implemented **transparently and** sustainably, in particular as regards the monitoring, prevention and minimisation of **socio-environmental and climate** impacts, the use of socially responsible practices including respect of human and labour rights, **cultural heritage** quality jobs potential and meaningful engagement with **regional and** local communities and relevant social partners, and the use of transparent business practices with adequate **and strong** compliance policies to prevent and minimise risks of adverse impacts on the proper functioning of public administration, including corruption and bribery;

Amendment 67

Proposal for a regulation

Article 5 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) for extraction projects in the Union, the project will create added value by keeping an additional step of the value chain in the region;

Amendment 68

Proposal for a regulation

Article 5 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) for projects in the Union, the establishment, operation or production of the project would have cross-border benefits beyond the Member State concerned, including for downstream sectors;

(d) for projects in the Union, the establishment, operation or production of the project would have cross-border benefits beyond the Member State concerned, including for downstream sectors, **as well as regional and local communities;**

Amendment 69

Proposal for a regulation Article 5 – paragraph 1 – point e

Text proposed by the Commission

(e) for projects in third countries that are emerging markets or developing economies, the project would be mutually beneficial for the Union and the third country concerned by adding value in that country.

Amendment

(e) for projects in ***candidate, neighbouring and*** third countries that are emerging markets or developing economies, the project would be mutually beneficial for the Union and the third country concerned by adding value in that country ***and respecting international standards and conventions and comply with equivalent social, environmental and labour requirements to projects in the Union.***

Amendment 70

Proposal for a regulation Article 5 – paragraph 3

Text proposed by the Commission

3. The recognition of a project as a Strategic Project shall not affect the requirements applicable to the relevant project or project promoter under international, Union or national law.

Amendment

3. The recognition of a project as a Strategic Project shall not affect the requirements applicable to the relevant project or project promoter under international, Union or national law, ***including national laws in third countries.***

Amendment 71

Proposal for a regulation Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Where relevant, the Commission should consider the feasibility of complementary infrastructural strategic projects that have the potential to facilitate and improve transport and

communication related to the raw materials strategic projects, as well as generally contribute to better regional and local development and greater social acceptability of the raw materials strategic project and social inclusion, while taking into consideration also environmental issues.

Amendment 72

Proposal for a regulation Article 5 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3 b. *When introducing obligations, for example certification schemes and environmental footprint requirements, a balanced approach is necessary to allow industry to comply with these obligations while guaranteeing a level playing field between EU and non-EU companies.*

Amendment 73

Proposal for a regulation Article 6 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) a timetable for the implementation of the project, including an overview of the permits required for the project and the status of the corresponding permit granting process;

(c) a timetable for the implementation of the project, including an overview of the permits required for the project and the status of the corresponding **transparent** permit granting process **and a proper involvement of public in the process**;

Amendment 74

Proposal for a regulation Article 6 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) a plan containing measures to

(d) a plan containing measures to

facilitate public acceptance including, where appropriate, the establishment of recurrent communication channels with the local **communities** and organisations, including social partners, the implementation of awareness-raising and information campaigns and the establishment of mitigation and compensation mechanisms;

respect the cultural heritage and ensure the meaningful involvement and active participation of affected communities all along the project, in particular indigenous communities concerned, facilitate public acceptance including, where appropriate, the establishment of recurrent communication channels with the ***regional and local authorities*** and organisations, including social partners ***and regional and local communities***, the implementation of ***engagement***, awareness-raising and information campaigns and the establishment of mitigation and compensation mechanisms ***ensuring that involuntary resettlement is used exclusively as a last resort option***;

Amendment 75

Proposal for a regulation Article 6 – paragraph 1 – point g

Text proposed by the Commission

(g) an estimate of the project's potential for quality job creation and the project's needs in terms of skilled workforce as well as upskilling and reskilling.

Amendment

(g) an estimate of the project's potential for quality job creation and the project's needs in terms of skilled workforce as well as upskilling and reskilling, ***promoting gender equality, using social procurement clause, whenever possible, focusing on creation of employment opportunities for under-represented and socially disadvantaged groups, especially in regions that face challenges in this sense. For extraction projects, an estimation of the added value retained in the metallurgical and mineralogical processing and beneficiation of mineral resources expressed in terms of new job creation, research and development, and increased business volume generated.***

Amendment 76

Proposal for a regulation
Article 6 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Where the Member State whose territory is concerned by a proposed project objects to granting the proposed project strategic status, it shall present substantiated reasons for doing so during the discussion referred to in paragraph 4. The Board shall discuss the substantiated reasons presented by a Member State for its objection. If, after the discussion, the Member State maintains its objection, the project shall not be considered for the status of Strategic Project.

Amendment

Where the Member State whose territory is concerned by a proposed project objects to granting the proposed project strategic status, ***having consulted the regional and local authorities concerned***, it shall present substantiated reasons for doing so during the discussion referred to in paragraph 4. The Board shall discuss the substantiated reasons presented by a Member State for its objection. If, after the discussion, the Member State maintains its objection, the project shall not be considered for the status of Strategic Project.

Amendment 77

Proposal for a regulation
Article 6 – paragraph 6 – subparagraph 2

Text proposed by the Commission

The Commission's decision shall be reasoned, including, where applicable, where it is different from the Board's opinion. The Commission shall share its reasons with the Board as well as with the project promoter.

Amendment

The Commission's decision shall be reasoned, including, where applicable, where it is different from the Board's opinion. The Commission shall share its reasons with the Board, ***the competent authority in the member State, the European Parliament*** as well as with the project promoter.

Amendment 78

Proposal for a regulation
Article 6 – paragraph 8

Text proposed by the Commission

8. Where the Commission finds that a Strategic Project ***no longer fulfils the criteria set out in Article 5(1) or where its*** recognition was based on an application

Amendment

8. Where the Commission finds that a Strategic Project recognition was based on an application containing ***severely*** incorrect information, it may, taking into account the

containing incorrect information, it may, taking into account the opinion of the Board and the responsible project promoter, repeal the decision granting a project the status of Strategic Project.

opinion of the Board and the responsible project promoter, repeal the decision granting a project the status of Strategic Project.

Amendment 79

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

1. Strategic Projects shall be considered to contribute to the security of supply of strategic raw materials in the Union.

Amendment

1. Strategic Projects shall be considered to contribute to the security of supply of strategic raw materials in the Union. ***Member States shall ensure that strategic projects are given high priority as a public interest or public security concern.***

Amendment 80

Proposal for a regulation Article 7 – paragraph 3

Text proposed by the Commission

3. The Member State whose territory is concerned by a Strategic Project shall take measures to contribute to its timely and effective implementation.

Amendment

3. The Member State, ***together with regional and local authorities*** whose territory is concerned by a Strategic Project shall take measures to contribute to its timely, ***transparent*** and effective implementation.

Amendment 81

Proposal for a regulation Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The Board shall engage in periodic discussions regarding the implementation of Strategic Projects. When necessary, it shall consider

measures that the project promoter , the Member State or local and regional authorities, whose territory is directly affected by a Strategic Project, could undertake to further facilitate the successful execution of these Strategic Projects. The Board shall inform the project promoter, the Member State and the regional and local authorities of the results of the discussions in a timely manner.

Amendment 82

Proposal for a regulation Article 7 – paragraph 9

Text proposed by the Commission

9. The project promoter shall establish and regularly update a dedicated project website with relevant information about the Strategic Project, including information on the environmental, social and economic impacts and benefits associated with the Strategic Project. The website shall be freely accessible to the public and shall be available in a language or languages that can be easily understood by the local population.

Amendment

9. The project promoter shall establish and regularly update a dedicated project website with relevant information about the Strategic Project, including information on the environmental, **cultural**, social and economic impacts and benefits associated with the Strategic Project. The website shall be freely accessible to the public and shall be available in a language or languages that can be easily understood by the local population **and communities**. **The project website shall include environmental, social and human rights impact assessments that have been carried out, as well as any existing agreements with affected communities and concession contracts with public authorities.**

Amendment 83

Proposal for a regulation Article 8 – paragraph 3 – introductory part

Text proposed by the Commission

3. The responsibilities of the national competent authority referred to in paragraph 1 or the tasks related to it may

Amendment

3. The responsibilities of the national competent authority referred to in paragraph 1 or the tasks related to it may

be delegated to, or carried out by, another authority, for each critical raw material projects, provided that:

be delegated to, or carried out by, another authority, ***in particular a relevant regional authority***, for each critical raw material projects, provided that :

Amendment 84

Proposal for a regulation Article 8 – paragraph 8 – point a

Text proposed by the Commission

(a) periodically discuss the implementation of this Section and share best-practices for speeding up permitting procedure for critical raw material projects as well as to improve their public acceptance;

Amendment

(a) periodically discuss the implementation of this Section and share best-practices for speeding up permitting procedure for critical raw material projects as well as to improve their public ***participation, consultation and*** acceptance; ***and share and discuss best practices including from other relevant mining regions in order to ensure structured and predictable formats;***

Amendment 85

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

1. For the purpose of ensuring efficient administrative processing of the permitting processes related to Strategic Projects in the Union, project promoters and all authorities concerned shall ensure that those processes are treated in the most rapid way possible in accordance with Union and national law.

Amendment

1. For the purpose of ensuring efficient administrative ***and transparent*** processing of the permitting processes related to Strategic Projects in the Union, project promoters and all authorities concerned shall ensure that those processes are treated in the most rapid way possible in accordance with Union and national law.

Amendment 86

Proposal for a regulation Article 9 – paragraph 2

Text proposed by the Commission

2. Without prejudice to obligations provided for in Union law, Strategic Projects in the Union shall be granted the status of the highest national significance possible, where such a status exists in national law, and be treated accordingly in the permit granting processes.

Amendment

2. Without prejudice to obligations provided for in Union law, Strategic Projects in the Union shall be granted the status of the highest national significance possible, where such a status exists in national law, and be treated accordingly in the permit granting processes ***including building, chemical and grid connection permits and environmental assessments and authorisations where these are required, and encompassing all administrative applications and procedures, also including applications for public funding.***

Amendment 87

**Proposal for a regulation
Article 9 – paragraph 3**

Text proposed by the Commission

3. All dispute resolution procedures, litigation, appeals and judicial remedies related to the permit-granting process and the issuance of permits for Strategic Projects in the Union in front of any national courts, tribunals, panels, including mediation or arbitration, where they exist in national law, shall be treated as urgent, if and to the extent to which national law provides for such urgency procedures and provided that the normally applicable rights of defence of individuals or of local communities would be respected. Project promoters of Strategic Projects shall participate in such urgency procedure, where applicable.

Amendment

3. All dispute resolution procedures, litigation, appeals and judicial remedies related to the permit-granting process and the issuance of permits for Strategic Projects in the Union in front of any national courts, tribunals, panels, including mediation or arbitration, where they exist in national law, shall be treated as urgent, if and to the extent to which national law provides for such urgency procedures and provided that the normally applicable rights of defence of individuals or of ***regional or*** local communities would be respected. Project promoters of Strategic Projects shall participate in such urgency procedure, where applicable.

Amendment 88

**Proposal for a regulation
Article 10 – paragraph 2 – introductory part**

Text proposed by the Commission

2. For Strategic Projects in the Union that had entered in the permit granting process before being granted the status of Strategic Project, the duration of the remaining steps of the permit granting process after the project is granted strategic status shall, in derogation from paragraph 1, not exceed:

Amendment

2. For Strategic Projects in the Union that had entered in the permit granting process before being granted the status of Strategic Project **and for expansion projects of operations already granted with a permit**, the duration of the remaining steps of the permit granting process after the project is granted strategic status shall, in derogation from paragraph 1, not exceed:

Amendment 89

**Proposal for a regulation
Article 11 – paragraph 3**

Text proposed by the Commission

3. The national competent authority referred to in Article 8(1) shall ensure that the authorities concerned issue the reasoned conclusion referred to in Article 1(2), point (g)(iv) of Directive 2011/92/EU on the environmental impact assessment of a Strategic Project within **three** months of receiving all necessary information gathered pursuant to Articles 5, 6 and 7 of that Directive and completing the consultations referred to in Articles 6 and 7 of that Directive.

Amendment

3. The national competent authority referred to in Article 8(1) shall ensure that the authorities concerned issue the reasoned conclusion referred to in Article 1(2), point (g)(iv) of Directive 2011/92/EU on the environmental impact assessment of a Strategic Project within **two** months of receiving all necessary information gathered pursuant to Articles 5, 6 and 7 of that Directive and completing the consultations referred to in Articles 6 and 7 of that Directive.

Amendment 90

**Proposal for a regulation
Article 11 – paragraph 4**

Text proposed by the Commission

4. The time-frame for consulting the public concerned on the environmental impact assessment report referred to in Article 5(1) of Directive 2011/92/EU shall not be longer than **90** days in the case of Strategic Projects.

Amendment

4. The time-frame for consulting the public concerned on the environmental impact assessment report referred to in Article 5(1) of Directive 2011/92/EU shall not be longer than **30** days in the case of Strategic Projects.

Amendment 91

Proposal for a regulation Article 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Relevant bodies representing civil society, such as environmental partners, non-governmental organisations, and bodies responsible for promoting social inclusion, fundamental rights, rights of persons with disabilities, gender equality and non-discrimination shall be properly consulted.

Amendment 92

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that national, regional and local authorities responsible for preparing plans, including zoning, spatial plans and land use plans, **include in such plans**, where appropriate, provisions for the development of critical raw materials projects. Priority shall be given to artificial and built surfaces, industrial sites, brownfield sites, and, where appropriate, greenfield sites **not usable for agriculture and forestry**.

1. Member States shall ensure that national, regional and local authorities responsible for preparing plans, including zoning, spatial plans and land use plans, **incorporate** where appropriate, provisions for the development of critical raw materials projects **into such plans. If a municipality has active/abandoned mines, known historical mining activities, mineralized bedrock, mineral deposits verified by a member states geological survey or a company that performs exploration/mining activities, the local authorities shall prioritize exploration activities and mining projects in the area.** Priority shall be given to artificial and built surfaces, industrial sites, brownfield sites, and, where appropriate, greenfield sites. **Consideration shall also be given to proximity to potential material extraction sites and the feasibility of establishing technological hubs that foster synergies among the various components of the**

value chain.

Amendment 93

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

1. The Commission and the Member States shall undertake activities to accelerate and crowd-in private investments in Strategic Projects. Such activities may, without prejudice to Article 107 and Article 108 of the TFEU, include providing and coordinating support to Strategic Projects facing difficulties in accessing finance.

Amendment

1. The Commission and the Member States ***as well as the local and regional authorities concerned*** shall undertake activities to accelerate and crowd-in private investments in Strategic Projects. Such activities may, without prejudice to Article 107 and Article 108 of the TFEU, include providing and coordinating support to Strategic Projects facing difficulties in accessing finance.

Amendment 94

Proposal for a regulation Article 14 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States may provide administrative support to Strategic Projects to facilitate their rapid and effective implementation, including by providing:

Amendment

2. Member States, ***regional and local authorities*** may provide administrative support to Strategic Projects to facilitate their rapid and effective implementation, including by providing:

Amendment 95

Proposal for a regulation Article 14 – paragraph 2 – point b

Text proposed by the Commission

(b) assistance to project promoters to further increase the public acceptance of the project.

Amendment

(b) assistance to project promoters to further increase the public ***consultation, participation and*** acceptance of the project, ***incorporating recommendations and best practices shared by the European Critical Raw Materials Board where***

necessary;

Amendment 96

Proposal for a regulation

Article 14 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(b a) predictable, regular, and clear communication to the project promoter as to administrative delays and obstacles in the permitting process, including the reasons for such delays.

Amendment 97

Proposal for a regulation

Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. By July 2024, an online portal shall be established by the Board to share clearly and transparently what public financing investors can access, including what amount is available, in which jurisdictions, what form the financing will take (for example, grants, tax credits, Contracts for Difference or loan guarantees) and the process for applying. This should include domestic and international financing options.

Amendment 98

Proposal for a regulation

Article 15 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. The standing sub-group referred to in Article 35(6) point (a) shall 2 years after entry into force of this regulation provide a report describing obstacles to access to finance and recommendations to

facilitate access to finance for Raw Materials Projects through the European Investment Bank Group and relevant Union funding and financing programs as well as state aid.

Amendment 99

Proposal for a regulation

Article 15 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1 c. For any new future EU-level funding sources established with a link to the Green Deal Industrial Plan, the European Commission shall include a formal link to the Critical Raw Materials Act and ensure sufficient finance is allocated for supporting Europe's strategic projects.

Amendment 100

Proposal for a regulation

Article 16 – title

Text proposed by the Commission

Amendment

Facilitating off-take agreements

Facilitating *cooperation and* off-take agreements

Amendment 101

Proposal for a regulation

Article 16 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the volume and quality of *strategic* raw materials they intend to purchase;

(a) the volume and quality of raw materials they intend to purchase;

Amendment 102

Proposal for a regulation
Article 16 – paragraph 3 – introductory part

Text proposed by the Commission

3. The system referred to in paragraph 1 shall allow project promoters of **Strategic Projects** to make offers indicating:

Amendment

3. The system referred to in paragraph 1 shall allow project promoters of **raw material projects** to make offers indicating:

Amendment 103

Proposal for a regulation
Article 16 – paragraph 3 – point a

Text proposed by the Commission

(a) the volume and quality of **strategic** raw materials for which they are seeking to conclude off-take agreements;

Amendment

(a) the volume and quality of raw materials for which they are seeking to conclude off-take agreements;

Amendment 104

Proposal for a regulation
Article 16 – paragraph 4

Text proposed by the Commission

4. Based on the bids and offers received pursuant to paragraph 2 and 3, the Commission shall bring project promoters of **Strategic** Projects in contact with potential off-takers relevant for their project.

Amendment

4. Based on the bids and offers received pursuant to paragraph 2 and 3, the Commission shall bring project promoters of **raw materials** projects in contact with potential off-takers relevant for their project.

Amendment 105

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

1. Each Member State shall draw up a national programme for general exploration targeted at critical raw materials. Each Member State shall draw up the first such programme by [OP please

Amendment

1. Each Member State, **in consultation with local and regional authorities** shall draw up a national programme for general exploration targeted at critical raw materials. Each

insert: 1 year after the date of entry into force of this Regulation]. The national programmes shall be reviewed and, if necessary, updated, at least every 5 years.

Member State shall draw up the first such programme by [OP please insert: 1 year after the date of entry into force of this Regulation]. The national programmes shall be reviewed and, if necessary, updated, at least every 5 years.

Amendment 106

Proposal for a regulation

Article 18 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Member States shall make the information on their mineral occurrences containing critical raw materials gathered through the measures set out in the national programmes referred to in paragraph 1 publicly available on a free access website. This information shall, where applicable, include the classification of the identified occurrences using the United Nations Framework Classification for Resources.

Amendment

Member States shall make the information on their mineral occurrences containing critical raw materials gathered through the measures set out in the national programmes referred to in paragraph 1 publicly available on a free access website ***and inform local and regional authorities about the occurrences available in their territories while preserving commercially sensitive information.*** This information shall, where applicable, include the classification of the identified occurrences using the United Nations Framework Classification for Resources.

Amendment 107

Proposal for a regulation

Article 19 – paragraph 1 – point d

Text proposed by the Commission

(d) Union and global production and production capacities at different stages of the value chain.

Amendment

(d) Union and global production and production capacities at different stages of the value chain ***whether current or potential.***

Amendment 108

Proposal for a regulation

Article 19 – paragraph 2 a (new)

2 a. *The Commission shall protect European critical and strategic raw materials' production from unfair trade practices by maintaining and strengthening trade defense measures, in order to ensure a level playing field. The EU should prioritise establishing WTO-compliant incentives to ensure a level playing field globally. These could take the form of consumer incentives for sustainable European raw materials or support to manufacture more advanced facilities.*

Amendment 109

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The Commission, in collaboration with the national authorities participating in the standing sub-group referred to in Article 35(6), point (c), shall ensure that a stress test is performed for each strategic raw material's supply chain at least every three years. To that end, the standing sub-group referred to in Article 35(6), point (c) shall coordinate and divide the implementation of stress tests for the different strategic raw materials by the different participating authorities.

Amendment

The Commission, in collaboration with the national authorities participating in the standing sub-group referred to in Article 35(6), point (c), shall ensure that a stress test is performed for each strategic **and critical** raw material's supply chain at least every three years. To that end, the standing sub-group referred to in Article 35(6), point (c) shall coordinate and divide the implementation of stress tests for the different strategic **and critical** raw materials by the different participating authorities.

Amendment 110

Proposal for a regulation

Article 19 – paragraph 4

Text proposed by the Commission

4. *The Commission shall make publicly available on a free access website*

Amendment

deleted

and regularly update a monitoring dashboard containing:

- (a) the available information on the evolution of the parameters referred to in paragraph 1;*
- (b) a calculation of the supply risk for critical raw materials in light of the information referred to in point (a);*
- (c) the results of the stress tests referred to in paragraph 3;*
- (d) where appropriate, suggestion for suitable mitigation strategies to decrease supply risk.*

Amendment 111

Proposal for a regulation Article 19 – paragraph 5

Text proposed by the Commission

5. Where, based on the information gathered pursuant to paragraphs 1, 2 and 3, the Commission considers that there is a clear indication of the risk of a supply disruption, the Commission shall alert Member States, the Board and the Union governance bodies of crisis vigilance or crisis management mechanisms whose scope covers relevant critical or strategic raw materials.

Amendment

5. Where, based on the information gathered pursuant to paragraphs 1, 2 and 3, the Commission considers that there is a clear indication of the risk of a supply disruption, the Commission shall alert Member States, the Board, ***the European Parliament*** and the Union governance bodies of crisis vigilance or crisis management mechanisms whose scope covers relevant critical or strategic raw materials.

Amendment 112

Proposal for a regulation Article 20 – paragraph 1

Text proposed by the Commission

1. Member States shall, as part of the report referred to in Article 43, provide information to the Commission on any new or existing raw material project on their territory that is relevant regarding to

Amendment

1. Member States ***in collaboration with regional and local authorities where necessary and after consultation with the social partners and stakeholders, including representative organizations of***

Article 19(1), point (d), including a classification of new projects according to the United Nations Framework Classification of Resources.

SMEs), shall, as part of the report referred to in Article 43, provide information to the Commission on any new or existing raw material project on their territory that is relevant regarding to Article 19(1), point (d), including a classification of new projects according to the United Nations Framework Classification of Resources.

Amendment 113

Proposal for a regulation

Article 21 – paragraph 2 – point a

Text proposed by the Commission

(a) the level of stocks available for each strategic raw material, measured both in tonnes and as a percentage of annual national consumption of the relevant materials, as well as the chemical form and purity of the materials stocked;

Amendment

(a) the level of stocks available for each strategic raw material, measured both in tonnes and as a percentage of annual national consumption of the relevant materials **on its territory** as well as the chemical form and purity of the materials stocked;

Amendment 114

Proposal for a regulation

Article 22 – paragraph 1 – introductory part

Text proposed by the Commission

1. By [OP please complete: 2 year after the date of entry into force of this Regulation] and every 2 years after that, the Commission shall, based on the information received pursuant to Article 21(1), share with the Board:

Amendment

1. By [OP please complete: 2 year after the date of entry into force of this Regulation] and every 2 years after that, the Commission shall, based on the information received pursuant to Article 21(1), share with the Board **and the European Parliament**:

Amendment 115

Proposal for a regulation

Article 22 – paragraph 2 – point a

Text proposed by the Commission

(a) be expressed as the amount needed to cover an amount of days of average daily net imports in case of a supply disruption, calculated on the basis of the amount of imports during the previous calendar year;

Amendment

(a) be expressed as the amount needed to cover an amount of days of average daily net imports in case of a supply disruption ***for the production of essential goods and the provision of goods and services directly related to vital societal functions or economic activities*** calculated on the basis of the amount of imports during the previous calendar year;

Amendment 116

**Proposal for a regulation
Article 24 – paragraph 2 – point b**

Text proposed by the Commission

(b) set minimum amounts of demanded material to participate in the system, taking into account the expected number of interested participants and the need to ***ensure a manageable amount of participants***.

Amendment

(b) set minimum amounts of demanded material to participate in the system, taking into account the ***different possibilities and needs of market actors in the SME sector,*** the expected number of interested participants and the need to ***manage them efficiently within the scheme***.

Amendment 117

**Proposal for a regulation
Article 25 – paragraph 1 – introductory part**

Text proposed by the Commission

1. Each Member State shall by [OP please insert: 3 years after the date of entry into force of this Regulation] adopt and implement national programmes containing measures designed to:

Amendment

1. Each Member State shall by [OP please insert: 3 years after the date of entry into force of this Regulation] adopt and implement national programmes ***that incorporate a multilevel governance approach involving regional authorities in the decision-making processes and*** containing measures designed to:

Amendment 118

Proposal for a regulation
Article 25 – paragraph 1 – point a

Text proposed by the Commission

(a) increase the collection of waste **with high** critical raw materials **recovery potential** and ensure their introduction into the appropriate recycling system, with a view to maximising the availability and quality of recyclable material as an input to critical raw material recycling facilities;

Amendment

(a) increase the collection, **sorting and processing** of waste, **metal scraps and end-of-life products which contain** critical raw materials, and ensure their introduction into the appropriate recycling system, with a view to maximising the availability and quality of recyclable material as an input to critical raw material recycling facilities **in particular through the adoption of quality standards for the recycling processes of complex waste streams such as electronic waste**;

Amendment 119

Proposal for a regulation
Article 25 – paragraph 1 – point b

Text proposed by the Commission

(b) increase the re-use of products and components **with high** critical raw materials **recovery potential**;

Amendment

(b) increase the re-use, **repair, refurbishing, remanufacturing and repurposing** of products and components **which contain** critical raw materials;

Amendment 120

Proposal for a regulation
Article 25 – paragraph 1 – point d

Text proposed by the Commission

(d) increase the technological maturity of recycling technologies for critical raw materials **and to** promote materials efficiency and the substitution of critical raw materials in applications, at least by including support actions **to that effect** under national research & innovation programmes;

Amendment

(d) increase the technological maturity of recycling technologies for critical raw materials, promote materials efficiency and **foster** the substitution of critical raw materials in **their** applications **while ensuring the same efficiency as well as technical and economic feasibility. This can be achieved**, at least by including support actions **for these purposes** under national research & innovation

programmes. *These initiatives shall include supporting the creation of recycling technology hubs that bring together synergies for the research and development of recycling processes for critical raw materials in collaboration with local and regional authorities;*

Amendment 121

Proposal for a regulation

Article 25 – paragraph 1 – point e

Text proposed by the Commission

(e) ensure that their workforce is equipped with the *skills* needed to support circularity of the critical raw materials value chain.

Amendment

(e) *with the involvement of social partners and by sustainable public investment* ensure that their workforce *through upskilling and reskilling* is equipped with the *key competences* needed to support circularity of the critical raw materials value chain;

Amendment 122

Proposal for a regulation

Article 25 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(e a) establish a stable secondary critical raw materials market, coordinating shared initiatives, and exchanging best practices.

Amendment 123

Proposal for a regulation

Article 25 – paragraph 2 – subparagraph 2

Text proposed by the Commission

With respect to points (a) and (b) of paragraph 1, the programmes referred to in that paragraph may include, without prejudice to Articles 107 and 108 of the

Amendment

With respect to points (a) and (b) of paragraph 1, the programmes referred to in that paragraph may include, without prejudice to Articles 107 and 108 of the

TFEU, the introduction of financial incentives, such as discounts, monetary rewards or deposit-refund systems, to encourage the re-use of products with **high** critical raw materials **recovery potential** and the collection of waste from **such** products.

TFEU, the introduction of financial incentives, such as discounts, monetary rewards or deposit-refund systems, to encourage the re-use of products with critical raw materials **content** and the collection of waste from products **with critical raw material recovery potential taking into account the special needs of the different regions**.

Amendment 124

Proposal for a regulation Article 25 – paragraph 5

Text proposed by the Commission

5. When reporting to the Commission the data concerning the quantities of waste electrical and electronic equipment recycled, pursuant to Article 16(6) of Directive 2012/19/EU on waste electrical and electronic equipment, Member States shall identify separately, and report, the quantities of components containing relevant amounts of critical raw materials removed from such waste equipment and the quantities of critical raw materials recovered from the waste electrical and electronic equipment. The Commission shall adopt implementing acts specifying the format and details of such reporting. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3). The first reporting period shall cover the first full calendar year after the adoption of those implementing acts.

Amendment

5. When reporting to the Commission the data concerning the quantities of waste electrical and electronic equipment recycled, pursuant to Article 16(6) of Directive 2012/19/EU on waste electrical and electronic equipment, Member States **in collaboration with local and regional authorities** shall identify separately, and report, **the critical raw materials put on the market in electrical and electronic equipment**, the quantities of components containing relevant amounts of critical raw materials removed from such waste equipment and the quantities of critical raw materials recovered from the waste electrical and electronic equipment. The Commission shall adopt implementing acts specifying the format and details of such reporting. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3). The first reporting period shall cover the first full calendar year after the adoption of those implementing acts.

Amendment 125

Proposal for a regulation Article 25 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. *During the evaluation process in accordance with Article 46, the Commission shall set targets for the collection and recovery of critical raw materials from waste electrical and electronic equipment. These targets shall be progressive and revised every two years in line with technological development, recycling capacity, and the availability of waste of electrical and electronic equipment in line with the report in paragraph 5, objectives set out in Article 1 and regional and local collection reports.*

Amendment 126

Proposal for a regulation

Article 25 – paragraph 7 – subparagraph 2 – introductory part

Text proposed by the Commission

Amendment

In drawing up this list, the Commission shall take account of:

In drawing up this list, the Commission, *where necessary in collaboration with Member states, regional and local authorities*, shall take account of:

Amendment 127

Proposal for a regulation

Article 25 – paragraph 7 – subparagraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(a a) the product turnover, volume placed and collected on the market;

Amendment 128

Proposal for a regulation

Article 28 a (new)

Text proposed by the Commission

Amendment

Article 28a

Socially responsible practices

The principle of sustainability set out in Article 5 of this Regulation includes the use of socially responsible practices, which implies respect for human and labour rights in the implementation of the strategic project. Companies benefiting from strategic project status and operating in third countries must ensure that these rights are respected. The companies concerned should provide any evidence or information that may be requested from time to time by the Member State from which they originate, or by the board, to ensure compliance with this obligation is fulfilled.

Amendment 129

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Governments *or* organisations that have developed and oversee certification schemes related to the sustainability of critical raw materials ("scheme owners") may apply to have their schemes recognised by the Commission.

Amendment

Governments *and local administrations* organisations *or industrial companies* that have developed and oversee certification schemes related to the sustainability of critical raw materials ("scheme owners") may apply to have their schemes recognised by the Commission.

Amendment 130

Proposal for a regulation

Article 30 – paragraph 4 – point a – point i

Text proposed by the Commission

(i) all relevant stakeholders, such as industry including downstream industry, SMEs and, where relevant, the craft industry, social partners, traders, retailers, importers, environmental protection groups and consumer organisations;

Amendment

(i) all relevant stakeholders, such as industry including downstream industry, SMEs and, where relevant, the craft industry, social partners, *regional and local communities* traders, retailers, importers, environmental protection groups

and consumer organisations;

Amendment 131

Proposal for a regulation Article 30 – paragraph 7

Text proposed by the Commission

Amendment

7. *The Commission may adopt delegated acts in accordance with Article 36 to supplement this Regulation by establishing environmental footprint performance classes for critical raw materials for which calculation and verification rules have been adopted pursuant to paragraph 1, in accordance with Annex V.*

deleted

Amendment 132

Proposal for a regulation Article 31 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall not, for reasons relating to information for recycling or recycled content of permanent magnets or for reasons relating to information on the environmental footprint of critical raw material covered by this Regulation, prohibit, restrict or impede the making available on the market or the putting into service of products incorporating permanent magnets or of critical raw materials that comply with this Regulation.

1. Member States, ***regional and local authorities*** shall not, for reasons relating to information for recycling or recycled content of permanent magnets or for reasons relating to information on the environmental footprint of critical raw material covered by this Regulation, prohibit, restrict or impede the making available on the market or the putting into service of products incorporating permanent magnets or of critical raw materials that comply with this Regulation.

Amendment 133

Proposal for a regulation Article 33 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The Board shall *periodically* discuss:

1. The Board shall *at least once a year* discuss *and no longer than one year after entry into force of this regulation* *publish a strategy report on the EU's strategic partnerships, outlining:*

Amendment 134

Proposal for a regulation

Article 33 – paragraph 1 – point a – point iii a (new)

Text proposed by the Commission

Amendment

(iii a) the economic and social developments in partner countries, in particular for emerging and developing economies, while also promoting the uptake of environmentally sustainable and circular economy practices and decent working conditions;

Amendment 135

Proposal for a regulation

Article 33 – paragraph 1 – point a – point iii b (new)

Text proposed by the Commission

Amendment

(iii b) the Union's climate and environmental objectives;

Amendment 136

Proposal for a regulation

Article 33 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the coherence and potential synergies between Member States' bilateral cooperation with relevant third countries and the actions carried out by the Union in the context of Strategic

(b) the coherence and potential synergies between Member States' bilateral cooperation with relevant *candidate, neighbouring and* third countries and the actions carried out by the

Partnerships;

Union in the context of Strategic Partnerships;

Amendment 137

Proposal for a regulation

Article 33 – paragraph 1 – point c – introductory part

Text proposed by the Commission

(c) which third countries should be prioritised for the conclusion of Strategic Partnerships, taking into account the following criteria:

Amendment

(c) which ***candidate, neighbouring and*** third countries should be prioritised for the conclusion of Strategic Partnerships, taking into account the following criteria:

Amendment 138

Proposal for a regulation

Article 33 – paragraph 1 – point c – point ii

Text proposed by the Commission

(ii) whether a third country's regulatory framework ensures the monitoring, prevention and minimisation of environmental impacts, the use of socially responsible practices including respect of human and labour rights and meaningful engagement with local communities, the use of transparent business practices and the prevention of adverse impacts on the proper functioning of public administration and the rule of law;

Amendment

(ii) whether a third country's regulatory framework ensures the monitoring, prevention and minimisation of environmental impacts, the use of socially responsible practices including respect of human and labour rights and meaningful engagement with ***regional and*** local communities, ***in particular indigenous peoples***, the use of transparent business practices and the prevention of adverse impacts on the proper functioning of public administration and the rule of law; ***(iii) whether there are existing cooperation agreements between a candidate, neighbouring or third country and the Union and, for emerging markets and developing economies, the potential for the deployment of Global Gateway investment projects planned with transparency, designed for the transition of sustainable economies to address climate change and help to provide also basic needs:***

Amendment 139

Proposal for a regulation

Article 33 – paragraph 1 – point c – point iv a (new)

Text proposed by the Commission

Amendment

(iv a) for candidate and neighbouring countries, whether and how a partnership in a sphere of critical and strategic raw materials could contribute to local value addition and would be mutually beneficial for the partner country and the Union;

Amendment 140

Proposal for a regulation

Article 33 – paragraph 1 – point c – point iv b (new)

Text proposed by the Commission

Amendment

(iv b) whether a candidate, neighbouring or third country demonstrates alignment with European values;

Amendment 141

Proposal for a regulation

Article 33 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Board shall advise on possible new strategic partnerships with candidate, neighbouring or third countries.

Amendment 142

Proposal for a regulation

Article 33 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. *The Board shall seek cooperation and coordination with international partners, as well as States of the European Free Trade Association, countries participating in the internal market or candidate countries.*

Amendment 143

Proposal for a regulation

Article 33 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2 c. *Following the identification of strategic projects with candidate, neighbouring and third countries, the Board shall rapidly establish structured communication with the Strategic Partnerships countries to identify the modalities of cooperation, relevant stakeholders and procedures.*

Amendment 144

Proposal for a regulation

Article 33 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) coordinate with the Commission to ensure coherence between their bilateral cooperation with relevant third countries and the Union's non-binding Strategic Partnerships with third countries, whose scope at least includes critical raw materials value chain;

(a) coordinate with the Commission to ensure coherence between their bilateral cooperation with relevant **candidate, neighbouring and** third countries and the Union's non-binding Strategic Partnerships with **candidate, neighbouring and** third countries, whose scope at least includes critical raw materials value chain;

Amendment 145

Proposal for a regulation

Article 33 – paragraph 3 a (new)

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Text proposed by the Commission

Amendment

3 a. The Commission shall integrate a critical and strategic raw materials component in existing and future international agreements.

Amendment 146

Proposal for a regulation Article 34 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In its activities, the Board shall seek cooperation and regular consultation with representatives of industry, private sector stakeholders, social partners and relevant local and regional authorities.

Amendment 147

Proposal for a regulation Article 35 – paragraph 1

Text proposed by the Commission

Amendment

1. The Board shall be composed of Member States and the Commission. It shall be chaired by the Commission.

1. The Board shall be composed of Member States and the Commission. It shall be chaired by the Commission.
Regional and local authorities shall be consulted.

Amendment 148

Proposal for a regulation Article 35 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The Board shall ensure regular coordination and collaboration with industry and key private sector stakeholders, as well as with representatives of candidate, neighbouring and third countries and

relevant local and regional authorities.

Amendment 149

Proposal for a regulation

Article 35 – paragraph 6 – subparagraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(a a) a subgroup to discuss and coordinate socially inclusive and sustainable mining practices, addressing local concerns and needs, promoting transparent communication, and fostering positive community relationships, with the aim of facilitating acceptance of mining projects. The subgroup shall also be responsible for collating and disseminating best practices within the Union;

Amendment 150

Proposal for a regulation

Article 35 – paragraph 6 – subparagraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(d a) a subgroup to discuss and coordinate on the Strategic Partnerships pursuant to Article 33, ensuring cooperation with other relevant coordination fora, including those established as part of the Global Gateway strategy; representatives of civil society organisations and academics shall be invited as observers;

Amendment 151

Proposal for a regulation

Article 35 – paragraph 6 – subparagraph 2 – point d b (new)

Text proposed by the Commission

Amendment

(d b) a subgroup responsible for investigating possibilities for private and public funding for exploration companies to fully utilize and accelerate the knowledge drawn from the national exploration programmes.

Amendment 152

Proposal for a regulation

Article 35 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Amendment

Where appropriate, the Board may invite experts, other third parties or representatives of third countries to attend meetings of the standing or temporary sub-groups referred to in paragraph 6 as observers or to provide written contributions.

Where appropriate, the Board may invite ***representatives of regional and local authorities, experts, industry and key private sector stakeholders and*** other third parties or representatives of third countries ***from industry, civil society, academia, trade unions and other representatives with expertise and reasonable interest before taking decisions,*** to attend meetings of the standing or temporary sub-groups referred to in paragraph 6 as observers or to provide written contributions.

Amendment 153

Proposal for a regulation

Article 35 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9 a. The Board shall report annually to the European Parliament.

Amendment 154

Proposal for a regulation

Annex I – Section 1 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

The following raw materials shall be considered strategic:

The following raw materials shall be considered strategic, ***including their respective carrier metals and minerals with which these strategic raw materials are extracted and their ferroalloy form :***

Amendment 155

Proposal for a regulation

Annex I – Section 1 – paragraph 1 – point a (new)

Text proposed by the Commission

Amendment

(a a) Aluminium

Amendment 156

Proposal for a regulation

Annex I – Section 1 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) Boron - ***metallurgy grade***

(b) Boron

Amendment 157

Proposal for a regulation

Annex I – Section 1 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) Chromium

Amendment 158

Proposal for a regulation

Annex I – Section 1 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) Lithium - ***battery grade***

(g) Lithium

Amendment 159

Proposal for a regulation

Annex I – Section 1 – paragraph 1 – point h

Text proposed by the Commission

Amendment

(h) Magnesium *metal*

(h) Magnesium

Amendment 160

Proposal for a regulation

Annex I – Section 1 – paragraph 1 – point i

Text proposed by the Commission

Amendment

(i) Manganese - *battery grade*

(i) Manganese

Amendment 161

Proposal for a regulation

Annex I – Section 1 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) Natural Graphite - *battery grade*

(j) Natural Graphite

Amendment 162

Proposal for a regulation

Annex I – Section 1 – paragraph 1 – point k

Text proposed by the Commission

Amendment

(k) Nickel - *battery grade*

(k) Nickel

Amendment 163

Proposal for a regulation

Annex I – Section 1 – paragraph 1 – point m

Text proposed by the Commission

Amendment

(m) Rare Earth Elements **for magnets**
(Nd, Pr, Tb, Dy, Gd, Sm, and Ce)

(m) Rare Earth Elements (Nd, Pr, Tb,
Dy, Gd, Sm, and Ce)

Amendment 164

Proposal for a regulation

Annex I – Section 1 – paragraph 1 – point n

Text proposed by the Commission

Amendment

(n) Silicon **metal**

(n) Silicon

Amendment 165

Proposal for a regulation

Annex I – Section 1 – paragraph 1 – point o

Text proposed by the Commission

Amendment

(o) Titanium **metal**

(o) Titanium

Amendment 166

Proposal for a regulation

Annex I – Section 2 – point 1 – introductory part

Text proposed by the Commission

Amendment

1. The strategic importance shall be determined based on the relevance of a raw material for the green and digital transition as well as defence and space applications, taking into account:

1. The strategic importance shall be determined based on the relevance of a raw material for the green and digital transition, **including raw materials enabling the production and processing of raw materials for the green and digital transition**, as well as defence and space applications, **and importance for medical and food security**, taking into account:

Amendment 167

Proposal for a regulation

Annex I – Section 2 – point 2 a (new)

Text proposed by the Commission

Amendment

2 a. *The forecasted demand availability shall be calculated as follow:*

$$D_{F/A}=DF/R$$

DF is the accumulated demand forecast for a reference year;

R are known reserves of economically extractable geological resources of a raw material.

Amendment 168

Proposal for a regulation

Annex II – Section 1 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(a a) Aluminium

Amendment 169

Proposal for a regulation

Annex II – Section 1 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(g a) Chromium

Amendment 170

Proposal for a regulation

Annex II – Section 1 – paragraph 1 – point v

Text proposed by the Commission

Amendment

(v) Natural Graphite

(v) Graphite

Amendment 171

Proposal for a regulation

Annex III – point 4 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(a a) striving towards free, prior and

informed consent (FPIC).

Amendment 172

Proposal for a regulation Annex III – point 4 a (new)

Text proposed by the Commission

Amendment

4 a. Whether a extracting project in the Union fulfils the criterion referred to in Article 5(1), point (c a) (new), must comply with the following:

(a) Part of the metallurgical and mineralogical processing and beneficiation of the mineral resources are carried out in the same NUTS 3 area or no more than 150 km from the place of extraction in line with Article 12(1), provided that such operations are economically and technically viable;

(b) The creation of a wider economic or social benefits, including the creation of employment.

Amendment 173

Proposal for a regulation Annex IV – paragraph 1 – point b – point iii a (new)

Text proposed by the Commission

Amendment

(iii a) requirements involving local stakeholders in planning and adapting schemes to regional needs and objectives, making use of local data and feedback for tailored and effective implementation.

Amendment 174

Proposal for a regulation Annex IV – paragraph 1 – point b – point iii b (new)

Text proposed by the Commission

Amendment

(iii b) requirements ensuring free and prior informed consent (FPIC) that enable local community to exercise their

fundamental right to give or withhold consent.

Justification

FPIC is the internationally acknowledged principle of how to ensure local communities and indigenous people's participation and consent during the process of developing a project or an economic activity on land that would affect the group. FPIC is based in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as it mainly pertains to land use rights.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) 168/2013, (EU) 2018/858, 2018/1724 and (EU) 2019/1020
References	COM(2023)0160 – C9-0061/2023 – 2023/0079(COD)
Committee responsible Date announced in plenary	ITRE 8.5.2023
Opinion by Date announced in plenary	REGI 8.5.2023
Rapporteur for the opinion Date appointed	Franc Bogovič 23.3.2023
Discussed in committee	27.6.2023
Date adopted	19.7.2023
Result of final vote	+: 35 –: 0 0: 1
Members present for the final vote	François Alfonsi, Adrian-Dragoș Benea, Isabel Benjumea Benjumea, Franc Bogovič, Vlad-Marius Botoș, Corina Crețu, Rosa D’Amato, Christian Doleschal, Matthias Ecke, Mircea-Gheorghe Hava, Krzysztof Hetman, Peter Jahr, Cristina Maestre Martín De Almagro, Nora Mebarek, Martina Michels, Alin Mituța, Dan-Ștefan Motreanu, Denis Nesci, Niklas Nienass, Andrey Novakov, Younous Omarjee, Alessandro Panza, Caroline Roose, Marcos Ros Sempere, André Rougé, Susana Solís Pérez, Irène Tolleret
Substitutes present for the final vote	Karolin Braunsberger-Reinhold, Carlos Coelho, Rosanna Conte, Herbert Dorfmann, Sandro Gozi, Ana Miranda, Yana Toom, Stefania Zambelli
Substitutes under Rule 209(7) present for the final vote	Carlo Fidanza

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

35	+
ECR	Carlo Fidanza, Denis Nesci
ID	Rosanna Conte, Alessandro Panza, André Rougé, Stefania Zambelli
PPE	Isabel Benjumea Benjumea, Franc Bogovič, Karolin Braunsberger-Reinhold, Carlos Coelho, Christian Doleschal, Herbert Dorfmann, Mircea-Gheorghe Hava, Krzysztof Hetman, Peter Jahr, Dan-Ștefan Motreanu, Andrey Novakov
Renew	Vlad-Marius Botoș, Sandro Gozi, Alin Mituța, Susana Solís Pérez, Irène Tolleret, Yana Toom
S&D	Adrian-Dragoș Benea, Corina Crețu, Matthias Ecke, Cristina Maestre Martín De Almagro, Nora Mebarek, Marcos Ros Sempere
The Left	Younous Omarjee
Verts/ALE	François Alfonsi, Rosa D'Amato, Ana Miranda, Niklas Nienass, Caroline Roose

0	-

1	0
The Left	Martina Michels

Key to symbols:

+ : in favour

- : against

0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) 168/2013, (EU) 2018/858, 2018/1724 and (EU) 2019/1020			
References	COM(2023)0160 – C9-0061/2023 – 2023/0079(COD)			
Date submitted to Parliament	17.3.2023			
Committee responsible Date announced in plenary	ITRE 8.5.2023			
Committees asked for opinions Date announced in plenary	AFET 8.5.2023	DEVE 8.5.2023	INTA 8.5.2023	BUDG 8.5.2023
	ECON 8.5.2023	ENVI 8.5.2023	IMCO 8.5.2023	REGI 8.5.2023
	JURI 8.5.2023			
Not delivering opinions Date of decision	BUDG 26.4.2023	IMCO 28.3.2023	JURI 25.4.2023	
Associated committees Date announced in plenary	DEVE 15.6.2023	ENVI 15.6.2023	INTA 15.6.2023	
Rapporteurs Date appointed	Nicola Beer 11.4.2023			
Discussed in committee	22.5.2023			
Date adopted	7.9.2023			
Result of final vote	+ : 53 - : 1 0 : 5			
Members present for the final vote	Matteo Adinolfi, Nicola Beer, François-Xavier Bellamy, Hildegard Bentele, Tom Berendsen, Vasile Blaga, Marc Botenga, Martin Buschmann, Cristian-Silviu Buşoi, Jerzy Buzek, Maria da Graça Carvalho, Ignazio Corrao, Marie Dauchy, Martina Dlabajová, Christian Ehler, Valter Flego, Lina Gálvez Muñoz, Jens Geier, Nicolás González Casares, Christophe Grudler, Henrike Hahn, Ivo Hristov, Ivars Ijabs, Seán Kelly, Łukasz Kohut, Marina Mesure, Dan Nica, Angelika Niebler, Niklas Nienass, Johan Nissinen, Mauri Pekkarinen, Mikuláš Peksa, Robert Roos, Sara Skyttedal, Maria Spyrali, Grzegorz Tobiszowski, Marie Toussaint, Pernille Weiss			
Substitutes present for the final vote	Rasmus Andresen, Andrus Ansip, Tiziana Beghin, Franc Bogovič, Mohammed Chahim, Jakob G. Dalunde, Francesca Donato, Matthias Ecke, Martin Hojsík, Marina Kaljurand, Dominique Riquet, Thomas Rudner, Susana Solís Pérez, Emma Wiesner			
Substitutes under Rule 209(7) present for the final vote	Karolin Braunsberger-Reinhold, José Manuel Fernandes, Niclas Herbst, Camilla Laureti, Aušra Maldeikienė, Bogdan Rzońca, Kosma Złotowski			
Date tabled	7.9.2023			

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

53	+
ECR	Bogdan Rzońca, Grzegorz Tobiszowski, Kosma Złotowski
ID	Matteo Adinolfi, Marie Dauchy
NI	Tiziana Beghin, Martin Buschmann, Francesca Donato
PPE	François-Xavier Bellamy, Hildegard Bentele, Tom Berendsen, Vasile Blaga, Franc Bogovič, Karolin Braunsberger-Reinhold, Cristian-Silviu Buşoi, Jerzy Buzek, Maria da Graça Carvalho, Christian Ehler, José Manuel Fernandes, Niclas Herbst, Seán Kelly, Aušra Maldeikienė, Angelika Niebler, Maria Spyraki, Pernille Weiss
Renew	Andrus Ansip, Nicola Beer, Martina Dlabajová, Valter Flego, Christophe Grudler, Martin Hojsik, Ivars Ijabs, Mauri Pekkarinen, Dominique Riquet, Susana Solís Pérez, Emma Wiesner
S&D	Mohammed Chahim, Matthias Ecke, Lina Gálvez Muñoz, Jens Geier, Nicolás González Casares, Ivo Hristov, Marina Kaljurand, Camilla Laureti, Dan Nica, Thomas Rudner
Verts/ALE	Rasmus Andresen, Ignazio Corrao, Jakop G. Dalunde, Henrike Hahn, Niklas Nienass, Mikuláš Peksa, Marie Toussaint

1	-
S&D	Lukasz Kohut

5	0
ECR	Johan Nissinen, Robert Roos
PPE	Sara Skyttedal
The Left	Marc Botenga, Marina Mesure

Key to symbols:

+ : in favour

- : against

0 : abstention