



**2023/0079(COD)**

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 Polfjård

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

PA\_Legam

## 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 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 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 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)**

*Text proposed by the Commission*

*Amendment*

***(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**

*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, ***in particular*** recycling, ***sustainable extraction using synergies between 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 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<sup>29</sup> and the digital targets under the Digital

*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 **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**

Decade<sup>30</sup>, 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.

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<sup>29</sup> 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).

<sup>30</sup> 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*

***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 Council<sup>29</sup> and the digital targets under the Digital Decade<sup>30</sup>, 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.

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<sup>29</sup> 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).

<sup>30</sup> 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*

***(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*

(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.

**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

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

*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 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**  
**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

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*

(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. 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.

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 materials<sup>31</sup>, including ensuring environmental protection, socially responsible practices, including respect for human rights such as the rights of women, and transparent business practices. Projects

*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 materials<sup>31</sup>, including ensuring environmental protection, socially responsible practices, including respect for human rights such as the rights of women

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.

*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*.

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<sup>31</sup> 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>

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<sup>31</sup> 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**

#### *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*

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

*Text proposed by the Commission*

*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 13**  
**Proposal for a regulation**  
**Recital 19**

*Text proposed by the Commission*

*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/EC<sup>39</sup> 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.

(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/EC<sup>39</sup> 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.***

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<sup>39</sup> 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).

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<sup>39</sup> 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, 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.

*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 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,

*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 **consider including** provisions for raw materials projects when developing relevant plans.

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<sup>1a</sup> defining the technical screening criteria for mining and refining, based on the work of the Platform on Sustainable Finance.**

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<sup>1a</sup> 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

*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**

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.

*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*

*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 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

(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



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.

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

*Text proposed by the Commission*

*Amendment*

***(42a) Electronic waste harbours critical raw materials in concentrations significantly superior to those found in the world's finest ore grades<sup>1a</sup>. 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.***

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<sup>1a</sup> ***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 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 Council<sup>46</sup>, priority should be given to preventing the generation of waste containing critical raw materials, by extracting critical raw materials from the

*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*

(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 Council<sup>46</sup>, priority should be given to preventing the generation of waste containing critical raw materials, by extracting critical raw

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.

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.

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<sup>46</sup> 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).

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<sup>46</sup> 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

#### *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

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.

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 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

*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 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

sustainably.

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 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

*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 ***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

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.

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 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.**

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

*Text proposed by the Commission*

*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*

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*

***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*

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.

*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 **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*

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 Union legislation.

*Amendment*

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.

**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

*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 **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.

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

*Text proposed by the Commission*

*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.**

**Amendment 40**  
**Proposal for a regulation**  
**Article 11 – paragraph 4**

*Text proposed by the Commission*

*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 **90 days** in the case of Strategic Projects.

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 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.

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.*

**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

*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 containing measures designed to:

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

*Amendment*

(c) increase the use of secondary critical raw materials in manufacturing, including, where appropriate, by taking recycled, **re-used, repaired, refurbished,**

criteria related to public procurement;

*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*

*Amendment*

(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;

(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*

*Amendment*

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

(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*

*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*

*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*

*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*

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.

*Amendment*

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*

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.

*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 *economic 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 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 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 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

*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*

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*

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

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.

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 on progress in the implementation of the measures taken pursuant to paragraphs 1 **and 2**.

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 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 insert: 3 years after the date of entry into force of this Regulation]. It shall be made

*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: 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.

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 critical raw materials, Member States shall

*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.

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:

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*

*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

2. ***By ... [1 year after the date of***

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).

***entry into force of this Regulation***], the 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

*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.

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**.

**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*

*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, 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, 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

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.

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

*Amendment*

(ii) requirements for ensuring ***multi-stakeholder participation***, socially



human rights and labour rights;

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*

***(iiiia) 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

<b>Title</b>	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
<b>References</b>	COM(2023)0160 – C9-0061/2023 – 2023/0079(COD)
<b>Committee responsible</b> Date announced in plenary	ITRE 8.5.2023
<b>Opinion by</b> Date announced in plenary	ENVI 8.5.2023
<b>Associated committees - date announced in plenary</b>	15.6.2023
<b>Rapporteur for the opinion</b> Date appointed	Jessica Polfjård 4.4.2023
<b>Discussed in committee</b>	24.5.2023
<b>Date adopted</b>	18.7.2023
<b>Result of final vote</b>	+: 52 –: 3 0: 13
<b>Members present for the final vote</b>	Mathilde Androuët, Bartosz Arłukowicz, Margrete Auken, Marek Paweł Balt, Aurélia 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, Helène Fritzson, 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 Spyragi, Nils Torvalds, Edina Tóth, Achille Variati, Petar Vitanov, Alexandr Vondra, Mick Wallace, Pernille Weiss, Emma Wiesner, Michal Wiezik
<b>Substitutes present for the final vote</b>	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
<b>Substitutes under Rule 209(7) present for the final vote</b>	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 Spyraki, 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, Helène 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, Aurélia 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