



2023/0079(COD)

19.7.2023

OPINION

of the Committee on Regional Development

for the Committee on Industry, Research and Energy

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

Rapporteur for opinion: Franc Bogovič

PA_Legam

AMENDMENT

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

Amendment 1

Proposal for a regulation Recital 1

Text proposed by the Commission

(1) Access to raw materials is essential for the Union economy **and** the functioning of the internal market. There is a set of non-energy, non-agricultural raw materials that, due to their high economic importance and their exposure to high supply risk, often caused by a high concentration of supply from a few third countries, are considered critical. Given the key role of many such critical raw materials in realising the green and digital transitions, and in light of their use for defence and space applications, demand will increase exponentially in the coming decades. At the same time, the risk of supply disruptions is increasing against the background of rising geopolitical tensions and resource competition. Furthermore, if 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 economy, **green transition, security and defence, as well as** the functioning of the internal market. There is a set of non-energy, non-agricultural raw materials that, due to their high economic importance and their exposure to high supply risk, often caused by a high concentration of supply from a few third countries, are considered critical **and strategic**. Given the key role of many such critical raw materials in realising the green and digital transitions, and in light of their use for defence and space applications, demand will increase exponentially in the coming decades **if no sufficient measures are implemented to promote material efficiency and to protect the EU from the rising gap between demand and supply at the global level. Further raw materials used in other sectors such as, amongst others, agriculture, health or construction, might be exposed to high supply risks in the future**. At the same time, the risk of supply disruptions is increasing against the background of rising geopolitical tensions and resource competition. Furthermore, if not managed **and mitigated** properly, increased demand for critical raw materials could lead to negative **regional and local**, environmental, **industrial** and social impacts. Considering these trends, it is necessary to take measures to ensure access to a secure and sustainable supply of

critical raw materials, ***including through the involvement of regional and local actors and the strengthening of regional supply chains, and to curb the expected exponential growth in demand in the Union***, to safeguard the Union's economic resilience, ***green transition, security and defence*** and open strategic autonomy, ***while the green and digital transition should not increase the EU's dependence on third countries for the supply of raw materials in such a way that creates vulnerabilities and once again disrupts entire supply chains.***

Amendment 2

Proposal for a regulation Recital 2

Text proposed by the Commission

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

Amendment 3

Proposal for a regulation Recital 3

Text proposed by the Commission

(3) Firstly, in order to effectively ensure the Union's access to a secure and sustainable supply of critical raw materials, that framework should include measures to

Amendment

(3) Firstly, in order to effectively ensure the Union's access to a secure and sustainable supply of critical raw materials, that framework should include measures to

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

decrease the Union's growing supply risks **and dependence** by strengthening Union capacities along all stages of the **critical and** strategic raw materials value chain, including extraction, processing and recycling, towards benchmarks defined for each strategic raw material. Secondly, as the Union will continue to rely on imports, the framework should include measures to increase the diversification of external supplies of strategic raw materials. Thirdly, **the framework should especially focus on candidate and neighbouring countries, rich in critical and strategic raw materials to ensure better future cooperation, regional and local development and smaller environmental footprint by shortening transport lines.** **Fourthly**, it is necessary to provide measures to reinforce the Union's ability to **identify**, monitor and mitigate existing and future supply risks **and rapidly act accordingly.** **Fifthly**, the framework should contain measures to increase the circularity and sustainability of the critical raw materials consumed in the Union, **towards a fully circular economy, and ensuring public control of all life-cycle processes related to these critical and strategic raw materials.** **Sixthly**, **the Union should develop strategic storage programmes for certain critical raw materials, which would help manage and cushion the impact of supply disruptions and ensure availability in times of crisis and instability.**

Amendment 4

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) In order to ensure that the measures set out in the Regulation focus on the most relevant materials, a list of strategic raw materials and a list of critical raw materials should be established. Those lists should

Amendment

(4) In order to ensure that the measures set out in the Regulation focus on the most relevant materials, a list of strategic raw materials and a list of critical raw materials should be established. Those lists should

also serve to guide and coordinate Member States' efforts to contribute to the realisation of the aims of this Regulation. The list of strategic raw materials should contain raw materials that are of high strategic importance, taking into account their use in strategic technologies underpinning the green and digital transitions or for defence or space applications, that are characterised by a potentially significant gap between global supply and projected demand, and for which an increase in production is relatively difficult, for instance due to long lead-times for new projects increasing supply capacity. To take account of possible technological and economic changes, the list of strategic materials should be periodically reviewed and, if necessary, updated. ***In order to ensure that efforts to increase the Union capacities along the value chain, reinforce the Union's capacity to monitor and mitigate supply risks and increase diversification of supply are focused on the materials for which they are most needed, the relevant measures should only apply to the list of strategic raw materials.***

Amendment 5

Proposal for a regulation Recital 5

Text proposed by the Commission

(5) The list of critical raw materials should contain all strategic raw materials as well as any other raw materials of high importance for the overall Union economy and for which there is a high risk of supply disruption. To take account of possible technological and economic changes, the Commission should, in continuation of current practice, periodically perform an assessment based on data for production, trade, applications, recycling, and substitution for a wide range of raw

also serve to guide and coordinate Member States' efforts to contribute to the realisation of the aims of this Regulation. The list of strategic raw materials should contain raw materials that are of high strategic importance, taking into account their use in strategic technologies underpinning the green and digital transitions or for defence or space applications, ***as well as for health and food security*** that are characterised by a potentially significant gap between global supply and projected demand, and for which an increase in production is relatively difficult, for instance due to long lead-times for new projects increasing supply capacity. To take account of possible technological and economic changes ***as well as ad-hoc risks resulting from i.e. geopolitical conflicts or natural catastrophes***, the list of strategic materials should be periodically reviewed and, if necessary, updated. ***Upon request by the Board, amendments to the list should also be possible at any time outside of the scheduled reviews.***

Amendment

(5) The list of critical raw materials should contain all strategic raw materials as well as any other raw materials of high importance for the overall Union economy and for which there is a high risk of supply disruption. To take account of possible technological and economic changes, the Commission should, in continuation of current practice, periodically perform an assessment based on data for production, trade, applications, recycling, and substitution for a wide range of raw

materials to update the lists of critical and strategic raw materials reflecting the evolution in the economic importance and supply risk associated with those raw materials. The list of critical raw materials should include those raw materials which reach or exceed the thresholds for both economic importance and supply risk, without ranking the relevant raw materials in terms of criticality. This assessment should be based on an average of the latest available data over a 5-year-period. The measures set out in this Regulation related to one stop shop for permitting, planning, exploration, monitoring, circularity, and sustainability should apply to all critical raw materials.

materials to update the lists of critical and strategic raw materials reflecting the evolution in the economic importance and supply risk associated with those raw materials. The list of critical raw materials should include those raw materials which reach or exceed the thresholds for both economic importance and supply risk, without ranking the relevant raw materials in terms of criticality. This assessment should be based on an average of the latest available data over a 5-year-period. The measures set out in this Regulation related to one stop shop for permitting, planning, exploration, monitoring, circularity, ***access to finance and administrative support*** and sustainability should apply to all critical raw materials.

Amendment 6

Proposal for a regulation

Recital 6

Text proposed by the Commission

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

Amendment

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

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

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

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

Amendment 7

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

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

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

Proposal for a regulation
Recital 7

Text proposed by the Commission

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

Amendment

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

Amendment 8

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) In order to build capacities in the Union, the Commission should, with the support of the Board, identify Strategic Projects in the Union that intend to become active in the extraction, processing or recycling of strategic raw materials. Effective support to Strategic Projects has the potential to improve access to materials for downstream sectors as well as to create economic opportunities along the value chain, including for SMEs, and contribute to the creation of employment. Therefore, to ensure the development of Strategic Projects across the Union, such projects

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 extraction, processing or recycling of strategic raw materials. Effective support to Strategic Projects has the potential to improve access to materials for downstream sectors as well as to create economic opportunities along the value chain, including for SMEs, ***regional and local communities***, and contribute to the creation of employment. Therefore, to ensure the development of Strategic

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.

Projects across the Union, such projects should benefit from *more efficient and transparent*, streamlined and predictable permitting procedures *without reducing environmental and social requirements, as well as* support *in securing fundings and* in gaining access to finance, *which could, if proven successful, be a role model for permitting procedures and access to finance for critical or other raw materials*. In order to focus support and ensure their added value, projects should, before receiving such support, be assessed against a set of criteria. Strategic Projects in the Union should strengthen the Union's security of supply for strategic raw materials, show sufficient technical feasibility and be implemented in an environmentally and socially sustainable manner. They should also provide cross-border benefits beyond the Member State concerned. Where the Commission assesses these criteria to be fulfilled, it should publish the recognition as a Strategic Project in a decision. As a speedy recognition is key to effectively supporting the Union's security of supply, the assessment process should remain light and not overly burdensome.

Amendment 9

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) In order to diversify the Union's supply of strategic raw materials, the Commission should, with the support of the Board, identify Strategic Projects in third countries that intend to become active in the extraction, processing or recycling of strategic raw materials. To ensure that such Strategic Projects are effectively implemented, they should benefit from improved access to finance. In order to ensure their added value, projects should

Amendment

(10) In order to diversify the Union's supply of strategic raw materials, the Commission should, with the support of the Board, identify Strategic Projects in *candidate, neighbouring and* third countries that intend to become active in the extraction, processing or recycling of strategic raw materials. To ensure that such Strategic Projects are effectively implemented, they should benefit from improved access to finance. In order to

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.

ensure their added value, **including for third countries where they are located**, projects should be assessed against a set of criteria. Like projects in the Union, Strategic Projects in third countries **and especially in candidate and neighbouring countries** should **contribute to the strengthening of** the Union's security of supply for strategic raw materials, show sufficient technical feasibility and be implemented sustainably **in such a way as to contribute to the development of regional and local communities**. For projects in emerging markets and developing economies, the project should be mutually beneficial for the Union and the third country involved. **If needed, the EU will support candidate, neighbouring or third countries in reinforcing their legal framework, good governance capacity and transparency in the raw materials sector with the aim of making the raw material partnership a win-win situation, also for the local population. A project should** add value in that country, taking into account also its consistency with the **principles enshrined in the EU Treaties, the** Union's common commercial policy **and strategic priorities**. Such value may be derived from the project's contribution to more than one stage of the **raw materials** value chain as well as from creating through the project wider economic and social benefits, including the creation of employment in compliance with international standards. Where the Commission assesses these criteria to be fulfilled, it should publish the recognition as a Strategic Project in a decision.

Amendment 10

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) In order to ensure the sustainability

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Amendment

(11) In order to ensure the sustainability

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

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

Amendment 11

of increased raw material production, new raw materials projects should be implemented sustainably. To that end, the Strategic Projects receiving support under this Regulation should be assessed taking into account international instruments covering all aspects of sustainability highlighted in the EU principles for sustainable raw materials³¹, including ensuring environmental protection, ***and the protection of marine and coastal environment***, socially responsible practices, including respect for human rights such as the rights of women and ***children, as well as*** transparent business practices, ***boosting social, economic and territorial cohesion, also by creating employment opportunities for under-represented and socially disadvantaged groups. In addition, these regulations must be assessed in accordance with international human rights law, international environmental law, and due diligence principles***, projects should *as well* ensure engagement in good faith as well as comprehensive and meaningful consultations with ***regional and*** local communities, including with indigenous peoples. To provide project promoters with a clear and efficient way of complying with this criterion, compliance with relevant Union legislation, international standards, guidelines and principles or participation in a certification scheme recognised under this Regulation should be considered sufficient.

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

Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Sustainable and environmentally respectful extraction projects, incorporating innovative processes and conducting mineralogical and metallurgical processing close to the extraction sites, may be regarded as Important Projects of Common European Interest according to communication from the Commission on IPCEI^{1a}. These projects should significantly contribute to economic growth, job creation, the green and digital transition, and enhance competitiveness for the Union industry and economy. Furthermore, to align with European values and objectives, these projects should exhibit an unwavering commitment to transparency, regional development, education, and community engagement, avoiding the use of fossil fuels through the integration of renewable energy sources, reducing waste, and utilizing sustainable water usage practices.

^{1a} Communication on the criteria for the analysis of the compatibility with the internal market of State aid to promote the execution of IPCEIs (OJ C 528, 30.12.2021, p. 10–18)

Amendment 12

Proposal for a regulation
Recital 12

Text proposed by the Commission

Amendment

(12) Any promoter of a strategic raw materials project should be able to apply to the Commission for the recognition of their project as a Strategic Project. The application should include ***several***

(12) Any promoter of a strategic raw materials project should be able to apply to the Commission for the recognition of their project as a Strategic Project. The application should include ***relevant***

documents and evidence related to the criteria. To better assess the social, environmental and economic viability, the feasibility of the project as well as the level of confidence in the estimates, the project promoter should also provide a classification of the project according to the United Nations Framework Classification for Resources, and to allow for objective validation, they should support this classification with relevant evidence. A timetable for the project should also be attached to an application, in order to estimate when the project would be able to contribute towards the benchmarks for domestic capacity or for diversification. As public acceptance of mining projects is crucial for their effective implementation, the promoter should also provide a plan containing measures to facilitate public acceptance. Special attention should be paid to social partners, civil society and other oversight actors. The promoter should also provide a business plan providing information regarding the project's financial viability and giving an overview of funding and off-take agreements already secured as well as estimates for potential job creation and for the project's needs in terms of skilled workforce, including upskilling and reskilling.

documents and evidence related to the criteria. To better assess the social, environmental and economic viability, the feasibility of the project as well as the level of confidence in the estimates, the project promoter should also provide a classification of the project according to the United Nations Framework Classification for Resources, and to allow for objective validation, they should support this classification with relevant evidence. A timetable for the project should also be attached to an application, in order to estimate when the project would be able to contribute towards the benchmarks for domestic capacity or for diversification. As public acceptance of mining projects is crucial for their effective implementation, the promoter should also provide a plan containing measures to ***ensure a proper participation, consultation, acceptance and control. This is also valid for projects in candidate, neighbouring and third countries.*** Special attention should be paid to social partners, civil society and other oversight actors ***as well as local and regional authorities.*** The promoter should also provide a business plan providing information regarding the project's financial viability and giving an overview of funding and off-take agreements already secured as well as estimates for potential job creation and for the project's needs in terms of skilled workforce, including upskilling and reskilling, ***and the initiatives envisaged to improve participation of women as well as the overall working conditions.***

Amendment 13

Proposal for a regulation Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) Raw materials not considered as critical or strategic may still be essential

to the Member States and their industries and for sectors not covered by this Regulation.

Justification

It is hence crucial that this Regulation is not interpreted in a contrary way. It must be ensured that the regulation does not affect the availability of raw materials needed for e.g., agriculture and construction.

Amendment 14

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) In order to reduce complexity and increase efficiency and transparency in permitting process, project promoters of critical raw materials projects should be able to interact with a single national authority, which is responsible for facilitating and coordinating the entire permit granting process and in the case of Strategic Projects shall issue a comprehensive decision within the applicable time limit. To that end, Member States should designate a single national competent authority. Where needed in light of a Member State's internal organisation, the tasks of the national competent authority should be able to be delegated to a different authority, subject to the same conditions. To ensure the effective implementation of its responsibilities, Member States should provide their national competent authority, or any authority acting on its behalf, with sufficient personnel and resources.

Amendment

(20) In order to reduce complexity and increase efficiency and transparency in permitting process, project promoters of critical raw materials projects should be able to interact with a single national authority, which is responsible for facilitating and coordinating the entire permit granting process and in the case of Strategic Projects shall issue a comprehensive decision within the applicable time limit. To that end, Member States should designate a single national competent authority ***that should consult regularly with the relevant regional authorities***. Where needed in light of a Member State's internal organisation, the tasks of the national competent authority should be able to be delegated to a different authority, subject to the same conditions. ***This designation shall not affect the ministerial organisation, including its decisional process.*** To ensure the effective implementation of its responsibilities, Member States should provide their national competent authority, or any authority acting on its behalf, with sufficient personnel and resources.

Amendment 15

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) In order to ensure clarity about the permitting status of Strategic Projects and to limit the effectiveness of potential abusive litigation, while not undermining effective judicial review, Member States should ensure that any dispute concerning the permit granting process for Strategic Projects is resolved in a timely manner. To that end, national competent authorities should ensure that applicants and project promoters have access to simple dispute settlement procedure and that Strategic Projects are granted urgent treatment in all judicial and dispute resolution procedures relating to the projects.

Amendment

(21) In order to ensure clarity about the permitting status of Strategic Projects and to limit the effectiveness of potential abusive litigation, while not undermining effective judicial review, Member States should ensure that any dispute concerning the permit granting process for Strategic Projects is resolved in a timely manner. To that end, national competent authorities should ensure that applicants and project promoters have access to simple dispute settlement procedure and that Strategic Projects are granted urgent treatment in all judicial and dispute resolution procedures relating to the projects. ***In addition, this Regulation should contribute to the exchange of best practices for resolving disputes.***

Amendment 16

Proposal for a regulation
Recital 25

Text proposed by the Commission

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

Amendment

(25) Land use conflicts can create barriers to the deployment of critical raw material projects. Well-designed plans, ***based on close cooperation of authorities on national, regional and local level,*** including spatial plans and zoning, that take into account the potential for implementing critical raw material projects and whose potential environmental, ***cultural and social impacts, including the impact on food production,*** are assessed, have the potential to help balance public goods and interests, decreasing the risk of conflict and accelerating the sustainable deployment of raw materials projects in the Union ***and in candidate, neighbouring***

projects when developing relevant plans.

and third countries. Responsible national, regional and local authorities should therefore consider including provisions for raw materials projects when developing relevant plans.

Amendment 17

Proposal for a regulation Recital 25 a (new)

Text proposed by the Commission

Amendment

(25 a) Recognizing the critical role of local and regional authorities in multilevel governance, their active involvement is imperative to foster regional development in critical and strategic raw material projects. Their unique knowledge and proximity to these projects ensure effective decision-making, promote local buy-in, and drive sustainable practices tailored to regional specifics, ultimately enhancing the success and positive impact of these initiatives.

Amendment 18

Proposal for a regulation Recital 25 b (new)

Text proposed by the Commission

Amendment

(25 b) Recognizing the unique needs and circumstances of outermost regions, it is crucial to tailor mining, recycling, and processing projects to their specific conditions. Ensuring such considerations promotes sustainable development, preserves local ecosystems, respects cultural nuances, and maximizes the potential benefits for these regions, thereby aligning with the Union's commitment to equitable, inclusive progress across all territories.

Amendment 19

Proposal for a regulation Recital 25 c (new)

Text proposed by the Commission

Amendment

(25 c) It is essential to acknowledge the potential of mining, processing, and recycling projects to retain and increase value within regions, improve local skill sets, and combat depopulation, as they can serve as pivotal economic drivers, providing job opportunities, enhancing local capacities, and attracting populations, thus promoting regional development and long-term sustainability.

Amendment 20

Proposal for a regulation Recital 26

Text proposed by the Commission

Amendment

(26) Within the Union, critical raw materials projects often face difficulties with access to finance. Critical raw materials markets are often characterised by high volatility of prices, long lead times, high concentration and opacity. Additionally, financing for the sector requires a high level of expert knowledge that is often lacking among financial institutions. To overcome these factors and contribute towards ensuring a stable and reliable supply of strategic raw materials, Member States and the Commission should assist in access to finance and administrative support.

(26) Within the Union, critical raw materials projects often face difficulties with access to finance. Critical raw materials markets are often characterised by high volatility of prices, long lead times, high concentration and opacity. Additionally, financing for the sector requires a high level of expert knowledge that is often lacking among financial institutions. To overcome these factors and contribute towards ensuring a stable and reliable supply of strategic raw materials, Member States and the Commission should ***tackle hurdles in terms of policies and*** assist in access to finance and administrative support.

Amendment 21

Proposal for a regulation
Recital 27 a (new)

Text proposed by the Commission

Amendment

(27 a) In order to ensure that the supply chain problems which arose from the COVID-19 pandemic and the energy crisis triggered by Russia's invasion of Ukraine can no longer happen, the European Union needs a suitable workforce, and must therefore harness EU financial instruments such as the European Social Fund Plus (ESF+), the European Regional Development Fund (ERDF) and the Just Transition Mechanism (JTM) to support education and training measures to upskill the workforce all along the raw materials value chain.

Amendment 22

Proposal for a regulation
Recital 28

Text proposed by the Commission

Amendment

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

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access existing financing possibilities. When discussing and making recommendations for the financing of Strategic Projects in third countries, the Board should in particular take into account the Global Gateway strategy⁴².

access existing financing possibilities. When discussing and making recommendations for the financing of Strategic Projects in *candidate, neighbouring and* third countries, the Board should in particular take into account the Global Gateway strategy⁴² *and strategic partnerships and accession agreements*.

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

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

Amendment 23

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) Private investment by companies, financial investors and off takers is essential. Where private investment alone is not sufficient, the effective roll-out of projects along the critical raw material value chain may require public support, for example in the form of guarantees, loans or equity and quasi-equity investments. This public support may constitute State aid. Such aid must have an incentive effect and be necessary, appropriate and proportionate. The existing State aid guidelines, which have recently undergone an in-depth revision in line with twin transition objectives, provide ample possibilities to support investments along the critical raw materials value chain subject to certain conditions.

Amendment

(29) Private investment by companies, financial investors and off takers is essential. Where private investment alone is not sufficient, the effective roll-out of projects along the critical raw material value chain may require public support, for example in the form of guarantees, loans or equity and quasi-equity investments. This public support may constitute State aid. Such aid must have an incentive effect and be necessary, appropriate and proportionate. The existing State aid guidelines, which have recently undergone an in-depth revision in line with twin transition objectives, provide ample possibilities to support investments along the critical raw materials value chain subject to certain conditions. ***The Commission and the Member States should clarify how State Aid rules could be used. Furthermore, they should introduce financial mechanisms that support existing and new industrial***

capacities along the critical raw materials value chain covering both operational and capital expenditure. The Commission should further explore the possibility of a dedicated funding on EU level, for example earmarking of financial support under new or existing funds that are not dedicated to raw materials alone.

Amendment 24

Proposal for a regulation Recital 33

Text proposed by the Commission

(33) Space data and services derived from earth observation can support the efforts towards sustainable critical raw materials value chains by providing a continuous flow of information, which could be useful for activities such as monitoring and management of mining areas, the environmental and socio-economic impact assessment, or mineral resource exploration. As earth observation is also able to provide data about remote and inaccessible areas, it should be considered by Member States when drawing up and implementing their national exploration programmes to the extent possible.

Amendment

(33) Space data and services derived from earth observation can support the efforts towards sustainable critical raw materials value chains by providing a continuous flow of information, which could be useful for activities such as monitoring and management of mining areas, the environmental and socio-economic impact assessment ***before and during exploitation to ensure compliance with social and environmental regulatory frameworks***, or mineral resource exploration. As earth observation is also able to provide data about remote and inaccessible areas, it should be considered by Member States when drawing up and implementing their national exploration programmes to the extent possible.

Amendment 25

Proposal for a regulation Recital 34

Text proposed by the Commission

(34) Although the reinforcement of the Union's critical raw materials value chain is necessary to ensure increased security of supply, the supply chains of critical raw

Amendment

(34) Although the reinforcement of the Union's critical raw materials value chain is necessary to ensure increased security of supply, the supply chains of critical raw

materials will remain global and exposed to external factors. Recent or ongoing events ranging from the COVID-19 crisis to the unprovoked and unjustified military aggression against Ukraine underlined the vulnerability of some of the Union's supply chains to disruptions. In order to ensure that Member States and European industries are able to anticipate supply disruption and prepared to withstand their consequences, measures should be developed to increase monitoring capacity, coordinate strategic stocks and reinforce the preparedness of companies.

materials will remain global and exposed to external factors. Recent or ongoing events ranging from the COVID-19 crisis to the unprovoked and unjustified military aggression against Ukraine underlined the vulnerability of some of the Union's supply chains to disruptions. In order to ensure that Member States and European industries are able to anticipate supply disruption and **are** prepared to withstand their consequences, measures should be developed to increase monitoring capacity, **exchange information**, coordinate strategic stocks, **where necessary**, and reinforce the preparedness of companies.

Amendment 26

Proposal for a regulation Recital 35

Text proposed by the Commission

(35) Member States do not have the same capacity when it comes to risk-awareness and anticipation, and not all Member States have developed dedicated structures that monitor the supply chains of critical raw materials and can inform companies about potential risks of supply disruptions. Similarly, although some companies have invested in the monitoring of their supply chains, others lack the capacity to do so. Therefore, in light of the global dimension of critical raw materials supply chains as well as their complexity, the Commission should develop a dedicated monitoring dashboard assessing critical raw materials' supply risks and ensure the availability of the information gathered for public authorities and private actors, thereby increasing synergies amongst Member States. In order to ensure that Union value chains are sufficiently prepared against potential supply disruptions, the Commission should conduct stress tests assessing the vulnerability of the strategic raw materials

Amendment

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supply chains and their exposure to supply risks. Member States should contribute to this exercise by, when possible conducting such stress tests through their national supply and information agencies covering critical raw materials. The Board should ensure the coordination of the implementation of the stress tests by the Commission and Member States. When no Member State has the capacity to perform a required stress test on a given strategic raw material, the Commission should conduct it itself. When making the results of such stress tests publicly available, the Commission should also suggest potential strategies that can be adopted by the public authorities and private actors to mitigate supply risks, such as building strategic stocks or further diversifying their supply. For the purpose of gathering the information necessary to conduct the monitoring and stress tests measures, the Commission should coordinate with the relevant standing subgroup of the Board and Member States should identify and monitor key market operators that are important to the functioning of the value chain. When no member of the standing sub-group has the capacity to perform a required stress test on a given strategic raw material, the Commission should conduct it itself.

supply chains and their exposure to supply risks. Member States should contribute to this exercise by, when possible conducting such stress tests through their national supply and information agencies covering critical raw materials. The Board should ensure the coordination of the implementation of the stress tests by the Commission and Member States. When no Member State has the capacity to perform a required stress test on a given strategic raw material, the Commission should conduct it itself. When making the results of such stress tests publicly available, the Commission should also suggest potential strategies that can be adopted by the public authorities and private actors to mitigate supply risks, such as ***implementing additional policy measures to reduce the need of strategic raw materials***, building strategic stocks or further diversifying their supply. For the purpose of gathering the information necessary to conduct the monitoring and stress tests measures, the Commission should coordinate with the relevant standing subgroup of the Board and Member States should identify and monitor key market operators that are important to the functioning of the value chain. When no member of the standing sub-group has the capacity to perform a required stress test on a given strategic raw material, the Commission should conduct it itself.

Amendment 27

Proposal for a regulation Recital 41

Text proposed by the Commission

(41) Most critical raw materials are metals, which can be in principle endlessly recycled, albeit with sometimes deteriorating qualities. This offers the potential to move to a truly circular economy in the context of the green

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 should become increasingly important and reduce the need for primary extraction and its associated impacts. Today, however, recycling rates of most critical raw materials are low, and recycling systems and technologies are often not adapted to the specificities of these raw materials. Action addressing the different factors holding back the circularity potential is thus required.

transition. After an initial phase of rapid growth of demand for critical raw material for new technologies, where primary extraction and processing will still constitute the predominant source, recycling **and re-use** should become increasingly important and reduce the need for primary extraction and its associated impacts. Today, however, recycling rates of most critical raw materials are low, **owing to the lack of incentives**, and recycling systems and technologies are often not adapted to the specificities of these raw materials. Action addressing the different factors holding back the circularity potential is thus required **so that recycling is placed at the heart of the transition to an efficient economy and of the obtention of the raw materials needed. (AM 50). Regardless of the amount of strategic raw materials consumed in the Union in 2030, the horizon of travel should aim at the full circularity of those raw materials.**

Amendment 28

Proposal for a regulation Recital 41 a (new)

Text proposed by the Commission

Amendment

(41 a) There is a need to educate and raise public awareness on the importance of recycling and resource efficiency, encouraging sustainable behaviour both individually and collectively, as this is a proper way to ensure a shift towards a truly circular economy that will help reduce dependence on third countries for raw materials.

Amendment 29

Proposal for a regulation Recital 42 a (new)

Text proposed by the Commission

Amendment

(42 a) Electronic waste contains critical raw materials in concentrations significantly superior to those found in the world's finest ore grades. This offers an immense developmental potential for urban mining. Therefore, it is crucial to establish supportive infrastructure for recycling centers, enabling them to reintroduce these recycled materials into the market effectively and efficiently.

Amendment 30

Proposal for a regulation

Recital 43

Text proposed by the Commission

Amendment

(43) The Union has, in many of its regions, a legacy of raw materials extraction and thus substantial amounts of extractive waste on closed facilities which, due to their only recent rise in economic importance, have generally not been analysed for critical raw materials potential. The recovery of critical raw materials from extractive waste facilities 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.

(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 ***and positively contribute to the further development of regional and local communities concerned***, which are often affected by deindustrialisation and decline ***that deepen regional disparities and inequalities; in this context the Union needs to improve its resilience by limiting the negative environmental and social impacts of access to raw materials***. The lack of attention to ***social and economic aspects*** and information ***as such*** on critical raw materials content, especially on closed waste facilities, constitutes a key barrier to greater use of the critical raw materials potential of extractive waste ***also for***

territorial cohesion.

Amendment 31

Proposal for a regulation

Recital 44 a (new)

Text proposed by the Commission

Amendment

(44 a) There is a need to create a clear and cohesive regulatory framework for the recovery of critical raw materials from extractive waste in order to ensure compliance with environmental and human health protection standards, and also to stimulate investment in the infrastructure needed to recover critical raw materials from extractive waste, including by facilitating access to finance and the granting of government support, to enable less dependence on new types of extraction and the reuse of existing resources in a sustainable way.

Amendment 32

Proposal for a regulation

Recital 45

Text proposed by the Commission

Amendment

(45) Operators of extractive waste facilities, both existing and new, should perform a preliminary economic assessment study regarding the recovery of critical raw materials from extractive waste present on the site and from such waste being generated. In line with the waste hierarchy established in Directive 2008/98/EC of the European Parliament and of the Council⁴⁶, priority should be given to preventing the generation of waste containing critical raw materials, by extracting critical raw materials from the extracted volume prior to it becoming waste. In elaborating this study, operators should gather the necessary information, including concentrations and quantities of

(45) Operators of extractive waste facilities, both existing and new, should perform a preliminary economic assessment study regarding the recovery of critical raw materials from extractive waste present on the site and from such waste being generated. In line with the waste hierarchy established in Directive 2008/98/EC of the European Parliament and of the Council⁴⁶, priority should be given to preventing the generation of waste containing critical raw materials, by extracting critical raw materials from the extracted volume prior to it becoming waste. In elaborating this study, operators should gather the necessary information, including concentrations and quantities of

critical raw materials in the extractive waste, and perform an assessment of multiple options regarding processes, operations or business arrangements that could enable an economically viable recovery of critical raw materials. This obligation comes in addition to obligations laid down in Directive 2006/21/EC and the national laws transposing it and is directly applicable. In its implementation, operators and competent authorities should seek to minimise administrative burden and integrate procedures to the extent possible.

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

Amendment 33

Proposal for a regulation Recital 46

Text proposed by the Commission

(46) To address the current lack of information on the critical raw materials potential of closed extractive waste facilities, Member States should draw up a database containing all information relevant to promote the recovery, notably the quantities and concentrations of critical raw materials in the extractive waste facility, in compliance with Union competition rules. The information should be made publicly available and in a user-friendly and digital form, enabling access to more detailed, technical information. To facilitate user-friendly access to the information, Member States should for instance provide a point of contact to enable more in-depth exchanges with potential developers of critical raw materials recovery projects. The database

critical raw materials in the extractive waste, and perform an assessment of multiple options regarding processes, operations or business arrangements that could enable an economically, ***environmentally and socially*** viable recovery of critical raw materials. This obligation comes in addition to obligations laid down in Directive 2006/21/EC and the national laws transposing it and is directly applicable. In its implementation, operators and competent authorities should seek to minimise administrative burden and integrate procedures to the extent possible.

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should be designed to allow potential project promoters to easily identify facilities with a high potential for economically viable recovery. To focus limited resources, Member States should follow a staged approach in the collection of information and perform the more demanding information collection steps only for the most promising facilities. The information collection activities should be aimed at providing accurate and representative information on the extractive waste facilities and gaining the best possible indication of the critical raw materials recovery potential.

recovery projects. The database should be designed to allow potential project promoters to easily identify facilities with a high potential for economically, ***environmentally and socially*** viable recovery. To focus limited resources, Member States should follow a staged approach in the collection of information and perform the more demanding information collection steps only for the most promising facilities. The information collection activities should be aimed at providing accurate and representative information on the extractive waste facilities and gaining the best possible indication of the critical raw materials recovery potential ***in a way that is least harmful to the environment.***

Amendment 34

Proposal for a regulation

Recital 54

Text proposed by the Commission

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

Amendment

(54) The Union has concluded Strategic Partnerships covering raw materials with third countries in order to implement the 2020 Action Plan on Critical Raw Materials. In order to diversify supply, these efforts should continue ***with a specific attention to due respect to legislation on forced labour and due diligence, labour rights and ILO recommendations on mining sector, and meaningful engagement with local communities.*** To develop and ensure a coherent framework for the conclusion of future partnerships, the Member States and the Commission should, as part of their interaction on the Board, discuss and ensure coordination on, inter alia, whether existing partnerships achieve the intended aims, the prioritisation of third countries for new partnerships, the content of such partnerships and their coherence and potential synergies between Member

Gateway strategy, which contribute to the diversification of its raw materials supply chain as well as add value in the production in these countries.

States' bilateral cooperation with relevant third countries. The Union should seek mutually beneficial partnerships with emerging market and developing economies, in coherence with its Global Gateway strategy, which contribute to the diversification of its raw materials supply chain as well as add value in the production in these countries. ***Further effort must also be paid to cooperation and coordination with international partners, as well as Members of the European Free Trade Association, countries participating in the internal market or candidate and neighbouring countries.***

Amendment 35

Proposal for a regulation Recital 54 a (new)

Text proposed by the Commission

Amendment

(54 a) When prioritising the new partnerships with candidate, neighbouring and third countries, specific attention should be paid to human rights, conflict-resolution and regional stability.

Amendment 36

Proposal for a regulation Recital 55

Text proposed by the Commission

Amendment

(55) In order to support the implementation of tasks pertaining to the development of Strategic Projects and their financing, exploration programmes, monitoring capacities or strategic stocks and to advise the Commission appropriately, a European Critical Raw Materials Board should be established. The Board should be composed of Member

(55) In order to support the implementation of tasks pertaining to the development of Strategic Projects and their financing, exploration programmes, monitoring capacities or strategic stocks and to advise the Commission appropriately, a European Critical Raw Materials Board should be established. The Board should be composed of Member

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

States and of the Commission, while being able to ensure participation of **local and regional authorities, civil society and other parties** as observers. **The European Parliament should systematically be invited to the meetings of the Board.** To develop the necessary expertise for the implementation of certain tasks, the Board should establish standing sub-groups on financing, exploration, monitoring and strategic stocks **as well as sustainability**, that should act as a network by gathering the different relevant national authorities, and, when necessary, consult industry, academia, civil society and other relevant stakeholders. The Board's advice and opinions should be non-binding and the absence of such an advice or opinion should not prevent the Commission from performing its tasks under this Regulation.

Amendment 37

Proposal for a regulation

Recital 56

Text proposed by the Commission

(56) The absence of progress towards the objectives, including the capacity and diversification benchmarks, may indicate the need for adopting additional measures. The Commission should therefore monitor the progress towards those objectives.

Amendment

(56) The absence of progress towards the objectives, including the capacity and diversification benchmarks, may indicate the need for adopting additional measures. The Commission should therefore monitor the progress towards those objectives **and report to the European Parliament.**

Amendment 38

Proposal for a regulation

Recital 56 a (new)

Text proposed by the Commission

Amendment

(56a) During the evaluation proces in accordance with Article 46, the Commission should establish specific objectives related to the extraction, processing, and recycling capacities for each strategic raw material. This should

be done either within two years after the date of entry of this regulation or contingent upon the availability of necessary information regarding material availability in municipal waste management facilities, as well as requisite technological developments.

Justification

The current objectives are very broad and include all the materials. Specific objectives should be considered according to the characteristics and availability of each material considering the reports made by local and regional authorities of their municipal facilities of waste management.

Amendment 39

Proposal for a regulation

Recital 58

Text proposed by the Commission

(58) In order to ensure trustful and constructive cooperation of competent authorities at Union and national levels, all parties involved in the application of this Regulation should respect the confidentiality of information and data obtained in carrying out their tasks. The Commission and the national competent authorities, their officials, civil servants and other persons working under the supervision of these authorities as well as officials and civil servants of other authorities of the Member States should not disclose information acquired or exchanged by them pursuant to this Regulation and of the kind covered by the obligation of professional secrecy. This should also apply to the European Critical Raw Materials Board. The data should be handled and stored in a secure environment.

Amendment 40

Proposal for a regulation

Recital 62

Amendment

(58) In order to ensure trustful and constructive cooperation of competent authorities at Union and national levels, all parties involved in the application of this Regulation should respect the confidentiality of information and data obtained in carrying out their tasks. The Commission and the national competent authorities, their officials, civil servants and other persons working under the supervision of these authorities as well as officials and civil servants of other authorities of the Member States **and of the European Parliament** should not disclose information acquired or exchanged by them pursuant to this Regulation and of the kind covered by the obligation of professional secrecy. This should also apply to the European Critical Raw Materials Board. The data should be handled and stored in a secure environment.

Text proposed by the Commission

(62) The Commission should carry out an evaluation of this Regulation. Pursuant to paragraph 22 of the Interinstitutional Agreement on Better Law-Making, that evaluation should be based on the five criteria of efficiency, effectiveness, relevance, coherence and EU value added and should provide the basis for impact assessments of possible further measures. The Commission should submit to the European Parliament, to the Council, the European Economic and Social Committee, a report on the implementation of this Regulation and progress towards achieving its objectives, including the capacity and diversification benchmarks. The report should also, based on the implementation of the measures related the transparency of the environmental footprint of critical raw materials, assess the appropriateness of establishing maximum thresholds related to the environmental footprint.

Amendment 41

**Proposal for a regulation
Recital 64 a (new)**

Text proposed by the Commission

Amendment

(62) The Commission should carry out an evaluation of this Regulation. Pursuant to paragraph 22 of the Interinstitutional Agreement on Better Law-Making, that evaluation should be based on the five criteria of efficiency, effectiveness, relevance, coherence and EU value added and should provide the basis for impact assessments of possible further measures ***in particular on Human rights, environment and circularity***. The Commission should submit to the European Parliament, to the Council, the European Economic and Social Committee, a report on the implementation of this Regulation and progress towards achieving its objectives, including the capacity and diversification benchmarks. The report should also, based on the implementation of the measures related the transparency of the environmental footprint of critical raw materials, assess the appropriateness of establishing maximum thresholds related to the environmental footprint.

Amendment

(64a) The need to ensure a sustainable and resilient supply of critical raw materials also depends on strengthening supply chains at the European regional level. In order to enhance the stability of supply chains and reduce dependence on external sources, the involvement of regional actors as well is crucial.

Amendment 42

**Proposal for a regulation
Recital 64 b (new)**

Text proposed by the Commission

Amendment

(64b) The importance of transparency in supply chains is recognised by the introduction of measures to ensure adequate clarity and control over the traceability of critical raw materials. In order to ensure social and environmental responsibility of companies operating in this sector and to provide accurate information, digital solutions and advanced technologies are encouraged to monitor and transparently communicate the origin of raw materials, the adopted standards of sustainability and the social and environmental practices developed by suppliers.

Amendment 43

Proposal for a regulation Recital 64 c (new)

Text proposed by the Commission

Amendment

(64c) In view of promoting a progressive resilience and sustainability to supply critical raw materials, it is highly recommended investing in research and development to foster regional diversification of supply sources. Through a collaboration among companies, universities and research centres, sustainable alternatives will be identified and developed, such as the use of recycled materials or the adoption of new technologies to reduce dependence on global sources of supply.

Amendment 44

Proposal for a regulation Recital 64 d (new)

Text proposed by the Commission

Amendment

(64d) The protection of the environment and the health of citizens should be the priority in the selection of projects;

thorough environmental assessments are required, taking into consideration territorial peculiarities and fragilities, not least hydro-geological stability, by involving regional actors of the areas involved with a prominent role.

Amendment 45

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

1. The general objective of this Regulation is to improve the functioning of the internal market by establishing a framework to ensure the Union's access to a secure and sustainable supply of critical raw materials.

Amendment

1. The general objective of this Regulation is to improve the functioning of the internal market by establishing a framework to ensure the Union's access to a secure and sustainable supply of critical raw materials *and the sustainable development of its regions, by prioritising sustainability, efficiency, sufficiency and circularity provisions in order to improve the Union's competitiveness.*

Amendment 46

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

Text proposed by the Commission

(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 *the preparation* for recycling *stage from collection, to sorting and pre-treatment*, is able to produce at least 15% of the Union's annual consumption of strategic raw materials;

Amendment 47

Proposal for a regulation Article 1 – paragraph 2 – point a – point iii a (new)

Text proposed by the Commission

Amendment

(iii a) As part of the report referred to in Article 1 paragraph 3, the Commission is required to publish its methodology for calculating and reporting on these benchmarks. A mechanism should be developed to ensure that all materials are treated equally;

Amendment 48

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(c a) secure more efficient and transparent permitting procedures without reducing environmental and social requirements;

Amendment 49

Proposal for a regulation

Article 1 – paragraph 2 – point d

Text proposed by the Commission

Amendment

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

(d) ensure the free movement of critical raw materials and products containing critical raw materials placed on the Union market while ensuring ***the highest*** level of environmental protection, by improving their ***durability, reparability***, circularity and sustainability;

Amendment 50

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(d a) ensure public control of all life-cycle processes related to the critical and strategic raw materials;

Amendment 51

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(d b) provide quality jobs and promote an inclusive and fair job-market throughout the value chain of critical raw materials;

Amendment 52

Proposal for a regulation

Article 1 – paragraph 3

Text proposed by the Commission

Amendment

3. Where, based on the report referred to in Article 42, the Commission concludes that the Union is likely not to achieve the objectives set out in paragraph 2, it shall ***assess the feasibility and proportionality of proposing*** measures or ***exercising*** its powers at Union level ***in order to ensure the achievement of those*** objectives.

3. Where, based on the report referred to in Article 42, the Commission concludes that the Union is likely not to achieve the objectives set out in paragraph 2, it shall ***examine, in close cooperation with relevant stakeholders, the reasons why the objectives are not achieved and propose*** measures or ***exercise*** its powers at Union level. ***In this regard the Commission shall allow for a certain level of flexibility to best reflect the uniqueness of the value chain of the raw material targeted, as each material has specific properties and challenges associated with its sourcing, processing and recycling. It should focus on maintaining existing capacities and supporting them. An open and constant dialogue between industry and policymakers should be encouraged to identify benchmarks that are both***

technically and economically feasible, as well as in line with the EU's objectives.

Amendment 53

Proposal for a regulation

Article 2 – paragraph 1 – point 5

Text proposed by the Commission

(5) ‘exploration’ means all activities aimed at identifying and establishing the properties of mineral occurrences;

Amendment

(5) ‘exploration’ means all activities aimed at identifying and establishing the properties of mineral occurrences, ***including the development of new extraction and processing technologies, exploration drilling campaigns, and launching pilot plants;***

Amendment 54

Proposal for a regulation

Article 2 – paragraph 1 – point 8

Text proposed by the Commission

(8) ‘reserves’ means all mineral occurrences that are economically viable to extract;

Amendment

(8) ‘reserves’ means all mineral occurrences that are economically ***environmentally and socially*** viable to extract ***in a given market context*** ;

Amendment 55

Proposal for a regulation

Article 2 – paragraph 1 – point 11

Text proposed by the Commission

(11) ‘recycling’ means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes;

Amendment

(11) ‘recycling’ means any recovery operation, by which waste materials are ***collected, sorted disassembled and*** reprocessed into products, materials or substances whether for the original or other purposes;

Amendment 56

Proposal for a regulation Article 2 – paragraph 1 – point 18

Text proposed by the Commission

(18) ‘project promoter’ means any undertaking or consortium of undertakings developing a raw material project;

Amendment

(18) ‘project promoter’ means any undertaking or consortium of undertakings developing a raw material project ***in the Union or in third countries***;

Amendment 57

Proposal for a regulation Article 2 – paragraph 1 – point 28

Text proposed by the Commission

(28) ‘key market operators’ means producers involved in the extraction, processing or recycling of critical raw materials, traders and distributors of critical raw materials, and downstream companies consuming significant amounts of critical raw materials;

Amendment

(28) ‘key market operators’ means producers involved in the ***exploration***, extraction, processing or recycling of critical raw materials, traders and distributors of critical raw materials, and downstream companies consuming significant amounts of critical raw materials.

Amendment 58

Proposal for a regulation Article 3 – paragraph 2 – subparagraph 2

Text proposed by the Commission

An updated list of strategic raw materials shall include, from among the raw materials assessed, the raw materials that score among the highest in terms of strategic importance, forecasted demand growth and difficulty of increasing production. The strategic importance, projected demand growth and difficulty of increasing production shall be determined in accordance with Annex I, Section 2.

Amendment

An updated list of strategic raw materials shall include, from among the raw materials assessed, the ***critical*** raw materials that score among the highest in terms of strategic importance, forecasted demand growth, ***forecasted demand availability that could jeopardize regional development***, and difficulty of increasing production. The strategic importance, projected demand growth, ***forecasted demand availability that could jeopardize***

regional development and difficulty of *developing* increasing production shall be determined in accordance with Annex I, Section 2.

Amendment 59

Proposal for a regulation

Article 3 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The Commission shall use a transparent and clearly defined methodology for the assessment of materials to be included in the strategic raw materials list, including through the use of technical factsheets, similar to the methodology applied to the critical raw materials list. Future strategic materials lists shall be accompanied by an impact assessment of existing EU legislation and the impact it has on materials on those lists.

Amendment 60

Proposal for a regulation

Article 3 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall review and, if necessary, update the list of strategic raw materials by [OP please insert: **four** years after the date of entry into force of this Regulation], and every **4 four** years thereafter.

3. The Commission shall review and, if necessary, update the list of strategic raw materials by [OP please insert: **three** years after the date of entry into force of this Regulation], and every **three (3)** years thereafter. ***Upon request by the Board, based on monitoring and stress testing in accordance with this Regulation, if needed the Commission shall review or update the list at any time outside of these scheduled reviews.***

Amendment 61

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

Text proposed by the Commission

Amendment

3 a. *In the event that the raw material would no longer be classified as strategic raw material as a result of the update referred to in paragraph 1. 3, by way of derogation, should continue to be considered a critical raw material for three years after the publication of such an update.*

Amendment 62

Proposal for a regulation
Article 4 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall review and, if necessary, update the list of critical raw materials by [OP please insert: **four** years after the date of entry into force of this Regulation], and every **4 four** years thereafter.

4. The Commission shall review and, if necessary, update the list of critical raw materials by [OP please insert: **three** years after the date of entry into force of this Regulation], and every **three (3)** years thereafter. ***Upon request by the Board, based on monitoring and stress testing in accordance with this Regulation, if needed the Commission shall review or update the list at any time outside of these scheduled reviews.***

Amendment 63

Proposal for a regulation
Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. *In the event that the raw material would no longer be classified as critical raw material as a result of the update referred to in paragraph 1. 4, by way of derogation, should continue to be considered as critical raw material for*

three years after the publication of such an update.

Amendment 64

Proposal for a regulation

Article 4 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4 b. The status of critical and strategic raw materials shall be considered in all EU legislation where materials are directly or indirectly impacted both in general, product specific, and substance specific legislation.

Amendment 65

Proposal for a regulation

Article 5 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the project would make a meaningful contribution to the security of the Union's supply of strategic raw materials;

(a) the project would make a meaningful contribution to the security of the Union's supply of **critical and** strategic raw materials **and to the Union's supply of products manufactured from critical raw materials**;

Amendment 66

Proposal for a regulation

Article 5 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the project would be implemented sustainably, in particular as regards the monitoring, prevention and minimisation of **environmental** impacts, the use of socially responsible practices including respect of human and labour rights, quality jobs potential and meaningful engagement

(c) the project would be implemented **transparently and** sustainably, in particular as regards the monitoring, prevention and minimisation of **socio-environmental and climate** impacts, the use of socially responsible practices including respect of human and labour rights, **cultural heritage**

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;

quality jobs potential and meaningful engagement with **regional and** local communities and relevant social partners, and the use of transparent business practices with adequate **and strong** compliance policies to prevent and minimise risks of adverse impacts on the proper functioning of public administration, including corruption and bribery;

Amendment 67

Proposal for a regulation Article 5 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) for extraction projects in the Union, the project will create added value by keeping an additional step of the value chain in the region;

Amendment 68

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

Text proposed by the Commission

Amendment

(d) for projects in the Union, the establishment, operation or production of the project would have cross-border benefits beyond the Member State concerned, including for downstream sectors;

(d) for projects in the Union, the establishment, operation or production of the project would have cross-border benefits beyond the Member State concerned, including for downstream sectors, ***as well as regional and local communities;***

Amendment 69

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

Text proposed by the Commission

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

Amendment

(e) for projects in ***candidate, neighbouring and*** third countries that are emerging markets or developing economies, the project would be mutually beneficial for the Union and the third country concerned by adding value in that country ***and respecting international standards and conventions and comply with equivalent social, environmental and labour requirements to projects in the Union.***

Amendment 70

**Proposal for a regulation
Article 5 – paragraph 3**

Text proposed by the Commission

3. The recognition of a project as a Strategic Project shall not affect the requirements applicable to the relevant project or project promoter under international, Union or national law.

Amendment

3. The recognition of a project as a Strategic Project shall not affect the requirements applicable to the relevant project or project promoter under international, Union or national law, ***including national laws in third countries.***

Amendment 71

**Proposal for a regulation
Article 5 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3 a. Where relevant, the Commission should consider the feasibility of complementary infrastructural strategic projects that have the potential to facilitate and improve transport and communication related to the raw materials strategic projects, as well as generally contribute to better regional and local development and greater social acceptability of the raw materials strategic

project and social inclusion, while taking into consideration also environmental issues.

Amendment 72

Proposal for a regulation Article 5 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3 b. *When introducing obligations, for example certification schemes and environmental footprint requirements, a balanced approach is necessary to allow industry to comply with these obligations while guaranteeing a level playing field between EU and non-EU companies.*

Amendment 73

Proposal for a regulation Article 6 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) a timetable for the implementation of the project, including an overview of the permits required for the project and the status of the corresponding permit granting process;

(c) a timetable for the implementation of the project, including an overview of the permits required for the project and the status of the corresponding **transparent** permit granting process **and a proper involvement of public in the process**;

Amendment 74

Proposal for a regulation Article 6 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) a plan containing measures to facilitate public acceptance including, where appropriate, the establishment of recurrent communication channels with the local **communities** and organisations,

(d) a plan containing measures to **respect the cultural heritage and ensure the meaningful involvement and active participation of affected communities all along the project, in particular indigenous**

including social partners, the implementation of awareness-raising and information campaigns and the establishment of mitigation and compensation mechanisms;

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

Amendment 75

Proposal for a regulation Article 6 – paragraph 1 – point g

Text proposed by the Commission

(g) an estimate of the project’s potential for quality job creation and the project’s needs in terms of skilled workforce as well as upskilling and reskilling.

Amendment

(g) an estimate of the project’s potential for quality job creation and the project’s needs in terms of skilled workforce as well as upskilling and reskilling, *promoting gender equality, using social procurement clause, whenever possible, focusing on creation of employment opportunities for under-represented and socially disadvantaged groups, especially in regions that face challenges in this sense. For extraction projects, an estimation of the added value retained in the metallurgical and mineralogical processing and beneficiation of mineral resources expressed in terms of new job creation, research and development, and increased business volume generated.*

Amendment 76

Proposal for a regulation Article 6 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Where the Member State whose territory is concerned by a proposed project objects to granting the proposed project strategic status, it shall present substantiated reasons for doing so during the discussion referred to in paragraph 4. The Board shall discuss the substantiated reasons presented by a Member State for its objection. If, after the discussion, the Member State maintains its objection, the project shall not be considered for the status of Strategic Project.

Amendment

Where the Member State whose territory is concerned by a proposed project objects to granting the proposed project strategic status, ***having consulted the regional and local authorities concerned***, it shall present substantiated reasons for doing so during the discussion referred to in paragraph 4. The Board shall discuss the substantiated reasons presented by a Member State for its objection. If, after the discussion, the Member State maintains its objection, the project shall not be considered for the status of Strategic Project.

Amendment 77

Proposal for a regulation

Article 6 – paragraph 6 – subparagraph 2

Text proposed by the Commission

The Commission's decision shall be reasoned, including, where applicable, where it is different from the Board's opinion. The Commission shall share its reasons with the Board as well as with the project promoter.

Amendment

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

Amendment 78

Proposal for a regulation

Article 6 – paragraph 8

Text proposed by the Commission

8. Where the Commission finds that a Strategic Project ***no longer fulfils the criteria set out in Article 5(1) or where its*** recognition was based on an application containing incorrect information, it may,

Amendment

8. Where the Commission finds that a Strategic Project recognition was based on an application containing ***severely*** incorrect information, it may, taking into account the opinion of the Board and the responsible

taking into account the opinion of the Board and the responsible project promoter, repeal the decision granting a project the status of Strategic Project.

project promoter, repeal the decision granting a project the status of Strategic Project.

Amendment 79

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

1. Strategic Projects shall be considered to contribute to the security of supply of strategic raw materials in the Union.

Amendment

1. Strategic Projects shall be considered to contribute to the security of supply of strategic raw materials in the Union. ***Member States shall ensure that strategic projects are given high priority as a public interest or public security concern.***

Amendment 80

Proposal for a regulation Article 7 – paragraph 3

Text proposed by the Commission

3. The Member State whose territory is concerned by a Strategic Project shall take measures to contribute to its timely and effective implementation.

Amendment

3. The Member State, ***together with regional and local authorities*** whose territory is concerned by a Strategic Project shall take measures to contribute to its timely, ***transparent*** and effective implementation.

Amendment 81

Proposal for a regulation Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The Board shall engage in periodic discussions regarding the implementation of Strategic Projects. When necessary, it shall consider

measures that the project promoter , the Member State or local and regional authorities, whose territory is directly affected by a Strategic Project, could undertake to further facilitate the successful execution of these Strategic Projects. The Board shall inform the project promoter, the Member State and the regional and local authorities of the results of the discussions in a timely manner.

Amendment 82

Proposal for a regulation Article 7 – paragraph 9

Text proposed by the Commission

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

Amendment

9. The project promoter shall establish and regularly update a dedicated project website with relevant information about the Strategic Project, including information on the environmental, ***cultural***, social and economic impacts and benefits associated with the Strategic Project. The website shall be freely accessible to the public and shall be available in a language or languages that can be easily understood by the local population ***and communities. The project website shall include environmental, social and human rights impact assessments that have been carried out, as well as any existing agreements with affected communities and concession contracts with public authorities.***

Amendment 83

Proposal for a regulation Article 8 – paragraph 3 – introductory part

Text proposed by the Commission

3. The responsibilities of the national competent authority referred to in

Amendment

3. The responsibilities of the national competent authority referred to in

paragraph 1 or the tasks related to it may be delegated to, or carried out by, another authority, for each critical raw material projects, provided that:

paragraph 1 or the tasks related to it may be delegated to, or carried out by, another authority, ***in particular a relevant regional authority***, for each critical raw material projects, provided that :

Amendment 84

Proposal for a regulation Article 8 – paragraph 8 – point a

Text proposed by the Commission

(a) periodically discuss the implementation of this Section and share best-practices for speeding up permitting procedure for critical raw material projects as well as to improve their public acceptance;

Amendment

(a) periodically discuss the implementation of this Section and share best-practices for speeding up permitting procedure for critical raw material projects as well as to improve their public ***participation, consultation and*** acceptance; ***and share and discuss best practices including from other relevant mining regions in order to ensure structured and predictable formats;***

Amendment 85

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

1. For the purpose of ensuring efficient administrative processing of the permitting processes related to Strategic Projects in the Union, project promoters and all authorities concerned shall ensure that those processes are treated in the most rapid way possible in accordance with Union and national law.

Amendment

1. For the purpose of ensuring efficient administrative ***and transparent*** processing of the permitting processes related to Strategic Projects in the Union, project promoters and all authorities concerned shall ensure that those processes are treated in the most rapid way possible in accordance with Union and national law.

Amendment 86

Proposal for a regulation Article 9 – paragraph 2

Text proposed by the Commission

2. Without prejudice to obligations provided for in Union law, Strategic Projects in the Union shall be granted the status of the highest national significance possible, where such a status exists in national law, and be treated accordingly in the permit granting processes.

Amendment

2. Without prejudice to obligations provided for in Union law, Strategic Projects in the Union shall be granted the status of the highest national significance possible, where such a status exists in national law, and be treated accordingly in the permit granting processes ***including building, chemical and grid connection permits and environmental assessments and authorisations where these are required, and encompassing all administrative applications and procedures, also including applications for public funding.***

Amendment 87

**Proposal for a regulation
Article 9 – paragraph 3**

Text proposed by the Commission

3. All dispute resolution procedures, litigation, appeals and judicial remedies related to the permit-granting process and the issuance of permits for Strategic Projects in the Union in front of any national courts, tribunals, panels, including mediation or arbitration, where they exist in national law, shall be treated as urgent, if and to the extent to which national law provides for such urgency procedures and provided that the normally applicable rights of defence of individuals or of local communities would be respected. Project promoters of Strategic Projects shall participate in such urgency procedure, where applicable.

Amendment

3. All dispute resolution procedures, litigation, appeals and judicial remedies related to the permit-granting process and the issuance of permits for Strategic Projects in the Union in front of any national courts, tribunals, panels, including mediation or arbitration, where they exist in national law, shall be treated as urgent, if and to the extent to which national law provides for such urgency procedures and provided that the normally applicable rights of defence of individuals or of ***regional or*** local communities would be respected. Project promoters of Strategic Projects shall participate in such urgency procedure, where applicable.

Amendment 88

**Proposal for a regulation
Article 10 – paragraph 2 – introductory part**

Text proposed by the Commission

2. For Strategic Projects in the Union that had entered in the permit granting process before being granted the status of Strategic Project, the duration of the remaining steps of the permit granting process after the project is granted strategic status shall, in derogation from paragraph 1, not exceed:

Amendment

2. For Strategic Projects in the Union that had entered in the permit granting process before being granted the status of Strategic Project **and for expansion projects of operations already granted with a permit**, the duration of the remaining steps of the permit granting process after the project is granted strategic status shall, in derogation from paragraph 1, not exceed:

Amendment 89

**Proposal for a regulation
Article 11 – paragraph 3**

Text proposed by the Commission

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

Amendment

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

Amendment 90

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

Text proposed by the Commission

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

Amendment

4. The time-frame for consulting the public concerned on the environmental impact assessment report referred to in Article 5(1) of Directive 2011/92/EU shall not be longer than **30** days in the case of

Amendment 91

Proposal for a regulation

Article 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Relevant bodies representing civil society, such as environmental partners, non-governmental organisations, and bodies responsible for promoting social inclusion, fundamental rights, rights of persons with disabilities, gender equality and non-discrimination shall be properly consulted.

Amendment 92

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that national, regional and local authorities responsible for preparing plans, including zoning, spatial plans and land use plans, **include in such plans**, where appropriate, provisions for the development of critical raw materials projects. Priority shall be given to artificial and built surfaces, industrial sites, brownfield sites, and, where appropriate, greenfield sites **not usable for agriculture and forestry**.

1. Member States shall ensure that national, regional and local authorities responsible for preparing plans, including zoning, spatial plans and land use plans, **incorporate** where appropriate, provisions for the development of critical raw materials projects **into such plans. If a municipality has active/abandoned mines, known historical mining activities, mineralized bedrock, mineral deposits verified by a member states geological survey or a company that performs exploration/mining activities, the local authorities shall prioritize exploration activities and mining projects in the area.** Priority shall be given to artificial and built surfaces, industrial sites, brownfield sites, and, where appropriate, greenfield sites. **Consideration shall also be given to proximity to potential material extraction sites and the feasibility of establishing**

technological hubs that foster synergies among the various components of the value chain.

Amendment 93

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

1. The Commission and the Member States shall undertake activities to accelerate and crowd-in private investments in Strategic Projects. Such activities may, without prejudice to Article 107 and Article 108 of the TFEU, include providing and coordinating support to Strategic Projects facing difficulties in accessing finance.

Amendment

1. The Commission and the Member States ***as well as the local and regional authorities concerned*** shall undertake activities to accelerate and crowd-in private investments in Strategic Projects. Such activities may, without prejudice to Article 107 and Article 108 of the TFEU, include providing and coordinating support to Strategic Projects facing difficulties in accessing finance.

Amendment 94

Proposal for a regulation Article 14 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States may provide administrative support to Strategic Projects to facilitate their rapid and effective implementation, including by providing:

Amendment

2. Member States, ***regional and local authorities*** may provide administrative support to Strategic Projects to facilitate their rapid and effective implementation, including by providing:

Amendment 95

Proposal for a regulation Article 14 – paragraph 2 – point b

Text proposed by the Commission

(b) assistance to project promoters to further increase the public acceptance of the project.

Amendment

(b) assistance to project promoters to further increase the public ***consultation, participation and*** acceptance of the

project, *incorporating recommendations and best practices shared by the European Critical Raw Materials Board where necessary;*

Amendment 96

Proposal for a regulation Article 14 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(b a) predictable, regular, and clear communication to the project promoter as to administrative delays and obstacles in the permitting process, including the reasons for such delays.

Amendment 97

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

Text proposed by the Commission

Amendment

1 a. By July 2024, an online portal shall be established by the Board to share clearly and transparently what public financing investors can access, including what amount is available, in which jurisdictions, what form the financing will take (for example, grants, tax credits, Contracts for Difference or loan guarantees) and the process for applying. This should include domestic and international financing options.

Amendment 98

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

Text proposed by the Commission

Amendment

1 b. The standing sub-group referred

to in Article 35(6) point (a) shall 2 years after entry into force of this regulation provide a report describing obstacles to access to finance and recommendations to facilitate access to finance for Raw Materials Projects through the European Investment Bank Group and relevant Union funding and financing programs as well as state aid.

Amendment 99

Proposal for a regulation

Article 15 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1 c. For any new future EU-level funding sources established with a link to the Green Deal Industrial Plan, the European Commission shall include a formal link to the Critical Raw Materials Act and ensure sufficient finance is allocated for supporting Europe’s strategic projects.

Amendment 100

Proposal for a regulation

Article 16 – title

Text proposed by the Commission

Amendment

Facilitating off-take agreements

Facilitating *cooperation and* off-take agreements

Amendment 101

Proposal for a regulation

Article 16 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the volume and quality of *strategic* raw materials they intend to purchase;

(a) the volume and quality of raw materials they intend to purchase;

Amendment 102

Proposal for a regulation

Article 16 – paragraph 3 – introductory part

Text proposed by the Commission

3. The system referred to in paragraph 1 shall allow project promoters of **Strategic Projects** to make offers indicating:

Amendment

3. The system referred to in paragraph 1 shall allow project promoters of **raw material projects** to make offers indicating:

Amendment 103

Proposal for a regulation

Article 16 – paragraph 3 – point a

Text proposed by the Commission

(a) the volume and quality of **strategic** raw materials for which they are seeking to conclude off-take agreements;

Amendment

(a) the volume and quality of raw materials for which they are seeking to conclude off-take agreements;

Amendment 104

Proposal for a regulation

Article 16 – paragraph 4

Text proposed by the Commission

4. Based on the bids and offers received pursuant to paragraph 2 and 3, the Commission shall bring project promoters of **Strategic** Projects in contact with potential off-takers relevant for their project.

Amendment

4. Based on the bids and offers received pursuant to paragraph 2 and 3, the Commission shall bring project promoters of **raw materials** projects in contact with potential off-takers relevant for their project.

Amendment 105

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

1. Each Member State shall draw up a national programme for general exploration targeted at critical raw materials. Each Member State shall draw up the first such programme by [OP please insert: 1 year after the date of entry into force of this Regulation]. The national programmes shall be reviewed and, if necessary, updated, at least every 5 years.

Amendment

1. Each Member State, ***in consultation with local and regional authorities*** shall draw up a national programme for general exploration targeted at critical raw materials. Each Member State shall draw up the first such programme by [OP please insert: 1 year after the date of entry into force of this Regulation]. The national programmes shall be reviewed and, if necessary, updated, at least every 5 years.

Amendment 106

**Proposal for a regulation
Article 18 – paragraph 5 – subparagraph 1**

Text proposed by the Commission

Member States shall make the information on their mineral occurrences containing critical raw materials gathered through the measures set out in the national programmes referred to in paragraph 1 publicly available on a free access website. This information shall, where applicable, include the classification of the identified occurrences using the United Nations Framework Classification for Resources.

Amendment

Member States shall make the information on their mineral occurrences containing critical raw materials gathered through the measures set out in the national programmes referred to in paragraph 1 publicly available on a free access website ***and inform local and regional authorities about the occurrences available in their territories while preserving commercially sensitive information***. This information shall, where applicable, include the classification of the identified occurrences using the United Nations Framework Classification for Resources.

Amendment 107

**Proposal for a regulation
Article 19 – paragraph 1 – point d**

Text proposed by the Commission

(d) Union and global production and production capacities at different stages of

Amendment

(d) Union and global production and production capacities at different stages of

the value chain.

the value chain *whether current or potential*.

Amendment 108

Proposal for a regulation Article 19 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Commission shall protect European critical and strategic raw materials' production from unfair trade practices by maintaining and strengthening trade defense measures, in order to ensure a level playing field. The EU should prioritise establishing WTO-compliant incentives to ensure a level playing field globally. These could take the form of consumer incentives for sustainable European raw materials or support to manufacture more advanced facilities.

Amendment 109

Proposal for a regulation Article 19 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

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

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

Amendment 110

Proposal for a regulation Article 19 – paragraph 4

Text proposed by the Commission

Amendment

4. *The Commission shall make publicly available on a free access website and regularly update a monitoring dashboard containing:*

deleted

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

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

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

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

Amendment 111

Proposal for a regulation Article 19 – paragraph 5

Text proposed by the Commission

Amendment

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

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

Amendment 112

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Member States ***in collaboration with regional and local authorities where necessary and after consultation with the social partners and stakeholders, including representative organizations of SMEs***, shall, as part of the report referred to in Article 43, provide information to the Commission on any new or existing raw material project on their territory that is relevant regarding to Article 19(1), point (d), including a classification of new projects according to the United Nations Framework Classification of Resources.

Amendment 113

Proposal for a regulation
Article 21 – paragraph 2 – point a

Text proposed by the Commission

(a) the level of stocks available for each strategic raw material, measured both in tonnes and as a percentage of annual national consumption of the relevant materials, as well as the chemical form and purity of the materials stocked;

Amendment

(a) the level of stocks available for each strategic raw material, measured both in tonnes and as a percentage of annual national consumption of the relevant materials ***on its territory*** as well as the chemical form and purity of the materials stocked;

Amendment 114

Proposal for a regulation
Article 22 – paragraph 1 – introductory part

Text proposed by the Commission

1. By [OP please complete: 2 year after the date of entry into force of this Regulation] and every 2 years after that, the Commission shall, based on the information received pursuant to Article

Amendment

1. By [OP please complete: 2 year after the date of entry into force of this Regulation] and every 2 years after that, the Commission shall, based on the information received pursuant to Article

21(1), share with the Board:

21(1), share with the Board *and the European Parliament*:

Amendment 115

Proposal for a regulation

Article 22 – paragraph 2 – point a

Text proposed by the Commission

(a) be expressed as the amount needed to cover an amount of days of average daily net imports in case of a supply disruption, calculated on the basis of the amount of imports during the previous calendar year;

Amendment

(a) be expressed as the amount needed to cover an amount of days of average daily net imports in case of a supply disruption *for the production of essential goods and the provision of goods and services directly related to vital societal functions or economic activities* calculated on the basis of the amount of imports during the previous calendar year;

Amendment 116

Proposal for a regulation

Article 24 – paragraph 2 – point b

Text proposed by the Commission

(b) set minimum amounts of demanded material to participate in the system, taking into account the expected number of interested participants and the need to *ensure a manageable amount of participants*.

Amendment

(b) set minimum amounts of demanded material to participate in the system, taking into account the *different possibilities and needs of market actors in the SME sector*, the expected number of interested participants and the need to *manage them efficiently within the scheme*.

Amendment 117

Proposal for a regulation

Article 25 – paragraph 1 – introductory part

Text proposed by the Commission

1. Each Member State shall by [OP please insert: 3 years after the date of entry into force of this Regulation] adopt and

Amendment

1. Each Member State shall by [OP please insert: 3 years after the date of entry into force of this Regulation] adopt and

implement national programmes containing measures designed to:

implement national programmes *that incorporate a multilevel governance approach involving regional authorities in the decision-making processes and* containing measures designed to:

Amendment 118

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

Text proposed by the Commission

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

Amendment

(a) increase the collection, *sorting and processing* of waste, *metal scraps and end-of-life products which contain* critical raw materials, and ensure their introduction into the appropriate recycling system, with a view to maximising the availability and quality of recyclable material as an input to critical raw material recycling facilities *in particular through the adoption of quality standards for the recycling processes of complex waste streams such as electronic waste*;

Amendment 119

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

Text proposed by the Commission

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

Amendment

(b) increase the re-use, *repair, refurbishing, remanufacturing and repurposing* of products and components *which contain* critical raw materials;

Amendment 120

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

Text proposed by the Commission

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

Amendment

(d) increase the technological maturity of recycling technologies for critical raw materials, promote materials efficiency and **foster** the substitution of critical raw materials in **their** applications **while ensuring the same efficiency as well as technical and economic feasibility. This can be achieved**, at least by including support actions **for these purposes** under national research & innovation programmes. **These initiatives shall include supporting the creation of recycling technology hubs that bring together synergies for the research and development of recycling processes for critical raw materials in collaboration with local and regional authorities;**

Amendment 121

**Proposal for a regulation
Article 25 – paragraph 1 – point e**

Text proposed by the Commission

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

Amendment

(e) **with the involvement of social partners and by sustainable public investment** ensure that their workforce **through upskilling and reskilling** is equipped with the **key competences** needed to support circularity of the critical raw materials value chain;

Amendment 122

**Proposal for a regulation
Article 25 – paragraph 1 – point e a (new)**

Text proposed by the Commission

Amendment

(e a) establish a stable secondary critical raw materials market, coordinating shared initiatives, and

exchanging best practices.

Amendment 123

Proposal for a regulation

Article 25 – paragraph 2 – subparagraph 2

Text proposed by the Commission

With respect to points (a) and (b) of paragraph 1, the programmes referred to in that paragraph may include, without prejudice to Articles 107 and 108 of the 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 financial incentives, such as discounts, monetary rewards or deposit-refund systems, to encourage the re-use of products with critical raw materials **content** and the collection of waste from products **with critical raw material recovery potential taking into account the special needs of the different regions.**

Amendment 124

Proposal for a regulation

Article 25 – paragraph 5

Text proposed by the Commission

5. When reporting to the Commission the data concerning the quantities of waste electrical and electronic equipment recycled, pursuant to Article 16(6) of Directive 2012/19/EU on waste electrical and electronic equipment, Member States shall identify separately, and report, the quantities of components containing relevant amounts of critical raw materials removed from such waste equipment and the quantities of critical raw materials recovered from the waste electrical and electronic equipment. The Commission shall adopt implementing acts specifying the format and details of such reporting. Those implementing acts shall be adopted

Amendment

5. When reporting to the Commission the data concerning the quantities of waste electrical and electronic equipment recycled, pursuant to Article 16(6) of Directive 2012/19/EU on waste electrical and electronic equipment, Member States **in collaboration with local and regional authorities** shall identify separately, and report, **the critical raw materials put on the market in electrical and electronic equipment**, the quantities of components containing relevant amounts of critical raw materials removed from such waste equipment and the quantities of critical raw materials recovered from the waste electrical and electronic equipment. The

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.

Commission shall adopt implementing acts specifying the format and details of such reporting. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3). The first reporting period shall cover the first full calendar year after the adoption of those implementing acts.

Amendment 125

Proposal for a regulation Article 25 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. During the evaluation process in accordance with Article 46, the Commission shall set targets for the collection and recovery of critical raw materials from waste electrical and electronic equipment. These targets shall be progressive and revised every two years in line with technological development, recycling capacity, and the availability of waste of electrical and electronic equipment in line with the report in paragraph 5, objectives set out in Article 1 and regional and local collection reports.

Amendment 126

Proposal for a regulation Article 25 – paragraph 7 – subparagraph 2 – introductory part

Text proposed by the Commission

Amendment

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

In drawing up this list, the Commission, ***where necessary in collaboration with Member states, regional and local authorities***, shall take account of:

Amendment 127

Proposal for a regulation

Article 25 – paragraph 7 – subparagraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(a a) the product turnover, volume placed and collected on the market;

Amendment 128

Proposal for a regulation

Article 28 a (new)

Text proposed by the Commission

Amendment

Article28a

Socially responsible practices

The principle of sustainability set out in Article 5 of this Regulation includes the use of socially responsible practices, which implies respect for human and labour rights in the implementation of the strategic project. Companies benefiting from strategic project status and operating in third countries must ensure that these rights are respected. The companies concerned should provide any evidence or information that may be requested from time to time by the Member State from which they originate, or by the board, to ensure compliance with this obligation is fulfilled.

Amendment 129

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

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

Governments ***and local administrations*** organisations ***or industrial companies*** that have developed and oversee certification schemes related to the sustainability of critical raw materials ("scheme owners") may apply to have their schemes

recognised by the Commission.

recognised by the Commission.

Amendment 130

Proposal for a regulation

Article 30 – paragraph 4 – point a – point i

Text proposed by the Commission

(i) all relevant stakeholders, such as industry including downstream industry, SMEs and, where relevant, the craft industry, social partners, traders, retailers, importers, environmental protection groups and consumer organisations;

Amendment

(i) all relevant stakeholders, such as industry including downstream industry, SMEs and, where relevant, the craft industry, social partners, **regional and local communities** traders, retailers, importers, environmental protection groups and consumer organisations;

Amendment 131

Proposal for a regulation

Article 30 – paragraph 7

Text proposed by the Commission

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

deleted

Amendment 132

Proposal for a regulation

Article 31 – paragraph 1

Text proposed by the Commission

1. Member States shall not, for reasons relating to information for recycling or recycled content of permanent magnets or for reasons relating to

Amendment

1. Member States, **regional and local authorities** shall not, for reasons relating to information for recycling or recycled content of permanent magnets or for

information on the environmental footprint of critical raw material covered by this Regulation, prohibit, restrict or impede the making available on the market or the putting into service of products incorporating permanent magnets or of critical raw materials that comply with this Regulation.

reasons relating to information on the environmental footprint of critical raw material covered by this Regulation, prohibit, restrict or impede the making available on the market or the putting into service of products incorporating permanent magnets or of critical raw materials that comply with this Regulation.

Amendment 133

Proposal for a regulation

Article 33 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Board shall ***periodically*** discuss:

Amendment

1. The Board shall ***at least once a year*** discuss ***and no longer than one year after entry into force of this regulation*** ***publish a strategy report on the EU's strategic partnerships, outlining:***

Amendment 134

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(iii a) the economic and social developments in partner countries, in particular for emerging and developing economies, while also promoting the uptake of environmentally sustainable and circular economy practices and decent working conditions;

Amendment 135

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(iii b) the Union's climate and

environmental objectives;

Amendment 136

Proposal for a regulation

Article 33 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Amendment 137

Proposal for a regulation

Article 33 – paragraph 1 – point c – introductory part

Text proposed by the Commission

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

Amendment

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

Amendment 138

Proposal for a regulation

Article 33 – paragraph 1 – point c – point ii

Text proposed by the Commission

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

Amendment

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

the prevention of adverse impacts on the proper functioning of public administration and the rule of law;

peoples, the use of transparent business practices and the prevention of adverse impacts on the proper functioning of public administration and the rule of law; **(iii) whether there are existing cooperation agreements between a candidate, neighbouring or third country and the Union and, for emerging markets and developing economies, the potential for the deployment of Global Gateway investment projects planned with transparency, designed for the transition of sustainable economies to address climate change and help to provide also basic needs:**

Amendment 139

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(iv a) for candidate and neighbouring countries, whether and how a partnership in a sphere of critical and strategic raw materials could contribute to local value addition and would be mutually beneficial for the partner country and the Union;

Amendment 140

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(iv b) whether a candidate, neighbouring or third country demonstrates alignment with European values;

Amendment 141

Proposal for a regulation

Article 33 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. *The Board shall advise on possible new strategic partnerships with candidate, neighbouring or third countries.*

Amendment 142

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

Text proposed by the Commission

Amendment

2 b. *The Board shall seek cooperation and coordination with international partners, as well as States of the European Free Trade Association, countries participating in the internal market or candidate countries.*

Amendment 143

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

Text proposed by the Commission

Amendment

2 c. *Following the identification of strategic projects with candidate, neighbouring and third countries, the Board shall rapidly establish structured communication with the Strategic Partnerships countries to identify the modalities of cooperation, relevant stakeholders and procedures.*

Amendment 144

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

Text proposed by the Commission

Amendment

(a) coordinate with the Commission to

(a) coordinate with the Commission to

ensure coherence between their bilateral cooperation with relevant third countries and the Union's non-binding Strategic Partnerships with third countries, whose scope at least includes critical raw materials value chain;

ensure coherence between their bilateral cooperation with relevant ***candidate, neighbouring and*** third countries and the Union's non-binding Strategic Partnerships with ***candidate, neighbouring and*** third countries, whose scope at least includes critical raw materials value chain;

Amendment 145

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

Text proposed by the Commission

Amendment

3 a. The Commission shall integrate a critical and strategic raw materials component in existing and future international agreements.

Amendment 146

Proposal for a regulation Article 34 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In its activities, the Board shall seek cooperation and regular consultation with representatives of industry, private sector stakeholders, social partners and relevant local and regional authorities.

Amendment 147

Proposal for a regulation Article 35 – paragraph 1

Text proposed by the Commission

Amendment

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

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

Amendment 148

Proposal for a regulation Article 35 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The Board shall ensure regular coordination and collaboration with industry and key private sector stakeholders, as well as with representatives of candidate, neighbouring and third countries and relevant local and regional authorities.

Amendment 149

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

Text proposed by the Commission

Amendment

(a a) a subgroup to discuss and coordinate socially inclusive and sustainable mining practices, addressing local concerns and needs, promoting transparent communication, and fostering positive community relationships, with the aim of facilitating acceptance of mining projects. The subgroup shall also be responsible for collating and disseminating best practices within the Union;

Amendment 150

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

Text proposed by the Commission

Amendment

(d a) a subgroup to discuss and coordinate on the Strategic Partnerships pursuant to Article 33, ensuring cooperation with other relevant coordination fora, including those

established as part of the Global Gateway strategy; representatives of civil society organisations and academics shall be invited as observers;

Amendment 151

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(d b) a subgroup responsible for investigating possibilities for private and public funding for exploration companies to fully utilize and accelerate the knowledge drawn from the national exploration programmes.

Amendment 152

Proposal for a regulation

Article 35 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Amendment

Where appropriate, the Board may invite experts, other third parties or representatives of third countries to attend meetings of the standing or temporary sub-groups referred to in paragraph 6 as observers or to provide written contributions.

Where appropriate, the Board may invite *representatives of regional and local authorities*, experts, *industry and key private sector stakeholders* and other third parties or representatives of third countries *from industry, civil society, academia, trade unions and other representatives with expertise and reasonable interest before taking decisions*, to attend meetings of the standing or temporary sub-groups referred to in paragraph 6 as observers or to provide written contributions.

Amendment 153

Proposal for a regulation

Article 35 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9 a. The Board shall report annually to the European Parliament.

Amendment 154

Proposal for a regulation

Annex I – Section 1 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

The following raw materials shall be considered strategic:

The following raw materials shall be considered strategic, ***including their respective carrier metals and minerals with which these strategic raw materials are extracted and their ferroalloy form :***

Amendment 155

Proposal for a regulation

Annex I – Section 1 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(a a) Aluminium

Amendment 156

Proposal for a regulation

Annex I – Section 1 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) Boron - ***metallurgy grade***

(b) Boron

Amendment 157

Proposal for a regulation

Annex I – Section 1 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) Chromium

Amendment 158

Proposal for a regulation

Annex I – Section 1 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) Lithium - ***battery grade***

(g) Lithium

Amendment 159

Proposal for a regulation

Annex I – Section 1 – paragraph 1 – point h

Text proposed by the Commission

Amendment

(h) Magnesium ***metal***

(h) Magnesium

Amendment 160

Proposal for a regulation

Annex I – Section 1 – paragraph 1 – point i

Text proposed by the Commission

Amendment

(i) Manganese - ***battery grade***

(i) Manganese

Amendment 161

Proposal for a regulation

Annex I – Section 1 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) Natural Graphite - ***battery grade***

(j) Natural Graphite

Amendment 162

Proposal for a regulation
Annex I – Section 1 – paragraph 1 – point k

Text proposed by the Commission

Amendment

(k) Nickel - **battery grade**

(k) Nickel

Amendment 163

Proposal for a regulation
Annex I – Section 1 – paragraph 1 – point m

Text proposed by the Commission

Amendment

(m) Rare Earth Elements **for magnets**
(Nd, Pr, Tb, Dy, Gd, Sm, and Ce)

(m) Rare Earth Elements (Nd, Pr, Tb,
Dy, Gd, Sm, and Ce)

Amendment 164

Proposal for a regulation
Annex I – Section 1 – paragraph 1 – point n

Text proposed by the Commission

Amendment

(n) Silicon **metal**

(n) Silicon

Amendment 165

Proposal for a regulation
Annex I – Section 1 – paragraph 1 – point o

Text proposed by the Commission

Amendment

(o) Titanium **metal**

(o) Titanium

Amendment 166

Proposal for a regulation
Annex I – Section 2 – point 1 – introductory part

Text proposed by the Commission

Amendment

1. The strategic importance shall be determined based on the relevance of a raw material for the green and digital transition

1. The strategic importance shall be determined based on the relevance of a raw material for the green and digital transition,

as well as defence and space applications, taking into account:

including raw materials enabling the production and processing of raw materials for the green and digital transition, as well as defence and space applications, and importance for medical and food security, taking into account:

Amendment 167

Proposal for a regulation Annex I – Section 2 – point 2 a (new)

Text proposed by the Commission

Amendment

2 a. The forecasted demand availability shall be calculated as follow:

$$***D_{F/A}=DF/R***$$

DF is the accumulated demand forecast for a reference year;

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

Amendment 168

Proposal for a regulation Annex II – Section 1 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(a a) Aluminium

Amendment 169

Proposal for a regulation Annex II – Section 1 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(g a) Chromium

Amendment 170

Proposal for a regulation Annex II – Section 1 – paragraph 1 – point v

Text proposed by the Commission

Amendment

(v) *Natural* Graphite

(v) Graphite

Amendment 171

Proposal for a regulation

Annex III – point 4 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(a a) striving towards free, prior and informed consent (FPIC).

Amendment 172

Proposal for a regulation

Annex III – point 4 a (new)

Text proposed by the Commission

Amendment

4 a. Whether a extracting project in the Union fulfils the criterion referred to in Article 5(1), point (c a) (new), must comply with the following:

(a) Part of the metallurgical and mineralogical processing and beneficiation of the mineral resources are carried out in the same NUTS 3 area or no more than 150 km from the place of extraction in line with Article 12(1), provided that such operations are economically and technically viable;

(b) The creation of a wider economic or social benefits, including the creation of employment.

Amendment 173

Proposal for a regulation

Annex IV – paragraph 1 – point b – point iii a (new)

Text proposed by the Commission

Amendment

(iii a) requirements involving local stakeholders in planning and adapting

schemes to regional needs and objectives, making use of local data and feedback for tailored and effective implementation.

Amendment 174

Proposal for a regulation

Annex IV – paragraph 1 – point b – point iii b (new)

Text proposed by the Commission

Amendment

(iii b) requirements ensuring free and prior informed consent (FPIC) that enable local community to exercise their fundamental right to give or withhold consent.

Justification

FPIC is the internationally acknowledged principle of how to ensure local communities and indigenous people's participation and consent during the process of developing a project or an economic activity on land that would affect the group. FPIC is based in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as it mainly pertains to land use rights.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) 168/2013, (EU) 2018/858, 2018/1724 and (EU) 2019/1020
References	COM(2023)0160 – C9-0061/2023 – 2023/0079(COD)
Committee responsible Date announced in plenary	ITRE 8.5.2023
Opinion by Date announced in plenary	REGI 8.5.2023
Rapporteur for the opinion Date appointed	Franc Bogovič 23.3.2023
Discussed in committee	27.6.2023
Date adopted	19.7.2023
Result of final vote	+: 35 -: 0 0: 1
Members present for the final vote	François Alfonsi, Adrian-Dragoș Benea, Isabel Benjumea Benjumea, Franc Bogovič, Vlad-Marius Botoș, Corina Crețu, Rosa D’Amato, Christian Doleschal, Matthias Ecke, Mircea-Gheorghe Hava, Krzysztof Hetman, Peter Jahr, Cristina Maestre Martín De Almagro, Nora Mebarek, Martina Michels, Alin Mituța, Dan-Ștefan Motreanu, Denis Nesci, Niklas Nienass, Andrey Novakov, Younous Omarjee, Alessandro Panza, Caroline Roose, Marcos Ros Sempere, André Rougé, Susana Solís Pérez, Irène Tolleret
Substitutes present for the final vote	Karolin Braunsberger-Reinhold, Carlos Coelho, Rosanna Conte, Herbert Dorfmann, Sandro Gozi, Ana Miranda, Yana Toom, Stefania Zambelli
Substitutes under Rule 209(7) present for the final vote	Carlo Fidanza

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

35	+
ECR	Carlo Fidanza, Denis Nesci
ID	Rosanna Conte, Alessandro Panza, André Rougé, Stefania Zambelli
PPE	Isabel Benjumea Benjumea, Franc Bogovič, Karolin Braunsberger-Reinhold, Carlos Coelho, Christian Doleschal, Herbert Dorfmann, Mircea-Gheorghe Hava, Krzysztof Hetman, Peter Jahr, Dan-Ștefan Motreanu, Andrey Novakov
Renew	Vlad-Marius Botoș, Sandro Gozi, Alin Mituța, Susana Solís Pérez, Irène Tolleret, Yana Toom
S&D	Adrian-Dragoș Benea, Corina Crețu, Matthias Ecke, Cristina Maestre Martín De Almagro, Nora Mebarek, Marcos Ros Sempere
The Left	Younous Omarjee
Verts/ALE	François Alfonsi, Rosa D'Amato, Ana Miranda, Niklas Nienass, Caroline Roose

0	-

1	0
The Left	Martina Michels

Key to symbols:

+ : in favour

- : against

0 : abstention