



2023/0079(COD)

17.7.2023

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 Polfjård

PA_Legam

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

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

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***

possibilities to support investments along the critical raw materials value chain subject to certain conditions.

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

(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.

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, ***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

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

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.

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.

44 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)

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 9

Proposal for a regulation
Recital 54

Text proposed by the Commission

(54) The Union has concluded Strategic Partnerships covering raw materials with

Amendment

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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.

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 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:

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:

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 encourage the re-use of products with high critical raw materials recovery potential and the collection of waste from such products.

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 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 Hoogeveen, 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