

# Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p> <p>2023/0079(COD)</p>	Procedure completed
<p>Framework for ensuring a secure and sustainable supply of critical raw materials</p> <p>Amending Regulation 2013/168 <a href="#">2010/0271(COD)</a> Amending Regulation 2018/858 <a href="#">2016/0014(COD)</a> Amending Regulation 2018/1724 <a href="#">2017/0086(COD)</a> Amending Regulation 2019/1020 <a href="#">2017/0353(COD)</a></p> <p>Subject</p> <p>3.40.16 Raw materials 3.70.20 Sustainable development</p> <p>Legislative priorities <a href="#">Joint Declaration 2023-24</a></p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 <a href="#">Industry, Research and Energy</a>	 <a href="#">BEER Nicola</a>	11/04/2023
		Shadow rapporteur	
		 <a href="#">BENTELE Hildegard</a>  <a href="#">CHAHIM Mohammed</a>  <a href="#">HAHN Henrike</a>  <a href="#">DAUCHY Marie</a>  <a href="#">KLOC Izabela-Helena</a>  <a href="#">ERNST Cornelia</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	 <a href="#">Foreign Affairs</a>	 <a href="#">LEXMANN Miriam</a>	04/05/2023
	 <a href="#">Development</a> (Associated committee)	The committee decided not to give an opinion.	
	 <a href="#">International Trade</a> (Associated committee)	 <a href="#">ASIMAKOPOULOU Anna-Michelle</a>	27/04/2023

	<b>BUDG</b> <a href="#">Budgets</a>	The committee decided not to give an opinion.	
	<b>ECON</b> <a href="#">Economic and Monetary Affairs</a>		20/04/2023
		 <a href="#">POLFJÄRD Jessica</a>	
	<b>ENVI</b> <a href="#">Environment, Public Health and Food Safety</a> (Associated committee)		04/04/2023
		 <a href="#">POLFJÄRD Jessica</a>	
	<b>IMCO</b> <a href="#">Internal Market and Consumer Protection</a>	The committee decided not to give an opinion.	
	<b>REGI</b> <a href="#">Regional Development</a>		23/03/2023
		 <a href="#">BOGOVIČ Franc</a>	
	<b>JURI</b> <a href="#">Legal Affairs</a>	The committee decided not to give an opinion.	
<b>Council of the European Union</b>	Council configuration	Meeting	Date
	<a href="#">Foreign Affairs</a>	4013	18/03/2024
<b>European Commission</b>	Commission DG	Commissioner	
	<a href="#">Internal Market, Industry, Entrepreneurship and SMEs</a>	DOMBROVSKIS Valdis	
<b>European Economic and Social Committee</b>			

Key events			
16/03/2023	Legislative proposal published	<a href="#">COM(2023)0160</a>	Summary
08/05/2023	Committee referral announced in Parliament, 1st reading		
15/06/2023	Referral to associated committees announced in Parliament		
07/09/2023	Vote in committee, 1st reading		
07/09/2023	Committee report tabled for plenary, 1st reading	<a href="#">A9-0260/2023</a>	
13/09/2023	Debate in Parliament		
14/09/2023	Decision by Parliament, 1st reading	<a href="#">T9-0325/2023</a>	Summary
14/09/2023	Matter referred back to the committee responsible		
07/12/2023	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	<a href="#">PE757.056</a> GEDA/A/(2023)006754	
12/12/2023	Results of vote in Parliament		
12/12/2023	Debate in Parliament		
12/12/2023	Decision by Parliament, 1st reading	<a href="#">T9-0454/2023</a>	Summary
18/03/2024	Act adopted by Council after Parliament's		

	1st reading		
11/04/2024	Final act signed		
03/05/2024	Final act published in Official Journal		

## Technical information

Procedure reference	2023/0079(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation 2013/168 <a href="#">2010/0271(COD)</a> Amending Regulation 2018/858 <a href="#">2016/0014(COD)</a> Amending Regulation 2018/1724 <a href="#">2017/0086(COD)</a> Amending Regulation 2019/1020 <a href="#">2017/0353(COD)</a>
Legal basis	Rules of Procedure EP 57; Treaty on the Functioning of the EU TFEU 114
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a>
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/9/11590

## Documentation gateway

Legislative proposal		<a href="#">COM(2023)0160</a>	16/03/2023	EC	Summary
Document attached to the procedure		SEC(2023)0360	17/03/2023	EC	
Document attached to the procedure		SWD(2023)0160	17/03/2023	EC	
Document attached to the procedure		SWD(2023)0161	17/03/2023	EC	
Document attached to the procedure		SWD(2023)0162	17/03/2023	EC	
Committee draft report		<a href="#">PE746.959</a>	15/05/2023	EP	
Amendments tabled in committee		<a href="#">PE749.172</a>	26/05/2023	EP	
Amendments tabled in committee		<a href="#">PE749.173</a>	26/05/2023	EP	
Amendments tabled in committee		<a href="#">PE749.175</a>	26/05/2023	EP	
Amendments tabled in committee		<a href="#">PE749.174</a>	30/05/2023	EP	
Committee of the Regions: opinion		<a href="#">CDR2188/2023</a>	05/07/2023	CofR	
Economic and Social Committee: opinion, report		<a href="#">CES1573/2023</a>	12/07/2023	ESC	
Committee opinion	<b>ECON</b>	<a href="#">PE749.165</a>	17/07/2023	EP	
Committee opinion	<b>AFET</b>	<a href="#">PE749.074</a>	18/07/2023	EP	
Committee opinion	<b>REGI</b>	<a href="#">PE751.730</a>	19/07/2023	EP	
Committee opinion	<b>ENVI</b>	<a href="#">PE749.316</a>	19/07/2023	EP	
Committee opinion	<b>INTA</b>	<a href="#">PE749.058</a>	20/07/2023	EP	

Committee report tabled for plenary, 1st reading/single reading		<a href="#">A9-0260/2023</a>	07/09/2023	EP	
Text adopted by Parliament, partial vote at 1st reading/single reading		<a href="#">T9-0325/2023</a>	14/09/2023	EP	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2023)006754	29/11/2023	CSL	
Text agreed during interinstitutional negotiations		<a href="#">PE757.056</a>	29/11/2023	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T9-0454/2023</a>	12/12/2023	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2024)56</a>	22/03/2024	EC	
Draft final act		00078/2023/LEX	10/04/2024	CSL	

## Final act

[Regulation 2024/1252](#)  
OJ OJ L 03.05.2024

## Framework for ensuring a secure and sustainable supply of critical raw materials

**PURPOSE:** to lay down a regulatory framework to support the development of domestic capacities and strengthen sustainability and circularity of the critical raw material supply chains in the EU.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** raw materials are found at the beginning of all industrial value chains. The focus of this draft Regulation is on non-energy, non-agricultural raw materials that are important for the EU economy, the supplies of which are subject to a high level of supply risk. These critical raw materials (CRMs) are often indispensable inputs for a wide set of strategic sectors including renewable energy, the digital industry, the space and defence sectors and the health sector. At the same time, extraction and processing of CRMs can have negative environmental impacts, depending on the methods and processes used, as well as social impacts.

The EU relies almost exclusively on imports for many critical raw materials. Suppliers of those imports are often highly concentrated in a small number of third countries, both at the extraction and processing stage. For example, the EU sources 97% of its magnesium in China. Heavy rare earth elements, used in permanent magnets, are exclusively refined in China. 63% of the world's cobalt, used in batteries, is extracted in the Democratic Republic of Congo, while 60% is refined in China. This concentration exposes the EU to significant supply risks. There are precedents of countries leveraging their strong position as suppliers of CRMs against buyer countries, for instance through export restrictions.

With the global shift towards renewable energy and the digitalisation of our economies and societies, demand for some of these critical raw materials is forecasted to rapidly increase in the coming decades.

Disruption in the supply of essential goods during the COVID-19 crisis and the energy crisis sparked by Russia's war of aggression against Ukraine have highlighted the EU's structural supply dependencies and their potentially damaging effects in times of crisis.

The 2008 raw materials initiative and the 2020 action plan on critical raw materials both provided a framework for initiatives to assess the criticality of different raw materials, the international diversification, research and innovation and the development of CRMs production capacity in the EU. However, non-regulatory actions have not been enough to ensure the EU's access to a secure and sustainable supply of critical raw materials.

At present, there is no regulatory framework aimed at structurally reducing supply risks across the range of critical raw materials.

**CONTENT:** therefore, the Commission is presenting this proposal which seeks to set out regulatory framework to ensure the Union's access to a secure and sustainable supply of critical raw materials. The proposed Regulation aims to:

1. strengthen the different stages of the European critical raw materials value chain;
2. diversify the EU's imports of critical raw materials to reduce strategic dependencies;
3. improve the EU capacity to monitor and mitigate current and future risks of disruptions to the supply of critical raw materials;
4. ensure the free movement of critical raw materials on the single market while ensuring a high level of environmental protection, by improving their circularity and sustainability.

List of critical and raw materials

In addition to an updated list of critical raw materials, the proposal identifies a list of strategic raw materials, which are crucial to technologies important to Europe's green and digital ambitions and for defence and space applications, while being subject to potential supply risks in the future. The proposed Regulation embeds both the critical and strategic raw materials lists in EU law.

The Commission should review and, if necessary, update the list of strategic raw materials by four years after the date of entry into force of this Regulation and every four years thereafter.

#### Benchmarks

The proposal lays down benchmarks to improve capacities for extraction, processing and recycling of critical raw materials in the EU and guide diversification efforts.

It also sets clear benchmarks for domestic capacities along the strategic raw material supply chain and to diversify EU supply by 2030:

- at least 10% of the EU's annual consumption for extraction;
- at least 40% of the EU's annual consumption for processing;
- at least 15% of the EU's annual consumption for recycling; not more than 65% of the Union's annual consumption of each strategic raw material at any relevant stage of processing is from a single third country.

The proposal also:

- sets out rules for the recognition by the Commission of certification schemes related to the sustainability of critical raw materials;
- sets up a European Critical Raw Materials Board, composed of high-level representatives from the Member States and the Commission, which will chair the Board. The Board will provide advice to the Commission and assist with coordination, cooperation and information exchange to support the implementation of this Regulation.

Lastly, the proposal contains articles on penalties, monitoring progress and on carrying out an evaluation of the Regulation. It also establishes a common reporting for Member States related to different measures and contains an article ensuring that confidential information collected under this Regulation is handled in a consistent manner.

#### Budgetary implications

The proposal has budgetary implications for the Commission. Specifically, and when fully operational, it requires up to 33 full-time equivalents per year to implement the regulation and the related delegated acts over the period 2024-27 of the EU's multiannual financial framework.

In addition to EUR 3.2 million counted under Heading 1 for performing a range of studies needed for the implementation of the Regulation, it requires commitments on existing budget lines, amounting to EUR 14.969 million in Heading 7 (Administrative Expenditure). The new commitments will be covered from the existing budgetary envelopes of the relevant programmes.

In terms of staffing needs, the Commission has looked carefully at ways to share the work between DGs, reallocate staff where possible and outsource scientific and technical support for the preparation of delegated and implementing acts and for cross-cutting tasks. It remains apparent, however, that the high level of ambition of the measures and the increased importance of critical raw materials call for a structured approach to develop the EU's capacity to take action on this matter.

## Framework for ensuring a secure and sustainable supply of critical raw materials

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The European Parliament adopted by 515 votes to 34, with 28 abstentions, amendments to 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.

The matter was referred back to the committee responsible for inter-institutional negotiations.

#### Objectives

The general objective of this Regulation is to improve the functioning of the internal market by establishing a framework to ensure the internationally competitive, secure, resilient and sustainable supply of critical raw materials of the Union, including by fostering sustainability, efficiency and circularity throughout the value chain.

To achieve the general objective, this Regulation aims to strengthen the different stages of the strategic raw materials value chain with the aim to ensure that, by 2030, Union capacities for each strategic raw material have significantly increased so that, overall, Union capacity approaches or reaches the following benchmarks:

- Union extraction capacity is able to extract the ores, minerals or concentrates needed to produce at least 10% of the Union's annual consumption of strategic raw materials, to the extent that the Union's reserves allow for this;
- Union processing capacity, including for all intermediate processing steps, is able to produce at least 50% of the Union's annual consumption of strategic raw materials; up to 20% of the Union's new processing capacity might be developed under strategic partnerships in emerging markets and developing countries;
- Union recycling capacity, including for all intermediate recycling steps, is able to produce at least +10% volume of recycling capacity based on the 2020-2022 baseline for each strategic raw material to, at least collect, sort and process 45% of each strategic raw material contained in the Union's waste taking into account technical and economic feasibility.

The Regulation also seeks to:

- diversify the Union's imports of strategic raw materials and decrease dependency on non-reliable partners that do not share Union values, respect for human rights, democracy and rule of law;
- promote development and deployment of substitute raw materials by fostering production methods to substitute raw materials and research

and development of alternative innovative materials to lower the Unions environmental footprint;

- mitigate the Unions increase in demand of critical raw materials, including by increasing efficiency and the uptake of material substitution throughout the value chains ;

- increase the share of secondary raw materials within the Unions consumption of strategic raw materials.

#### List of strategic raw materials

The Commission is empowered to adopt delegated acts to amend Annex I, Section 1 in order to amend this Regulation by updating the list of strategic raw materials, including by adding raw materials to that list if supply risks are detected as a result of the monitoring and stress testing carried out pursuant to this Regulation. By 6 months from the adoption of this Regulation, the Commission should submit to the European Parliament and to the Council a list of strategic secondary raw materials, including ferrous scrap. While defining this list, the Commission should give specific consideration to the relevance of a secondary raw material for the green and digital transition as well as defence and space applications.

#### Strategic projects

According to Members, strategic projects should be flagship projects in terms of technological innovation and sustainability. Effective support to strategic projects has the potential to improve access to materials for downstream sectors as well as to create economic opportunities along the value chain, including for small and medium-sized enterprises (SMEs) and local communities and contribute to the creation of employment. To ensure the development of strategic projects across the Union, such projects should benefit from streamlined and predictable permitting procedures and support in gaining access to finance.

Strategic projects in third countries should respect international standards and conventions related to environmental protection and human rights and encourage the use of inclusive business models in which local communities participate in decision-making.

The Commission should be able to prioritise strategic projects that contribute to circularity of raw materials or submitted by SMEs provided that a balance of projects between the different stages of the value chain is maintained.

To keep administrative burden put on Member States and undertakings, especially SMEs, to a minimum, the different reporting obligations should be streamlined.

#### Funding

Specific financial and support instruments as well as targeted research and innovation funds aimed at improving performance, substitution, recycling processes and material cycles should take the form of research and innovation programmes and other instruments to stimulate innovation, in particular in the fields of waste treatment, advanced materials and substitution, as well as for the development of new and innovative technologies in the sustainable extraction of the Union's critical raw materials.

The Commission should further consider the possibility of setting up a dedicated fund at Union level, for example in the form of a European Fund for Strategic Raw Materials including considering revolving instruments, or of earmarking of financial support through reprioritisation of funds under the Multiannual Financial Framework.

## Framework for ensuring a secure and sustainable supply of critical raw materials

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The European Parliament adopted by 549 votes to 43, with 24 abstentions, a 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.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

#### Objective

The general objective of this Regulation is to improve the functioning of the internal market by establishing a framework to ensure the Union's access to a secure, resilient and sustainable supply of critical raw materials, including by fostering efficiency and circularity throughout the value chain.

To achieve the general objective, this Regulation lays down measures aimed at lowering the risk of supply disruptions related to critical raw materials likely to distort competition and fragment the internal market, in particular: (i) by identifying and supporting strategic projects that contribute to lowering dependencies and diversifying imports and; (ii) by undertaking efforts to incentivise technological progress and resource efficiency in order to moderate the expected increase in Union consumption of critical raw materials; (ii) by improving the Union's ability to monitor and mitigate the supply risk related to critical raw materials.

#### List of strategic raw materials

The list includes 34 critical raw materials and 17 strategic raw materials listed in Annexes I and II of the Regulation. These lists include bauxite/alumina/aluminium, cobalt, copper, lithium, manganese, graphite and battery-grade nickel, rare earths for the production of magnets, silicon and titanium metal and tungsten.

The Commission will review and, if necessary, update the list of strategic raw materials three years after the date of entry into force of the Regulation and every three years thereafter.

#### Strategic projects - benchmarks

The Commission and Member States should strengthen the different stages of the value chain of strategic raw materials through the measures in order 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:

- Union extraction capacity is able to extract the ores, minerals or concentrates needed to produce at least 10% of the Union's annual

consumption of strategic raw materials, to the extent that the Unions reserves allow for this;

- Union processing capacity, including for all intermediate processing steps, is able to produce at least 40% of the Union's annual consumption of strategic raw materials;

- Union recycling capacity, including for all intermediate recycling steps, is able to produce at least 25% of the Union's annual consumption of strategic raw materials and is able to recycle significantly increasing amounts of each strategic raw material in waste.

The aim is also to diversify the Union's imports of strategic raw materials with a view to ensure that, by 2030, the Union's annual consumption of each strategic raw material at any relevant stage of processing can rely on imports from several third countries, none of which provide more than 65% of the Union's annual consumption.

#### Points of single contact

In order to reduce complexity and increase efficiency and transparency in permitting process, project promoters of critical raw materials projects should be able to interact with a point of single contact, which is responsible for facilitating and coordinating the entire permit granting process. To that end, Member States should set up or designate one or more points of single contact, while ensuring that project promoters should interact only with one point of single contact.

#### Priority status of the strategic projects

Strategic projects should contribute to the Union's security of supply of strategic raw materials. The Commission should, where appropriate in cooperation with the Member States, undertake activities to accelerate and attract private investment in strategic projects.

#### Permit granting process

The amended text provides for a rapid and simplified permit granting procedure for strategic extractive projects, which will be managed by a single national contact point. For strategic projects in the EU, the permit granting procedure should not exceed: (i) 27 months for strategic projects in the extractive sector and (ii) 15 months for strategic projects relating solely to processing or recycling. Members also stressed the need to cut red tape, particularly for small and medium-sized enterprises.

#### Strategic partnerships with third countries

Members also highlighted the importance of strategic partnerships between the EU and third countries on critical raw materials, in order to diversify the EUs supply, with benefits for all sides. They called for the EU's strategic partnerships to contribute to: (i) improving the EU's security of supply; (ii) improving cooperation along the critical raw materials value chain between the EU and partner countries; (iii) the economic and social development of partner countries, in particular by promoting sustainable and circular economy practices, decent working conditions and respect for human rights along their raw materials value chains.

#### Company risk preparedness

Large companies exposed to shortages of strategic raw materials in strategic technologies (i.e. companies that manufacture batteries for energy storage and electromobility, equipment for the production and use of hydrogen, equipment for the production of electricity from renewable energy sources, aircraft, heat pumps, mobile electronic devices, robotics, drones, satellites and advanced chips and for data transmission and storage), should carry out a risk assessment of their strategic raw materials supply chain at least every three years, which they should to their Board of Directors.

If significant vulnerabilities to supply disruptions are detected as a result of the risk assessment, companies should take efforts to mitigate these vulnerabilities.

Transparency				
BENTELE Hildegard	Shadow rapporteur	ITRE	17/04/2024	Anglo American
HAHN Henrike	Shadow rapporteur	ITRE	21/03/2024	Bundesverband deutscher Banken e.V. EnBW Energie Baden-Württemberg AG Grüner Wirtschaftsdialog e.V. Merck Salzgitter AG Verband der Automobilindustrie ALBA Group Interseroh+ Proxima Fusion
LEXMANN Miriam	Rapporteur for opinion	AFET	05/03/2024	Cobalt Institute
BENTELE Hildegard	Shadow rapporteur	ITRE	01/02/2024	Europäische Investitionsbank
BENTELE Hildegard	Shadow rapporteur	ITRE	01/02/2024	Branchenverband Steinkohle und Nachbergbau e. V.

				Verband Bergbau, Geologie, Umwelt e.V.
BENTELE Hildegard	Shadow rapporteur	ITRE	12/12/2023	Rio Tinto
BENTELE Hildegard	Shadow rapporteur	ITRE	12/12/2023	Mission of Canada to the EU
BOGOVI? Franc	Shadow rapporteur	ITRE	12/12/2023	Rio Tinto
BEER Nicola	Rapporteur	ITRE	11/12/2023	Mission of Canada to the EU
BENTELE Hildegard	Shadow rapporteur	ITRE	07/12/2023	Delegation of the Committee on Energy and Mining of the Chilean Senate
TORVALDS Nils	Member	29/11/2023	Seas At Risk	
BEGHIN Tiziana	Member	16/11/2023	Oxfam	
TORVALDS Nils	Member	15/11/2023	Anglo American	
SKYTTEDAL Sara	Member	15/11/2023	Boliden Group	
BALT Marek Pawe?	Member	07/11/2023	Rasmussen Global	
NIINISTÖ Ville	Member	08/09/2023	Kansalaisten kaivosvaltuuskunta - MiningWatch Finland ry	
TORVALDS Nils	Member	08/09/2023	Chair for signatories in the Statement submitted to EU Commission on CRMA	
GEIER Jens	Member	08/09/2023	European Aluminium AISBL	
GEIER Jens	Member	26/07/2023	Von Beust & Coll. Beratungsges. mbH & Co KG	
ECKE Matthias	Member	21/07/2023	Freiberger Compound Materials GmbH Wirtschaftsvereinigung Metalle	