



**2023/0079(COD)**

15.5.2023

**\*\*\*I**

## **DRAFT REPORT**

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

Committee on Industry, Research and Energy

Rapporteur: Nicola Beer

### ***Symbols for procedures***

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

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

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

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

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

#### **Amendments by Parliament in the form of a consolidated text**

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

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

## CONTENTS

	<b>Page</b>
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION .....	5
EXPLANATORY STATEMENT.....	67



## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

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

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0160),
  - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0061/2023),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of ...<sup>1</sup>,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the opinions of the Committee on Foreign Affairs, the Committee on Development, the Committee on International Trade, the Committee on Economic and Monetary Affairs, the Committee on the Environment, Public Health and Food Safety and the Committee on Regional Development,
  - having regard to the report of the Committee on Industry, Research and Energy (A9-0000/2023),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### **Amendment 1**

#### **Proposal for a regulation**

#### **Recital 3**

---

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## **Amendment 2**

### **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

*Amendment*

(6) To strengthen Union capacities along the strategic raw materials value chain, benchmarks should be set to guide efforts and track progress. The aim should be to increase capacities for each strategic raw material at each stage of the value chain, while aiming to achieve overall capacity benchmarks for extraction, processing and recycling of strategic raw materials. Firstly, the Union should

increase the use of its own geological resources of strategic raw materials and build up capacity to allow it to extract the materials needed to produce at least 10 % of the Union's consumption of strategic raw materials. Keeping in mind that extraction capacity is highly dependent on the availability of Union geological resources, the achievement of this benchmark is dependent on such availability. Secondly, in order to build a full value chain and prevent any bottlenecks at intermediate stages, the Union should in addition increase its processing capacity along the value chain and be able to produce at least 40 % of its annual consumption of strategic raw materials. Thirdly, it is expected that in the coming decades a growing share of the Union's consumption of strategic raw materials can be covered by secondary raw materials, which would improve both the security and the sustainability of the Union's raw materials supply. Therefore, Union recycling capacity should be able to produce at least 15 % of the Union's annual consumption of strategic raw materials. These benchmarks refer to the 2030 time horizon, in alignment with the Union's climate and energy targets set under Regulation (EU) 2021/1119 of the European Parliament and of the Council<sup>29</sup> and the digital targets under the Digital Decade<sup>30</sup>, which they underpin. Furthermore, quality jobs, including skills development and job-to-job transitions, will address risks in the sectoral labour market and help ensure the EU's competitiveness.

---

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

increase the use of its own geological resources of strategic raw materials and build up capacity to allow it to extract the materials needed to produce at least 10 % of the Union's consumption of strategic raw materials. Keeping in mind that extraction capacity is highly dependent on the availability of Union geological resources, the achievement of this benchmark is dependent on such availability. Secondly, in order to build a full value chain and prevent any bottlenecks at intermediate stages, the Union should in addition increase its processing capacity along the value chain and be able to produce at least 40 % of its annual consumption of strategic raw materials. Thirdly, it is expected that in the coming decades a growing share of the Union's consumption of strategic raw materials can be covered by secondary raw materials, which would improve both the security and the sustainability of the Union's raw materials supply. Therefore, Union recycling capacity should be able to produce at least 15 % of the Union's annual *aggregated* consumption of strategic raw materials *as well as +7.5% volume for each strategic raw material*. These benchmarks refer to the 2030 time horizon, in alignment with the Union's climate and energy targets set under Regulation (EU) 2021/1119 of the European Parliament and of the Council<sup>29</sup> and the digital targets under the Digital Decade<sup>30</sup>, which they underpin. Furthermore, quality jobs, including skills development and job-to-job transitions, will address risks in the sectoral labour market and help ensure the EU's competitiveness.

---

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

p. 1).

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

p. 1).

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

Or. en

### Amendment 3

#### Proposal for a regulation Recital 11

##### *Text proposed by the Commission*

(11) In order to ensure the sustainability of increased raw material production, new raw materials projects should be implemented sustainably. To that end, the Strategic Projects receiving support under this Regulation should be assessed taking into account international instruments covering all aspects of sustainability highlighted in the EU principles for sustainable raw materials<sup>31</sup>, including ensuring environmental protection, socially responsible practices, including respect for human rights such as the rights of women, and transparent business practices. Projects 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.

---

<sup>31</sup> European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, EU principles for sustainable raw materials, Publications

##### *Amendment*

(11) In order to ensure the sustainability of increased raw material production, new raw materials projects should be implemented sustainably. To that end, the Strategic Projects receiving support under this Regulation should be assessed taking into account international instruments covering all aspects of sustainability highlighted in the EU principles for sustainable raw materials<sup>31</sup>, including ensuring environmental protection, socially responsible practices, including respect for human rights such as the rights of women, and transparent business practices. Projects should also ensure engagement in good faith as well as comprehensive and meaningful consultations with local communities, including with indigenous peoples. To provide project promoters with a clear and efficient way of complying with this criterion, compliance with relevant Union legislation, international standards, guidelines and principles or participation in *an environmental* certification scheme recognised under this Regulation should *always* be considered sufficient.

---

<sup>31</sup> European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, EU principles for sustainable raw materials, Publications



#### Amendment 4

##### Proposal for a regulation Recital 31

###### *Text proposed by the Commission*

(31) The volatile prices of several strategic raw materials, exacerbated by limited means to hedge them on forward markets, create an obstacle both for project promoters to secure financing for strategic raw material projects as well as for downstream consumers looking to secure stable and predictable prices for key inputs. In an effort to reduce uncertainty over future prices for strategic raw materials, it is necessary to provide for the setting up of a system that enables both interested off-takers and promoters of Strategic Projects to indicate their buying or selling bids and to bring them in contact if the respective bids are potentially compatible.

###### *Amendment*

(31) The volatile prices of several strategic raw materials, exacerbated by limited means to hedge them on forward markets, create an obstacle both for project promoters to secure financing for strategic raw material projects as well as for downstream consumers looking to secure stable and predictable prices for key inputs. In an effort to reduce uncertainty over future prices for strategic raw materials, it is necessary to provide for the setting up of a system that enables both interested off-takers and promoters of Strategic Projects to indicate their buying or selling bids and to bring them in contact if the respective bids are potentially compatible. ***Such a system is essential to foster SMEs' participation in the value chains of strategic raw materials.***

#### Amendment 5

##### Proposal for a regulation Recital 34

###### *Text proposed by the Commission*

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

###### *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.

to external factors. Recent or ongoing events ranging from the COVID-19 crisis to the unprovoked and unjustified military aggression against Ukraine **as well as the impact of the Chinese Belt and Road Initiative on Third Countries** underlined the vulnerability of some of the Union's supply chains to disruptions. In order to ensure that Member States and European industries are able to anticipate supply disruption and prepared to withstand their consequences, measures should be developed to increase monitoring capacity, **including for**, strategic stocks and reinforce the preparedness of companies.

Or. en

## Amendment 6

### 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

#### *Amendment*

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

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

conduct stress tests assessing the vulnerability of the strategic raw materials supply chains and their exposure to supply risks. Member States should contribute to this exercise by, when possible conducting such stress tests through their national supply and information agencies covering critical raw materials. The Board should ensure the coordination of the implementation of the stress tests by the Commission and Member States. When no Member State has the capacity to perform a required stress test on a given strategic raw material, the Commission should conduct it itself. The Commission should also suggest potential strategies that can be adopted by the public authorities and private actors to mitigate supply risks, 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.

Or. en

## **Amendment 7**

### **Proposal for a regulation Recital 36**

#### *Text proposed by the Commission*

(36) Strategic stocks are an important tool to mitigate supply disruptions, notably for raw materials. Although the proposed Single Market Emergency Instrument

#### *Amendment*

(36) Strategic stocks are an important tool to mitigate supply disruptions, notably for raw materials. Although the proposed Single Market Emergency Instrument

allows for the possible development of such stocks in the event of the activation of the Single Market vigilance mode, Member States and companies do not have obligations to build up or coordinate their strategic stocks ahead of a supply disruption. In addition, there is no coordination mechanism across the European Union that allows for the development of a common assessment and of an analysis of potential overlaps and synergies. Therefore, as a first step, and taking account of the present lack of relevant information, Member States should provide to the Commission information about their strategic stocks, whether they are operated by public authorities or by economic operators on the behalf of the Member States. Such information should include the level of stock available per strategic raw material, the outlook of stock levels, and the rules and procedures applicable to these stocks. Any request should be proportionate, have regard for the cost and effort required to make the data available as well as for its impact on national security, and set out appropriate time limits for providing the requested information. Information on the stocks of economic operators may be added to the analysis, albeit this does not constitute a request for information on them. The Commission should handle the data in a secure manner, and only publish information on an aggregate level. As a second step, based on the information acquired, the Commission should develop a draft benchmark for what should be considered a safe level of Union stocks, taking into account the total annual Union consumption of the concerned strategic raw materials. Based on a comparison between existing stocks and the overall levels of strategic stocks for strategic raw materials across the Union, the Board, acting in agreement with the Commission, should then be able to issue non-binding opinions to Member States on how to increase convergences and to encourage them in building up their strategies stocks. In doing

allows for the possible development of such stocks in the event of the activation of the Single Market vigilance mode, Member States and companies do not have obligations to build up or coordinate their strategic stocks ahead of a supply disruption. In addition, there is no coordination mechanism across the European Union that allows for the development of a common assessment and of an analysis of potential overlaps and synergies. Therefore, as a first step, and taking account of the present lack of relevant information, Member States should provide to the Commission information about their strategic stocks, whether they are operated by public authorities or by economic operators on the behalf of the Member States. Such information should include the level of stock available per strategic raw material, the outlook of stock levels, and the rules and procedures applicable to these stocks. Any request should be proportionate, have regard for the cost and effort required to make the data available as well as for its impact on national security, and set out appropriate time limits for providing the requested information. Information on the stocks of economic operators may be added to the analysis, albeit this does not constitute a request for information on them. The Commission should handle the data in a secure manner, and only publish information on an aggregate level. As a second step, based on the information acquired, the Commission should develop a draft benchmark for what should be considered a safe level of Union stocks, taking into account the total annual Union consumption of the concerned strategic raw materials. Based on a comparison between existing stocks and the overall levels of strategic stocks for strategic raw materials across the Union, the Board, acting in agreement with the Commission, should then be able to issue non-binding opinions to Member States on how to increase convergences and to encourage them in building up their strategies stocks, *while*

so, the Board should consider the need to maintain incentives for the development of strategic stocks by private operators using strategic raw materials.

*avoiding distortion of the market.* In doing so, the Board should consider the need to maintain incentives for the development of strategic stocks by private operators using strategic raw materials.

Or. en

## Amendment 8

### Proposal for a regulation

#### Recital 38

##### *Text proposed by the Commission*

(38) In order to ensure that they are sufficiently prepared to face supply disruptions, large companies manufacturing strategic technologies in the Union using strategic raw materials ***should audit their supply chains and report accordingly to their board of directors.***

This will ensure that they take into account the supply risks of strategic raw materials and develop appropriate mitigation strategies to be better prepared in the event of a supply disruption. Similarly, the large companies falling within this scope should run regular stress tests of their strategic raw materials supply chains to ensure that they consider all different scenarios that may affect their supply in the event of a disruption. These measures will lead to additional considerations being given to the costs of potential supply risks.

##### *Amendment*

(38) In order to ensure that they are sufficiently prepared to face supply disruptions, large companies manufacturing strategic technologies in the Union using strategic raw materials ***shall ensure an appropriate internal risk management.*** This will ensure that they take into account the supply risks of strategic raw materials and develop appropriate mitigation strategies to be better prepared in the event of a supply disruption. Similarly, the large companies falling within this scope should run regular stress tests of their strategic raw materials supply chains to ensure that they consider all different scenarios that may affect their supply in the event of a disruption. These measures will lead to additional considerations being given to the costs of potential supply risks.

Or. en

## Amendment 9

### Proposal for a regulation

#### Recital 39

##### *Text proposed by the Commission*

(39) Many markets for strategic raw

##### *Amendment*

(39) Many markets for strategic raw

materials are not fully transparent and are concentrated on the supply side, which increases the negotiating power of sellers and increases prices for buyers. To help lower prices for undertaking established in the Union, the Commission should set up a system that is able to aggregate the demand of interested buyers. In developing such a system, the Commission should take into account experience gained in similar endeavours, in particular regarding the joint purchasing of gas as established under Council Regulation 2022/2576<sup>44</sup>. Member State authorities should also be able to participate in this system in order to build up their strategic stocks. All measures ***under this*** mechanism should be compatible with Union competition law.

---

<sup>44</sup> Council Regulation (EU) 2022/2576 of 19 December 2022 enhancing solidarity through better coordination of gas purchases, reliable price benchmarks and exchanges of gas across borders (OJ 335, 29.12.2022, p. 1-35)

materials are not fully transparent and are concentrated on the supply side, which increases the negotiating power of sellers and increases prices for buyers, ***posing a challenge to the market***. To help lower prices for undertaking established in the Union, the Commission should set up a system that is able to aggregate the demand of interested buyers. In developing such a system, the Commission should take into account experience gained in similar endeavours, in particular regarding the joint purchasing of gas as ***previously established in response to the gas crisis*** under Council Regulation 2022/2576<sup>44</sup>. Member State authorities should also be able to participate in this system in order to build up their strategic stocks. All measures ***adopted as part of that*** mechanism should be compatible with Union competition ***and national*** law.

---

<sup>44</sup> Council Regulation (EU) 2022/2576 of 19 December 2022 enhancing solidarity through better coordination of gas purchases, reliable price benchmarks and exchanges of gas across borders (OJ 335, 29.12.2022, p. 1-35)

Or. en

## Amendment 10

### Proposal for a regulation Recital 57

#### *Text proposed by the Commission*

(57) To keep administrative burden put on Member States to a minimum, the different reporting obligations should be streamlined and the Commission should develop a template allowing Member States to fulfil their reporting obligations on projects, exploration, monitoring ***or strategic stocks*** within a regularly published single document, that may be

#### *Amendment*

(57) To keep administrative burden put on Member States ***and companies, especially SMEs***, to a minimum, the different reporting obligations should be streamlined and the Commission should develop a template allowing Member States to fulfil their reporting obligations on projects, exploration ***and*** monitoring within a regularly published single

confidential or restricted.

document, that may be confidential or restricted.

Or. en

## Amendment 11

### Proposal for a regulation

#### Article 1 – paragraph 2 – point a – introductory part

##### *Text proposed by the Commission*

(a) strengthen the different stages of the strategic raw materials value chain with **a view to ensure** that, by 2030, Union capacities for each strategic raw material have significantly increased so that, overall, Union capacity approaches or reaches the following benchmarks:

##### *Amendment*

(a) strengthen the different stages of the strategic raw materials value chain with **the aim** that, by 2030, Union capacities for each strategic raw material have significantly increased so that, overall, Union capacity approaches or reaches the following benchmarks:

Or. en

##### *Justification*

*We should aim to boost the value chain at all different stages, but in doing so we should ensure that each member state is free to choose how they wish to diversify their access to CRM and SRM, while providing guidance of the ways to do so.*

## Amendment 12

### Proposal for a regulation

#### Article 1 – paragraph 2 – point a – point iii

##### *Text proposed by the Commission*

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

##### *Amendment*

(iii) Union recycling capacity, including for all intermediate recycling steps, is able to produce at least **+7,5% volume for each strategic raw material, and, aggregated, at least** 15% of the Union's annual consumption of strategic raw materials.

Or. en

### *Justification*

*It is essential that we take current benchmark as the basis for improvement to strengthen value chains on all steps for every strategic raw material - in this way, we can ensure that we boost all value chains entirely, e.g. copper recycling. Linking iii to (a), the indication is +7.5% until 2030.*

### **Amendment 13**

#### **Proposal for a regulation**

#### **Article 1 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4 a. The value chains created and strengthened as a result of this Regulation both in the Union and in third countries shall be further strengthened after 2030. The Commission shall take this into account when conducting the review referred to in Article 46.***

Or. en

### *Justification*

*The outlook of further strengthening the value chains after 2030 is important to create planning security for businesses.*

### **Amendment 14**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 6**

*Text proposed by the Commission*

*Amendment*

(6) ‘extraction’ means the primary extraction of ores, minerals and plant products from their original source, including from a mineral occurrence underground, mineral occurrence under water, sea brine and trees;

(6) ‘extraction’ means the primary ***or secondary*** extraction of ores, minerals and plant products from their original source ***as a main product or as a by-product***, including from a mineral occurrence underground, mineral occurrence under water, sea brine and trees;

Or. en



### *Justification*

*It is important to ensure that SRMs extracted only as a by-product of other products can also justify a project being granted the Status of Strategic Project, provided that it fulfills the relevant criteria*

## **Amendment 15**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 30**

##### *Text proposed by the Commission*

(30) ‘large company’ means any company that had more than **500** employees on average and had a net worldwide turnover of more than EUR **150** million in the last financial year for which annual financial statements have been prepared;

##### *Amendment*

(30) ‘large company’ means any company that had more than **1500** employees on average and had a net worldwide turnover of more than EUR **2000** million in the last financial year for which annual financial statements have been prepared;

Or. en

### *Justification*

*Amending the definition of ‘large company’ by taking out the mid-caps as defined by the industry.*

## **Amendment 16**

### **Proposal for a regulation**

#### **Article 3 – paragraph 2 – subparagraph 1**

##### *Text proposed by the Commission*

The Commission is empowered to adopt delegated acts in accordance with Article 36 to amend Annex I, Section 1 in order to update the list of strategic raw materials.

##### *Amendment*

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

*paragraph 3.*

Or. en

*Justification*

*The Commission can add materials to the list of SRM on an ad-hoc basis to react to potential supply shocks and/or crises. The Commission cannot remove SRMs on an ad-hoc basis to ensure planning security for companies, in particular SMEs.*

**Amendment 17**

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

*Text proposed by the Commission*

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.

*Amendment*

3. The Commission shall review and, if necessary, update the list of strategic raw materials by [OP please insert: **two** years after the date of entry into force of this Regulation], and every **2** years thereafter.

Or. en

**Amendment 18**

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

*Text proposed by the Commission*

*Amendment*

**3 a. Any raw material that would no longer be considered to be a strategic raw material as the result of an update as referred to in paragraph 3 shall still be considered to be a strategic raw material for two years following the publication of any such update.**

Or. en

*Justification*

*This amendment introduces a process of De-Listing/Phasing-Out for Strategic Raw Materials*

*in case they would no longer be considered strategic. This gives certainty and planning security to companies handling SRM projects. The duration of 2 years matches up with the foreseen regular updates of the SRM list in Paragraph 3*

## **Amendment 19**

### **Proposal for a regulation**

#### **Article 4 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4 a. Any raw material that would no longer be considered to be a critical raw material as the result of an update as referred to in paragraph 4 shall be considered to be a critical raw material for two years following the publication of any such update.***

Or. en

*Justification*

*This “phase-out” of Critical Raw Materials gives companies and national authorities planning security (One-Stop Shop).*

## **Amendment 20**

### **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 strategic raw materials ***by fulfilling one of the following two criteria:***

Or. en

*Justification*

*Substitute projects should also be considered strategic projects provided they replace strategic raw materials at any step of the value chain.*

## **Amendment 21**

### **Proposal for a regulation**

#### **Article 5 – paragraph 1 – point a – point i (new)**

*Text proposed by the Commission*

*Amendment*

- i) it contributes, at any stage of the value chain, significantly to the supply of any of the strategic raw materials set out in Annex I, Section I;**

Or. en

*Justification*

*Substitute projects should also be considered strategic projects provided they replace strategic raw materials at any step of the value chain. In line with AM 20.*

## **Amendment 22**

### **Proposal for a regulation**

#### **Article 5 – paragraph 1 – point a – point ii (new)**

*Text proposed by the Commission*

*Amendment*

- ii) it contributes to the supply of strategic technologies through the substitution of any of the strategic raw materials outlined in Annex I, Section I within the value chains of those strategic technologies**

Or. en

*Justification*

*Substitute projects should also be considered strategic projects provided they replace strategic raw materials at any step of the value chain. In line with AM 20.*

## **Amendment 23**

### **Proposal for a regulation**

#### **Article 5 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

*Justification*

*It is essential to ensure the Union only holds companies accountable with regards to what is technically feasible.*

**Amendment 24**

**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;***

***deleted***

Or. en

*Justification*

*Fostering value chains of strategic projects is the objective of this regulation. Requirements for endeavours on the value chains should be kept as low as possible. Of course cross-border benefits are desirable, but they should not be mandatory to be granted the status of Strategic*

*Project, also to reduce the administrative burden both on authorities and companies*

## **Amendment 25**

### **Proposal for a regulation**

#### **Article 5 – paragraph 2 – subparagraph 2**

##### *Text proposed by the Commission*

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

##### *Amendment*

The Commission is empowered to adopt delegated acts in accordance with Article 36 to amend Annex III in order to adapt the elements and evidence to be taken into account when assessing the fulfilment of the recognition criteria set out in paragraph 1 to technical and scientific progress or to take into account changes to the Union legislation or international instruments listed in Annex III, point 4, or the adoption of additional Union legislation or international instruments relevant for the fulfilment of the criterion referred to in paragraph 1, point (c). ***The possibility to attest compliance with the criterion referred to in paragraph 1, point (c), through certification in a scheme or the commitment to fulfill such schemes at the time of project implementation, in accordance with Annex III, second paragraph, shall be upheld.***

***The Commission shall inform project promoters in the process of obtaining a Strategic Project permit as well as scheme owners of the delegated acts referred to in subparagraph 2 at the start of the objection period according to Article 290(2), point (b), TFEU. Once the delegated act enters into force, the Commission shall inform them thereof as well.***

Or. en

##### *Justification*

*Scheme owners and project promoters need to be kept in the loop of any possible changes as early as possible, to allow them to adapt to potential changes and create planning security.*

## Amendment 26

### Proposal for a regulation Article 6 – paragraph 2

*Text proposed by the Commission*

2. The Commission is empowered to adopt implementing acts establishing a template to be used by project promoters for the applications referred to in paragraph 1. The template may indicate how the information referred to in paragraph 1 shall be expressed. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2).

*Amendment*

2. The Commission is empowered to adopt implementing acts establishing a **single** template to be used by project promoters for the applications referred to in paragraph 1. The template may indicate how the information referred to in paragraph 1 shall be expressed. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2). **The single template shall provide for only information needed for assessing the application. The scope of information required to complete the single template shall be reasonable.**

Or. en

*Justification*

*It is important especially for SMEs that the bureaucratic hurdles are as small as possible, which is ensured through a single application template and the guidelines of a reasonable scope.*

## Amendment 27

### Proposal for a regulation Article 6 – paragraph 3

*Text proposed by the Commission*

3. **Where** the Commission considers that information provided in the application is incomplete, it shall give the applicant the opportunity to submit the additional information required to complete the application in a timely manner.

*Amendment*

3. **The Commission shall assess the completeness of the application within 14 days of receipt and shall inform the project promoter whether it is complete.** **Where** the Commission considers that **the** information provided in the application is incomplete, it shall give the applicant the opportunity to submit the additional information required to

complete the application in a timely manner.

Or. en

*Justification*

*It is essential that the project promoter is notified of either the completeness of the application or any missing documents within the timeframe set here, in order to create certainty.*

**Amendment 28**

**Proposal for a regulation**

**Article 6 – paragraph 4**

*Text proposed by the Commission*

4. The European Critical Raw Materials Board referred to in Article 34 ('the Board') shall, based on a fair and transparent process, discuss and issue an opinion on the completeness of the application and whether the proposed project fulfils the criteria set out in Article 5(1).

*Amendment*

4. ***Where the Commission has informed the project promoter that the information provided in the application is complete in accordance with paragraph 3 of this Article, it shall forward all the application documents to the European Critical Raw Materials Board referred to in Article 34 ('the Board'). Within 30 days of receipt of the application documents, the Board shall, based on a fair and transparent process, discuss and issue an opinion on the completeness of the application and whether the proposed project fulfils the criteria set out in Article 5(1).***

Or. en

*Justification*

*To ensure a streamlined process, the Commission needs to immediately share the complete application with the Board so that it can issue a competent opinion within a given timeframe of 30 days.*

**Amendment 29**

**Proposal for a regulation**

**Article 6 – paragraph 5 – subparagraph 2**



*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*“Partnerships on equal footing”*: the Union needs to ensure that laws of third country partners are respected at all times.

**Amendment 30**

**Proposal for a regulation**

**Article 6 – paragraph 6 – subparagraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*This creates a binding timeline for the Commission.*

**Amendment 31**

**Proposal for a regulation**

**Article 6 – paragraph 7 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

***The Commission shall prioritise the processing of applications pursuant to the first subparagraph of this paragraph, provided that it has complied with paragraph 6.***

Or. en

*Justification*

*Any prioritisation of a project can never infringe on the rights of other project promoters to a timely response by the Commission.*

## **Amendment 32**

### **Proposal for a regulation Article 6 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

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

8. Where the Commission finds that a Strategic Project no longer fulfils the criteria set out in Article 5(1) or where its recognition was based on an application containing ***fraudulent*** information, it may, taking into account the opinion of the Board and the responsible project promoter, repeal the decision granting a project the status of Strategic Project. ***Before taking such a decision to repeal this status, the Commission shall provide the project promoter with reasons for the decision to repeal, the project promoter shall be given the opportunity to reply to the Commission's position and the Commission shall take into account the project promoter's reply.***

Or. en

*Justification*

*The threshold for revoking the Status of Strategic Project shall not be incorrect, but fraudulent information. As the loss of Strategic Project status can have grave consequences for project promoters, they must be given sufficient room to voice their viewpoints before the*

*repeal.*

### **Amendment 33**

#### **Proposal for a regulation**

#### **Article 7 – paragraph 4**

*Text proposed by the Commission*

4. The Board shall periodically discuss the implementation of the Strategic Projects and, where necessary, measures that could be taken by the project promoter or the Member State whose territory is concerned by a Strategic Project to further facilitate the implementation of those Strategic Projects.

*Amendment*

4. The Board shall periodically discuss the implementation of the Strategic Projects and, where necessary, measures that could be taken by the project promoter or the Member State whose territory is concerned by a Strategic Project to further facilitate the implementation of those Strategic Projects. ***The Board shall inform the project promoter of the results of the discussions in a timely manner.***

Or. en

*Justification*

*To ensure effective assistance of the board to project promoters, it is essential that results of expert discussions are passed on to the project promoters.*

### **Amendment 34**

#### **Proposal for a regulation**

#### **Article 7 – paragraph 5 – introductory part**

*Text proposed by the Commission*

5. The project promoter shall, every two years after the date of recognition as a Strategic Project, submit a report to the **Board** containing information on at least:

*Amendment*

5. The project promoter shall, every two years after the date of recognition as a Strategic Project, submit a report to the **Commission** containing information on at least:

Or. en

*Justification*

*The Commission shall, wherever possible, serve as the main point of contact for the project promoter to streamline and facilitate easy communication.*

## **Amendment 35**

### **Proposal for a regulation**

#### **Article 7 – paragraph 5 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

*The Commission shall, wherever possible, serve as the main point of contact for the project promoter to streamline and facilitate easy communication. In line with AM 34.*

## **Amendment 36**

### **Proposal for a regulation**

#### **Article 7 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

***6. The Board may request additional information from project promoters relevant to the implementation of the Strategic Project at any moment.*** *deleted*

Or. en

*Justification*

*A regular report on information regarding the Strategic Projects satisfies the need to inform the Board and Commission of the progress of a project.*

## **Amendment 37**

### **Proposal for a regulation**

#### **Article 7 – paragraph 7 – point a**

*Text proposed by the Commission*

*Amendment*

(a) changes to the **project affecting its** fulfilment of the criteria set out in Article 5(1);

(a) changes **that constitute obstacles** to the **project's** fulfilment of the criteria set out in Article 5(1);

Or. en

*Justification*

*It needs to be clear that project promoters are only obliged to notify the Commission in case their project no longer fulfills the conditions of Article 5(1), and not of changes irrelevant to their fulfillment thereof.*

**Amendment 38**

**Proposal for a regulation**  
**Article 7 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

8. The Commission is empowered to adopt implementing acts establishing a template to be used by project promoters for the reports referred to in paragraph 5. The template may indicate how the information referred to in paragraph 5 shall be expressed. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2).

8. The Commission is empowered to adopt implementing acts establishing a **single** template to be used by project promoters for the reports referred to in paragraph 5. The template may indicate how the information referred to in paragraph 5 shall be expressed. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2). **Those implementing acts shall provide for a single template to cover all information required for the application. The single template shall provide for only information needed for assessing the application. The scope of information required to complete the single template shall be reasonable.**

Or. en

*Justification*

*It is important especially for SMEs that the bureaucratic hurdles are as small as possible, which is ensured through a single application template and the guidelines of a reasonable scope.*

## Amendment 39

### 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 **the company website or** a dedicated project website with information **relevant to the local population and to foster public acceptance** about the Strategic Project, including information on the environmental **and** social 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.

Or. en

*Justification*

*It does not necessarily need to be a dedicated website, the company website serves just as well. Information on this website shall be purely of relevance to the local population, so that business secrets can be ensured.*

## Amendment 40

### Proposal for a regulation Article 8 – paragraph 2

*Text proposed by the Commission*

2. The national competent authority referred to in paragraph 1 shall be the sole point of contact for the project promoter in the permit granting process leading to a comprehensive decision for a given critical raw material project and shall coordinate the submission of all relevant documents and information.

*Amendment*

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

*with in a timely manner.*

Or. en

*Justification*

*The Single-Point-of-Contact (hereafter: 'SPOC') approach is essential to further ensure timely handling of all matters related to CRM permit processes.*

**Amendment 41**

**Proposal for a regulation**

**Article 8 – paragraph 3 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

*The SPOC needs to be as streamlined as possible. Even when tasks are delegated, for example in a federal system, it needs to be ensured that there is still a SPOC and the delegation of tasks does not bear any disadvantages for project promoters.*

**Amendment 42**

**Proposal for a regulation**

**Article 8 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

7. Member States shall ensure that the national competent authority referred to in paragraph 1 **has** a sufficient number of qualified staff and sufficient financial, technical and technological resources necessary, including for up- and re-skilling, for the effective performance of its tasks under this Regulation.

7. Member States shall ensure that the national competent authority referred to in paragraph 1 **or any authority to which tasks are delegated pursuant to paragraph 3 have** a sufficient number of qualified staff and sufficient financial, technical and technological resources necessary, including for up- and re-skilling, for the effective performance of its tasks under this Regulation.

***If Member States do not have the***

*resources to fulfil the requirements set out in this paragraph, the Commission shall assist them with resources aiding the member state in fulfilling those requirements.*

Or. en

*Justification*

*Especially for smaller member states, it cannot be taken for granted that sufficient resources are present to ensure timely processing of CRM project applications. Therefore, the Commission shall support member states in ensuring the national competent authorities are fit to perform the tasks they are set out to perform.*

**Amendment 43**

**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 processing of the permitting processes related to Strategic Projects in the Union, project promoters and all authorities concerned ***including national authorities referred to in paragraphs 1 and 3 of Article 8*** shall ensure that those processes, ***including contact between project promoter and any authority before the application is officially submitted and complete***, are treated in the most rapid way possible in accordance with Union and national law.

Or. en

*Justification*

*It should be explicitly clear that especially the SPOC and any authorities tasks are being delegated to are included in this paragraph. Any informative contact, even before the application is officially submitted, needs to be treated in the most rapid way possible, to ensure that applications are not delayed as the result of long waiting times before application submission.*



## Amendment 44

### Proposal for a regulation

#### Article 10 – paragraph 4

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

#### *Justification*

*The administrative burden should not put a disadvantage on companies. Further, the national competent authority needs to ensure that it is assessed as quickly as possible whether such environmental impact assessment is necessary.*

## Amendment 45

### Proposal for a regulation

#### Article 10 – paragraph 5 – subparagraph 1

*Text proposed by the Commission*

No later than one month following the receipt of a permit granting application related to a Strategic Project, the national competent authority referred to in Article 8(1) shall validate the application or, if the project promoter has not sent all the

*Amendment*

No later than one month following the receipt of a permit granting application related to a Strategic Project, the national competent authority referred to in Article 8(1) shall validate the application or, if the project promoter has not sent all the

information required to process an application, request the project promoter to submit a complete application within **fourteen** days from this request.

information required to process an application, request the project promoter to submit a complete application within **thirty** days from this request.

Or. en

#### *Justification*

*The project promoter does not need such tight deadlines as the project promoter is anyways incentivized to ensure the permit granting process proceeds as fast as possible.*

### **Amendment 46**

#### **Proposal for a regulation Article 10 – paragraph 6**

##### *Text proposed by the Commission*

6. No later than one month following the date of the acknowledgement of the validity of the permit granting application, the national competent authority referred to in Article 8(1) shall draw up, in close cooperation with the project promoter and other authorities concerned, a detailed schedule for the permit granting process. The schedule shall be published by **either** the project promoter on the website referred to in Article 7(7) **or by the national competent authority referred to in Article 8(1) on a free access website.**

##### *Amendment*

6. No later than one month following the date of the acknowledgement of the validity of the permit granting application, the national competent authority referred to in Article 8(1) shall draw up, in close cooperation with the project promoter and other authorities concerned, a detailed schedule for the permit granting process. The schedule shall be published by the project promoter on the website referred to in Article 7(9).

Or. en

#### *Justification*

*It is more convenient for all parties concerned if the project promoter publishes all relevant information on a central website.*

### **Amendment 47**

#### **Proposal for a regulation Article 14 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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.

1. The Commission and the Member States shall undertake activities to accelerate and **facilitate** 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.

Or. en

*Justification*

*Please see paragraph 2a.*

**Amendment 48**

**Proposal for a regulation**

**Article 14 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

*Justification*

*It is in the interest of both member states and the Commission to support project promoters of Strategic Projects in the administrative processes.*

**Amendment 49**

**Proposal for a regulation**

**Article 14 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(b a) updates on predicable and ad hoc administrative delays to the project promoters with regard to the permitting process and the underlying reasoning.***

Or. en

*Justification*

*Regular and ad hoc information need to be provided to the project promoter in order to accelerate the implementation and ensure secure and lean project management.*

## **Amendment 50**

### **Proposal for a regulation**

#### **Article 14 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2 a. Financial guarantees as a risk-minimising instrument shall be provided by the Member State, if deemed necessary.***

Or. en

*Justification*

*In order to reach the objectives laid out in Article 1(2) of this Regulation, de-risking measures from a financial perspective need to be provided. Financial guarantees by the Member State are deemed the most effective in order to de-risk investment in i.a. exploration of mining.*

## **Amendment 51**

### **Proposal for a regulation**

#### **Article 15 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(d a) the seed funding programmes specific to raw materials resulting from the Net Zero Industry Academies referred to in [OP: please insert here reference to 2023/0081(COD)].***

*Justification*

*The Net-Zero Industrial Act establishes Skill Academies that explicitly involve skill creation regarding Critical Raw Materials.*

**Amendment 52**

**Proposal for a regulation**  
**Article 16 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4 a. The system shall be accessible for project promoters even if a Strategic Project has not yet been granted a permit by the national competent authority referred to in Article 8, paragraph 1.***

Or. en

*Justification*

*Especially for SMEs, it is important that the system is open as soon as they are granted the status of strategic project by the Commission even if the permit for the project under National law has not yet been granted. This enables the project promoters to ensure financing of their project and creates certainty.*

**Amendment 53**

**Proposal for a regulation**  
**Article 17 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

Member States shall provide the following information on administrative processes relevant to critical raw material projects online, and in a centralised and easily accessible manner:

***1.*** Member States shall provide the following information on administrative processes relevant to critical raw material projects online, and in a centralised and easily accessible manner:

Or. en

## Amendment 54

### Proposal for a regulation Article 17 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

*In addition to the MS providing administrative information on the permit granting process, the Commission shall provide administrative information on how to obtain the status of Strategic Project.*

## Amendment 55

### Proposal for a regulation Article 18 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. Member States shall communicate to the Commission their national programmes referred to in paragraph 1.

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

***The Member States shall also communicate to the Commission their finalised national programmes referred to in paragraph 1 of this Article. The Commission shall then forward those programmes to the Board so that they can be discussed in the Subgroup referred to***

*in Article 35(6), point (e).*

Or. en

*Justification*

*It is desirable to ensure a streamlined approach to those national exploration programmes. They are of optimal use for cross-border cooperation only if their scope is comparable. Therefore, the Commission takes a central role in assisting Member States to ensure a streamlined approach.*

**Amendment 56**

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

*Text proposed by the Commission*

*Amendment*

**5. 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.**

**deleted**

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

Or. en

*Justification*

*In light of geopolitical and geostrategic conflicts, such data should not be made accessible as easy as on a free-to-access website.*

## Amendment 57

### Proposal for a regulation Article 18 – paragraph 6 – point c

*Text proposed by the Commission*

(c) the possibility to ***create an integrated database for storing*** the results of the national programmes referred to in paragraph 1.

*Amendment*

(c) the possibility to ***integrate*** the results of the national programmes referred to in paragraph 1 ***into the spatial data infrastructure referred to in Directive 2007/2/EC.***

Or. en

*Justification*

*To ensure coherence and usability of data, the aim should not be to create a scattered landscape of data infrastructure, but instead to integrate this new data into the existing INSPIRE dataframe where possible.*

## Amendment 58

### Proposal for a regulation Article 18 – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

***6 a. Member States shall support the technological maturity of exploration technologies for deep and complex deposits of critical raw materials at least by including support actions to that effect under national research & innovation programmes.***

Or. en

*Justification*

*To allow exploitation of resources while simultaneously upholding environmental standards, innovation in these areas is essential.*

## Amendment 59

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



*Text proposed by the Commission*

*Amendment*

(d) Union and global production and production capacities at different stages of the value chain.

(d) Union and global production and production capacities at different stages of the value chain;

Or. en

## **Amendment 60**

### **Proposal for a regulation**

#### **Article 19 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

**(d a) price volatility;**

Or. en

#### *Justification*

*Price developments and especially volatility are key to depicting the entire market situation. The Monitoring of permitting bottlenecks is essential to ensure that, in case of crisis, the permitting procedures are sufficiently streamlined to ensure new sources of supply can quickly be tapped.*

## **Amendment 61**

### **Proposal for a regulation**

#### **Article 19 – paragraph 1 – point d b (new)**

*Text proposed by the Commission*

*Amendment*

**(d b) permitting bottlenecks.**

Or. en

#### *Justification*

*Price developments and especially volatility are key to depicting the entire market situation. The Monitoring of permitting bottlenecks is essential to ensure that, in case of crisis, the permitting procedures are sufficiently streamlined to ensure new sources of supply can quickly be tapped. In line with AM 60.*

## Amendment 62

### 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.**

Or. en

*Justification*

*In light of geopolitical and geostrategic conflicts, such data should not be made accessible as easy as on a free-to-access website.*

## Amendment 63

### Proposal for a regulation Article 19 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

**5 a. Member States shall identify the large companies that operate on the critical raw materials value chain on their territory.**

Or. en

*Justification*

*The aim is to enable the commission to perform the tasks of article 19 without burdening*

*companies with overreporting duties. The reporting duties for companies set out in this Article are very limited and the scope is highly predictable, in addition to not requiring large investments of resources. Specifically, the reporting is limited to large companies already operating on critical raw materials value chains and to data that already exists as the result of company-internal risk preparedness measures. Any data that is transmitted as part of this Article is treated in accordance with confidentiality rules, and companies are not obliged to transmit any data that constitutes potential business risk.*

## **Amendment 64**

### **Proposal for a regulation Article 19 – paragraph 5 b (new)**

*Text proposed by the Commission*

*Amendment*

***5 b. Large companies identified under paragraph 6 of this Article shall submit the data they collect as parts of already existing monitoring exercises or stress tests to the Commission for the exercises referred to in paragraphs 1 and 3 of this Article. This shall happen to the extent that such data is available. The large companies are not obliged to submit any data that includes business risk or information that can lead to the reveal of such risk. The Commission shall ensure that this data is treated in accordance with Article 44.***

Or. en

### *Justification*

*The aim is to enable the commission to perform the tasks of Article 19 without burdening companies with overreporting duties. The reporting duties for companies set out in this Article are very limited and the scope is highly predictable, in addition to not requiring large investments of resources. Specifically, the reporting is limited to large companies already operating on critical raw materials value chains and to data that already exists as the result of company-internal risk preparedness measures. Any data that is transmitted as part of this Article is treated in accordance with confidentiality rules, and companies are not obliged to transmit any data that constitutes potential business risk. In line with AM 63.*

## **Amendment 65**

### **Proposal for a regulation Article 19 – paragraph 5 c (new)**

**5 c. The Commission, after consulting industry representatives along the critical raw materials value chain, is empowered to adopt implementing acts establishing a single template to be used by large companies for submitting the data referred to in paragraph 6. The single template may indicate how the information referred to in paragraph 6 shall be expressed. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2). The scope of information required to complete the single template shall be reasonable.**

Or. en

*Justification*

*The aim is to enable the commission to perform the tasks of article 19 without burdening companies with overreporting duties. The reporting duties for companies set out in this Article are very limited and the scope is highly predictable, in addition to not requiring large investments of resources. Specifically, the reporting is limited to large companies already operating on critical raw materials value chains and to data that already exists as the result of company-internal risk preparedness measures. Any data that is transmitted as part of this Article is treated in accordance with confidentiality rules, and companies are not obliged to transmit any data that constitutes potential business risk. In line with AM 63.*

**Amendment 66**

**Proposal for a regulation  
Article 20 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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.

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

***The information provided under this paragraph shall be sourced solely from data submitted in the permit granting application. Any data transferred as a result of this paragraph shall be treated in accordance with Article 44.***

Or. en

*Justification*

*Union-coordination of RM projects should happen between Member States and the Commission exclusively and present no burden on companies, especially SMEs.*

**Amendment 67**

**Proposal for a regulation  
Article 20 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) monitor their activities through regular and proportionate surveys with a view to gathering information required for the monitoring tasks referred to in Article 19;

*Amendment*

(a) monitor their activities through regular and proportionate surveys with a view to gathering information required for the monitoring tasks referred to in Article 19. ***The identified key market operators can choose to reply on a voluntary basis;***

Or. en

*Justification*

*Companies shall not be obliged to share data on their activities, except for if they wish to share this data.*

**Amendment 68**

**Proposal for a regulation  
Article 22 – title**

*Text proposed by the Commission*

***Coordination*** of strategic stocks

*Amendment*

***Monitoring*** of strategic stocks

Or. en

*Justification*

*For all Member States that wish to hold any strategic stocks of strategic raw materials, the Union goal should be a certain monitoring. There is no need for coordination of strategic stocks as Member States will not be mandated to hold strategic stocks.*

**Amendment 69**

**Proposal for a regulation**

**Article 22 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) a draft benchmark indicating a safe level of Union stocks for each strategic raw material, defined pursuant to paragraph 2;** **deleted**

Or. en

*Justification*

*In line with AM 68.*

**Amendment 70**

**Proposal for a regulation**

**Article 22 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) a comparison of the overall level of Union stocks for each strategic raw material *and the draft benchmark referred to in point (a)*;**

**(b) a comparison of the overall level of Union stocks for each strategic raw material;**

Or. en

*Justification*

*In line with AM 68.*

## Amendment 71

### Proposal for a regulation

#### Article 22 – paragraph 2 – introductory part

*Text proposed by the Commission*

2. The **Commission, taking account of the views** of the Board, shall adopt a benchmark indicating a safe level of Union stocks of strategic raw materials, **which shall:**

*Amendment*

2. The **standing sub-group** of the Board **referred to in Article 35(6), point (d)** shall **discuss the possibility to** adopt a benchmark indicating a safe level of Union stocks of strategic raw materials

Or. en

*Justification*

*In line with AM 68.*

## Amendment 72

### 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;** **deleted**

*Amendment*

Or. en

*Justification*

*In line with AM 68.*

## Amendment 73

### Proposal for a regulation

#### Article 22 – paragraph 2 – point b

*Text proposed by the Commission*

*Amendment*

**(b) take into account stocks held by private operators, to the extent that information on such stocks is available;** *deleted*

Or. en

*Justification*

*In line with AM 68.*

#### **Amendment 74**

##### **Proposal for a regulation Article 22 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) be proportionate to the supply risk and economic importance associated with the relevant strategic raw material.** *deleted*

Or. en

*Justification*

*In line with AM 68.*

#### **Amendment 75**

##### **Proposal for a regulation Article 22 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. In preparing opinions referred to in paragraph 3, the Board shall give particular weight to the need to maintain incentives for private operators, which rely on strategic raw materials as inputs, to constitute their own stocks or to take other measures to manage their exposure to supply risks.

4. In preparing opinions referred to in paragraph 3, **the Commission and** the Board shall give particular weight to the need to maintain incentives for private operators, which rely on strategic raw materials as inputs, to constitute their own stocks or to take other measures to manage their exposure to supply risks.



*Justification*

*As the opinions are issued by the Commission, it is essential that the Commission also gives adequate weight to the need for incentivizing private companies.*

**Amendment 76****Proposal for a regulation****Article 23**

*Text proposed by the Commission*

*Amendment*

*Article 23*

*deleted*

*Company risk preparedness*

**1.**

***Member States shall identify the large companies that manufacture strategic technologies using strategic raw materials on their territory.***

***The strategic technologies referred to in the first subparagraph shall include, but are not limited to, batteries for energy storage and e-mobility, equipment related to hydrogen production and utilisation, equipment related to renewable energy generation, traction motors, heat pumps, data transmission and storage, mobile electronic devices, equipment related to additive manufacturing, robotics, drones, rocket launchers, satellites and advanced chips.***

**2. *Large companies identified by Member States pursuant to paragraph 1 shall, every two years, perform an audit of their supply chain, including:***

***(a) a mapping of where the strategic raw materials they use are extracted, processed or recycled;***

***(b) a stress test of their supply chain of strategic raw materials, consisting of an assessment of its vulnerability to supply disruptions by estimating the impact of different scenarios that may***

*cause such disruptions and their potential effects, taking into account at least the elements listed in Article 19(3).*

**3. Companies referred to under paragraph 1 shall present a report containing the results of the audit referred to in paragraph 2 to their board of directors.**

Or. en

*Justification*

*There is no need for any mandated risk preparedness for companies. They are perfectly capable of assessing an adequate scope and conducting risk preparedness measures on their own.*

**Amendment 77**

**Proposal for a regulation  
Article 24 – paragraph 1**

*Text proposed by the Commission*

1. The Commission shall set up and operate a system to aggregate the demand of interested undertakings consuming strategic raw materials established in the Union and Member State authorities responsible for strategic stocks and seek offers from suppliers to match that aggregated demand. This shall cover both unprocessed and processed strategic raw materials.

*Amendment*

1. The Commission shall set up and operate a system to aggregate the demand of interested undertakings consuming strategic raw materials established in the Union and Member State authorities responsible for strategic stocks and seek offers from suppliers to match that aggregated demand. This shall cover both unprocessed and processed strategic raw materials ***as well as products resulting from any intermediate processing step.***

Or. en

*Justification*

*It should also be possible to jointly procure intermediate products for which there is no Union refining capacity in a joint manner. One specific example here are NdFeB magnets.*

## Amendment 78

### Proposal for a regulation

#### Article 24 – paragraph 2 – introductory part

*Text proposed by the Commission*

2. In setting up and operating the system referred to in paragraph 1, the Commission shall:

*Amendment*

2. In setting up and operating the system referred to in paragraph 1, the Commission shall ***choose for which strategic raw materials, at which processing stage, the system can be used, taking into account the relative supply risk of different strategic raw materials and the possibilities for building up strategic stocks related to those material based on the information gathered pursuant to Articles 21 and 22.***

Or. en

*Justification*

*Structural change in line with AM 79 and 80.*

## Amendment 79

### Proposal for a regulation

#### Article 24 – paragraph 2 – point a

*Text proposed by the Commission*

***(a) choose for which strategic raw materials, at which processing stage, the system can be used, taking into account the relative supply risk of different strategic raw materials and the need for building up strategic stocks related to those material based on the information gathered pursuant to Articles 21 and 22;***

*Amendment*

***deleted***

Or. en

*Justification*

*Structural change in line with AM 78 - Due to the deletion in AM 80, this text was integrated into Article 24, Paragraph 2.*

## Amendment 80

### Proposal for a regulation

#### Article 24 – paragraph 2 – point b

*Text proposed by the Commission*

*Amendment*

**(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.**

**deleted**

Or. en

*Justification*

*It needs to be ensured that SMEs can also participate in such joint purchasing. Therefore, minimum amounts are not acceptable.*

## Amendment 81

### Proposal for a regulation

#### Article 24 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. Participation in the system referred to in paragraph shall be open and transparent to all interested undertakings established in the Union and to Member State authorities. Participation of Member States or any national entities subject to the procurement Directives 2014/24 or 2014/25 shall be possible only in cases where such participation is compatible with these Directives.

3. Participation in the system referred to in paragraph **I** shall be open and transparent to all interested undertakings established in the Union and to Member State authorities. Participation of Member States or any national entities subject to the procurement Directives 2014/24 or 2014/25 shall be possible only in cases where such participation is compatible with these Directives.

Or. en

*Justification*

*Missing number of paragraph.*

## Amendment 82

### 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) ***increase the possibilities to reextract critical raw materials from products through changes in the design of those products, at least by including support actions to that effect under national research & innovation programmes;***

Or. en

*Justification*

*Member states should foster innovation through changing the ways in which products are designed, allowing for easier reextraction of critical raw materials later. One example of difficult re-extraction today is that of products in which raw materials come into contact with adhesives, which makes it difficult and costly to reextract them later.*

## Amendment 83

### Proposal for a regulation

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

*Text proposed by the Commission*

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

Or. en

*Justification*

*Member states measures on upskilling and reskilling regarding circularity are key to ensuring the green and digital transitions are successful.*

## Amendment 84

### Proposal for a regulation

#### Article 29 – paragraph 1 – subparagraph 2

##### *Text proposed by the Commission*

Applications referred in the first subparagraph shall contain any relevant evidence related to the fulfilment of the criteria laid down in Annex IV. The Commission shall be empowered to adopt implementing acts specifying the information that applications shall at least contain. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).

##### *Amendment*

Applications referred in the first subparagraph shall contain any relevant evidence related to the fulfilment of the criteria laid down in Annex IV. The Commission shall be empowered to adopt implementing acts specifying the information that applications shall at least contain. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3). ***Those implementing acts shall provide for a single template to cover all information required for the application. The single template shall provide for only information needed for assessing the application. The scope of information required to complete the single template shall be reasonable.***

Or. en

##### *Justification*

*Limiting the scope to a single and central template is key for reducing the bureaucratic burden on companies.*

## Amendment 85

### Proposal for a regulation

#### Article 29 – paragraph 4

##### *Text proposed by the Commission*

4. Owners of recognised schemes shall inform the Commission without delay of any changes or updates made to recognised schemes. The Commission shall assess whether such changes or updates affect the basis for the recognition and take appropriate action.

##### *Amendment*

4. Owners of recognised schemes shall inform the Commission without delay of any ***relevant*** changes or updates made to recognised schemes. The Commission shall assess whether such changes or updates affect the basis for the recognition and take appropriate action, ***if necessary***.

*Justification*

*Ensuring a predictable scope of reporting duties is key. Therefore, scheme owners shall not be mandated to report any change but rather only changes that are relevant.*

**Amendment 86****Proposal for a regulation****Article 29 – paragraph 5***Text proposed by the Commission*

5. If there is evidence of repeated or significant cases where economic operators implementing a recognised scheme have failed to fulfil the requirements of that scheme, the Commission shall examine, in consultation with the owner of the recognised scheme, whether those cases indicate deficiencies in the scheme affecting the basis for the recognition and take appropriate action.

*Amendment*

5. If there is evidence of repeated or significant cases where economic operators implementing a recognised scheme have failed to fulfil the requirements of that scheme, the Commission shall examine, in consultation with the owner of the recognised scheme, whether those cases indicate deficiencies in the scheme affecting the basis for the recognition and take appropriate action *if necessary*.

Or. en

**Amendment 87****Proposal for a regulation****Article 30 – paragraph 4 – point b***Text proposed by the Commission*

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

*Amendment*

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

*supported to achieve compliance;*

Or. en

*Justification*

*If measures are adopted, it is essential to ensure suppliers outside the Union are supported in complying with the measures as to ensure an openness to trade.*

**Amendment 88**

**Proposal for a regulation**

**Article 33 – paragraph 1 – point c – point ii**

*Text proposed by the Commission*

(ii) whether a third country's **regulatory framework ensures** the monitoring, prevention and minimisation of environmental impacts, the use of socially responsible practices including respect of human and labour rights and meaningful engagement with local communities, the use of transparent business practices and the prevention of adverse impacts on the proper functioning of public administration and the rule of law;

*Amendment*

(ii) whether **a cooperation between the Union and a third country could improve** a third country's **ability to ensure** the monitoring, prevention and minimisation of environmental impacts, the use of socially responsible practices including respect of human and labour rights and meaningful engagement with local communities, the use of transparent business practices and the prevention of adverse impacts on the proper functioning of public administration and the rule of law;

Or. en

*Justification*

*The goal should be that a third country benefits from Strategic Partnerships regarding its abilities to monitor, prevent and minimize such impacts.*

**Amendment 89**

**Proposal for a regulation**

**Article 33 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3 a. By ... [OP please complete: 1 year after the date of entry into force of this Regulation] and every year thereafter, the**



***Board shall report to the relevant committees of the European Parliament:***

***(a) the existing and planned partnerships and cooperations with third countries encompassing critical or strategic raw materials;***

***(b) the contribution to the strategic and critical raw materials value chain resulting from these partnerships and Strategic Projects in third countries;***

***(c) plans to further foster cooperation with third countries and to strengthen the Union's geopolitical position.***

Or. en

*Justification*

*The role of the European Parliament as a democratically elected governance body is essential within the context of Strategic Partnerships. The Board's discussions should result in plans for future EU action.*

**Amendment 90**

**Proposal for a regulation  
Article 35 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*It is essential to ensure an adequate participation of the European Parliament in the Board.*

**Amendment 91**

**Proposal for a regulation  
Article 35 – paragraph 2**

*Text proposed by the Commission*

2. Each Member State shall appoint a high-level representative to the Board. Where relevant as regards the function and expertise, a Member State may appoint different representatives in relation to different tasks of the Board. Each member of the Board shall have an alternate.

*Amendment*

2. Each Member State **and the *European Parliament*** shall appoint a high-level representative to the Board. Where relevant as regards the function and expertise, a Member State **and the *European Parliament*** may appoint different representatives in relation to different tasks of the Board. Each member of the Board shall have an alternate.

Or. en

*Justification*

*Formality in line with AM 90.*

**Amendment 92**

**Proposal for a regulation**

**Article 35 – paragraph 6 – subparagraph 2 – point d**

*Text proposed by the Commission*

(d) a subgroup bringing together national emergency agency and national authorities responsible for strategic stocks or, in the absence of such agency and authority, the relevant national authority in charge of that matter, with the purpose of contributing to the ***coordination*** of strategic stocks as set out in Article 22.

*Amendment*

(d) a subgroup bringing together national emergency agency and national authorities responsible for strategic stocks or, in the absence of such agency and authority, the relevant national authority in charge of that matter, with the purpose of contributing to the ***monitoring*** of strategic stocks as set out in Article 22.

Or. en

*Justification*

*In line with AM 68.*

**Amendment 93**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

***(da) a subgroup bringing together industry representatives from the strategic sectors, with a special focus on representatives of SMEs across Member States to discuss SME involvement in raw materials value chains and possibilities to boost SME involvement.***

Or. en

*Justification*

*As SMEs are the backbone of the Union economy, their participation in critical raw materials value chain is essential. This subgroup ensures that SME involvement is adequately discussed with a view to fostering it.*

#### **Amendment 94**

##### **Proposal for a regulation**

##### **Article 35 – paragraph 7 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

*The European Parliament cannot have an observer role, instead a parliamentary representative shall be present at all times as a full member of the board and have according voting rights. In line with AM 90.*

#### **Amendment 95**

##### **Proposal for a regulation**

##### **Article 35 – paragraph 7 – subparagraph 2**

*Text proposed by the Commission*

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

*Amendment*

Where appropriate, the Board may invite experts, 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.

***Particular weight shall be given to representatives of SMEs, who shall be invited to take part in all meetings and discussions that concern them or their involvement in the raw materials value chain, both on Board and subgroup level.***

Or. en

*Justification*

*As SMEs are the backbone of the Union economy, their participation in critical raw materials value chain is essential.*

**Amendment 96**

**Proposal for a regulation  
Article 35 – paragraph 8**

*Text proposed by the Commission*

8. The Board shall take the necessary measures to ensure the safe handling and processing of confidential and commercially sensitive information.

*Amendment*

8. The Board shall take the necessary measures to ensure the safe handling and processing of confidential and commercially sensitive information ***in accordance with Article 44.***

Or. en

**Amendment 97**

**Proposal for a regulation  
Article 36 – paragraph 2**

*Text proposed by the Commission*

2. The power to adopt delegated acts referred to in Article 3(2), Article 4(2), Article 5(2), Article 27(12), Article 28(2) and Article 30(1) and (5) shall be conferred on the Commission for a period of eight years from [OP please insert: one month after the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the **six-year** period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

*Amendment*

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

Or. en

*Justification*

*As discussed with the Commission.*

**Amendment 98**

**Proposal for a regulation  
Article 42 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

### *Justification*

*The Commission shall monitor progress towards the objectives set out in Article 1. However, such monitoring cannot bear any burden to companies. Especially with respect to confidentiality of data in sectors like defense, it has to be ensured that companies are not obliged to share sensitive data but rather can choose what to share.*

### **Amendment 99**

#### **Proposal for a regulation**

#### **Article 43 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

### *Justification*

*A coordinated approach towards monitoring cannot bear any burden to companies. Especially with respect to confidentiality of data in sectors like defense, it has to be ensured that companies are not obliged to share sensitive data but rather can choose what to share.*

### **Amendment 100**

#### **Proposal for a regulation**

#### **Article 46 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The report referred to in paragraph shall at least assess the appropriateness of establishing maximum environmental footprint thresholds for critical raw materials for which calculation and

2. The report referred to in paragraph shall at least assess the appropriateness of establishing maximum environmental footprint thresholds for critical raw materials for which calculation and verification rules have been adopted **as**

verification rules have been adopted.

*well as the need to further strengthen the critical raw materials supply chains after 2030.*

Or. en

*Justification*

*An outlook beyond the 2030 targets is essential to create long-term planning security for project promoters and involved authorities alike.*

## **Amendment 101**

### **Proposal for a regulation Annex III – point 1 – point a**

*Text proposed by the Commission*

(a) whether the project contributes towards the benchmarks set out in Article 1(2), point (a);

*Amendment*

(a) whether the project contributes towards the benchmarks set out in Article 1(2), point (a) ***or to substituting strategic raw materials in strategic technologies;***

Or. en

*Justification*

*In line with AM 22.*

## **Amendment 102**

### **Proposal for a regulation Annex III – point 1 – point b**

*Text proposed by the Commission*

(b) whether the project contributes to maintaining or strengthening Union capacities as a share of the Union's annual consumption of strategic raw material, taking into account the expected increase in Union consumption;

*Amendment*

(b) ***in the event that the project contributes towards the benchmarks set out in Article 1(2), point (a),*** whether the project contributes to maintaining or strengthening Union capacities as a share of the Union's annual consumption of strategic raw material, taking into account the expected increase in Union consumption;

*Justification**In line with AM 21.***Amendment 103****Proposal for a regulation  
Annex III – point 2 – point a***Text proposed by the Commission*

(a) whether the project contributes to the benchmarks set out in Article 1(2), point (b) or contributes to maintaining the resilience of the Union's supply of strategic raw materials;

*Amendment*

(a) whether the project contributes to the benchmarks set out in Article 1(2), point (b) or contributes to maintaining the resilience of the Union's supply of strategic raw materials ***or to the Union's supply of strategic technologies through the substitution of strategic raw materials in the value chains of strategic technologies;***

Or. en

*Justification**In line with AM 22.***Amendment 104****Proposal for a regulation  
Annex III – point 5***Text proposed by the Commission*

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

***(a) whether companies from different Member States participate in the project;***

***(b) whether potential off-takers are located also in more than one Member State;***

***(c) effects on the availability of strategic raw materials for downstream***

***deleted****Amendment*



*users in more than one Member State.*

Or. en

*Justification*

*In line with AM 24.*

**Amendment 105**

**Proposal for a regulation  
Annex III – point 6 – point a**

*Text proposed by the Commission*

*Amendment*

(a) to strengthening ***more than one stage*** of the raw materials value chain in that country or its wider region;

(a) to strengthening ***one or more stages*** of the raw materials value chain in that country or its wider region;

Or. en

*Justification*

*Operators of strategic projects should not be mandated to strengthening more than one step of the value chain as also projects strengthening only one step of the value chain (e.g. mines) can significantly benefit both the third country concerned and the EU alike.*

**Amendment 106**

**Proposal for a regulation  
Annex VI – subheading 1**

*Text proposed by the Commission*

*Amendment*

Relevant products as referred to in Article ***26(1)***

Relevant products as referred to in Article ***27(1)***

Or. en

*Justification*

*As discussed with the Commission.*

**Amendment 107**

**Proposal for a regulation**  
**Annex VI – subheading 1**

*Text proposed by the Commission*

*Amendment*

Relevant products as referred to in Article  
**26(1)**

Relevant products as referred to in Article  
**27(1)**

Or. en

*Justification*

*As discussed with the Commission.*

## EXPLANATORY STATEMENT

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

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

Notwithstanding, the rapporteur acknowledges the European Parliament's own-initiative report on 'a European strategy for critical raw materials' (2021/2011)<sup>1</sup>. The Parliaments' work in 2021 sets a good groundwork on which the rapporteur aspires to build.

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

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

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

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

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

---

<sup>1</sup> European Parliament resolution of 24 November 2021 on a European strategy for critical raw materials. Texts adopted, P9\_TA(2021)0468.

## **2. Streamline processes and governance for companies:**

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

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

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

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

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

## **5. Enhance the role of Strategic Partnerships:**

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

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