



May 2023

COMMENTS AND PROPOSALS FOR AMENDMENTS TO THE CRITICAL RAW MATERIALS ACT

BusinessEurope welcomes the European Commission's ambitious initiative on the Critical Raw Materials (CRM) Act to secure sustainable access to critical and strategic raw materials for business in the EU. Promoting extraction, processing and recycling, and strengthening trade and investment relations with like-minded countries is essential to give companies the opportunity to make their value chains more resilient.

The proposal is a good start, but further improvements are needed to make it workable for businesses. Today, Europe is overly dependent on single suppliers for many critical raw materials that are essential for the green and digital transformation of European industries and for a more resilient economy.

Setting of maximum time limits for **permitting** and speeding up **environmental impact assessments** have the potential to accelerate the deployment of projects in Europe, not only for strategic and critical raw materials projects but for industrial activities at large. At the same time, attention should also be directed to the legal acts that currently constitute an obstacle in the permit processes, and where a greater balance needs to be achieved. In addition, it is essential to develop public financial support to make strategic projects attractive when private investment is not available.

Although the impetus of the CRM Act is rightly set, to make it operable, **stronger regulatory coherence** is needed, in particular between environmental legislation and the ambition to extract, process and recycle more critical raw materials in the EU. Barriers to speed-up permitting processes and industrial operations should be removed.

To attract investments in the extraction, processing and recycling of critical raw materials in the EU, a conducive regulatory and investment environment is crucial. The CRMA needs to be followed by broad measures to removing barriers and stimulate further private **investment** throughout the value chain. It should provide sufficient investment certainty because this industrial sector is characterised by a long payback period.

In addition to extraction, processing and recycling activities, **research and innovation**, should be considered as part of strategic projects. Furthermore, the current proposal should also address the interface with digitisation.

Implementing the goals takes time. This makes it all the more important to not overburden companies and avoid administrative burden as much as possible. While **monitoring** is a central pillar of the proposal, systematically collecting a wide pallet of data points from market participants could lead to a disproportionate administrative burden. It is therefore necessary to keep new information and disclosure requirements by companies to an absolute minimum by streamlining with existing ones and fully protect **trade and business secrets**. This is particularly important when performing stress tests, and close cooperation with industry should be ensured.



The EU should ensure that the **environmental footprint declaration** does not create a negative impact on trade and the security of supply.

Because of its direct impact, **industry must be closely involved** in the implementation of the CRM Act. To gain insight into the specific European dependencies and future demand needs, it is important to combine the knowledge of European institutions, governments and business. This would allow to get a better view of European dependencies and future demand, resulting in a more targeted and effective policy and swifter action in case of disruptions.

The EU should use and broaden its **trade policies** and instruments to gain greater access to critical raw materials. On the one hand, diplomacy should be used to conclude trade agreements and strategic partnerships for access to critical raw materials. On the other hand, instruments such as guarantees and loans should be used to support companies in obtaining the necessary critical raw materials. Global Gateway shall also be approached more strategically for CRM purposes.

Proposals for amendments to some of the above-mentioned priorities are outlined in the annex.



ANNEX: Proposals for amendments to the Critical Raw Materials Act

AM 1 - Art. 3.3

<p><i>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 four years thereafter</i></p>	<p><i>“The Commission shall review and, if necessary, update the list of strategic raw materials by the second year after entry into force of this Regulation and every two years thereafter.</i></p> <p>Para 4 [new] <i>By derogation from Paragraph 3 of this Article, the Commission shall add additional raw materials on the list upon request of the Board if the Board or the Commission detects while exercising the monitoring, stress testing and information obligations under Articles 19.1, 19.2 and 20 of this regulation changes in supply and access to specific raw materials that risk endangering the targets set out in Article 1.2.</i></p>
<p style="text-align: center;"><i>Justification</i></p> <p>If a supply risk arises, there is a need to be able to react quickly.</p> <p>To take account of possible technological and economic changes, the list of strategic materials should be periodically reviewed and, if necessary, updated. In addition, this list should be updated on an ad-hoc basis if the Board and the Commission determine in exercising their monitoring obligations an immediate supply risk, so as to facilitate projects when suddenly the supply situation unforeseeably changes (i.e. wars, conflicts, natural catastrophes etc.).</p>	

AM 2 - Art. 4.4

<p><i>The Commission shall review and, if necessary, update the list of critical raw materials by [OP please insert: four years after the date of entry into force of this Regulation], and every 4 four years thereafter</i></p>	<p><i>“The Commission shall review and, if necessary, update the list of critical raw materials by two years after entry into force of this Regulation and every two years thereafter.</i></p> <p>5. [new] <i>By derogation from Paragraph 3 of this Article, the Commission shall add additional raw materials on the list upon request of the Board if the Board or the Commission detects while exercising the monitoring, stress</i></p>
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	<p>testing and information obligations under Articles 19.1, 19.2 and 20 of this regulation changes in supply and access to specific raw materials that risk endangering the targets set out in Article 1.2.</p>
<p style="text-align: center;"><i>Justification</i></p> <p>If a supply risk arises, there is a need to be able to react quickly.</p> <p>To take account of possible technological and economic changes, the list of critical raw materials should be periodically reviewed and, if necessary, updated. In addition, this list should be updated on an ad-hoc basis if the Board and the Commission determine in exercising their monitoring obligations an immediate supply risk, so as to facilitate projects when suddenly the supply situation unforeseeably changes (i.e. wars, conflicts, natural catastrophes etc.).</p>	

AM 3 – Art. 6.1

<p>1. Applications for recognition of a raw material project as a Strategic Project shall be submitted by the project promoter to the Commission. The application shall include:</p> <p>(a) relevant evidence related to fulfilment of the criteria laid down in Article 5(1);</p> <p>(b) a classification of the project according to the United Nations Framework Classification for Resources, supported by appropriate evidence;</p> <p>(c) a timetable for the implementation of the project, including an overview of the permits required for the project and the status of the corresponding permit granting process;</p> <p>(d) a plan containing measures to facilitate public acceptance including, where appropriate, the establishment of recurrent communication channels with the local communities and organisations, including social partners, the implementation of awareness-raising and information campaigns and the establishment of mitigation and compensation mechanisms;</p> <p>(e) information on the control of the undertakings involved in the project, defined pursuant to Article 3(2) and (3) of Council Regulation (EC) No 139/2004;</p> <p>(f) a business plan evaluating the financial viability of the project;</p>	<p>1. Applications for recognition of a raw material project as a Strategic Project shall be submitted by the project promoter to the Commission. The application shall include:</p> <p>(a) relevant evidence related to fulfilment of the criteria laid down in Article 5(1);</p> <p>(b) a classification of the project according to the United Nations Framework Classification for Resources, supported by appropriate evidence;</p> <p>(c) a timetable for the implementation of the project, including, if possible, an overview of the permits required for the project and the status of the corresponding permit granting process;</p> <p>(d) a plan containing measures to facilitate public acceptance including, where appropriate, the establishment of recurrent communication channels with the local communities and organisations, including social partners, the implementation of awareness-raising and information campaigns and the establishment of mitigation and compensation mechanisms;</p> <p>(e) information on the control of the undertakings involved in the project, defined pursuant to Article 3(2) and (3) of Council Regulation (EC) No 139/2004;</p> <p>(f) a business plan evaluating the financial viability of the project;</p>
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(g) an estimate of the project's potential for quality job creation and the project's needs in terms of skilled workforce as well as upskilling and reskilling.	(g) an estimate of the project's potential for quality job creation and the project's needs in terms of skilled workforce as well as upskilling and reskilling.
<p><i>Justification</i></p> <p><i>The overview of the permits required might not also be available, depending on the Member States. Project promoters should not be penalized if public authorities cannot provide such an overview.</i></p>	

AM 4 – Art. 7.2

<p>(...)</p> <p>2. With regard to the environmental impacts addressed in Articles 6(4) and 16(1)I of Directive 92/43/EEC, Article 4(7) of Directive 2000/60/EC and Article 9(1)(a) of Directive 2009/147/EC, Strategic Projects in the Union shall be considered as being of public interest or serving public health and safety, and may be considered as having an overriding public interest provided that all the conditions set out in those Directives are fulfilled.</p> <p>(...)</p>	<p>(...)</p> <p>2. With regard to the environmental impacts addressed in Articles 6(4) and 16(1)I of Directive 92/43/EEC, Article 4(7) of Directive 2000/60/EC and Article 9(1)(a) of Directive 2009/147/EC, Strategic Projects in the Union shall be considered as having an overriding public interest in the above directives provided that all the conditions set out in those Directives are fulfilled, with the exception of the obligation to consider alternative solutions and compensatory measures as laid down in article 6(4) of Directive 92/43/EEC..</p> <p>(...)</p>
<p><i>Justification</i></p> <p><i>To ensure access to a secure and sustainable supply of critical raw materials, all strategic projects should qualify as overriding public interest to ensure that these projects are accelerated. It should be prevented that these projects cannot be realised, which means they must be considered as having an overriding public interest.</i></p> <p><i>Three conditions can be distilled from Article 6(4) of Directive 92/43/EEC:</i></p> <ul style="list-style-type: none"> • <i>Lack of alternative solutions</i> • <i>Compelling reasons of overriding public interest</i> • <i>Necessary compensatory measures from the Member State</i> <p><i>Condition two is met under the CRMA, but how can it be argued that there are no alternatives and that all necessary compensatory measures have been taken? Such ambiguities and questions should be resolved by issuing clear guidelines as part of the regulation based on an overarching vision that leaves no room for interpretation, which is currently lacking in the guideline. It is precisely these alternative solutions and all necessary compensatory measures conditions that can easily be called into question, causing the permit process to be delayed.</i></p> <p><i>In the longer-term, the legal framework on the 'overriding public interest' should be further considered. For instance, the lack of body appointed judging on overriding</i></p>	



public interest or of a definition of public interest could create legal uncertainty for investments.

AM 5 – Art. 8

<p>1. By [OP please insert: 3 months after the date of entry into force of this Regulation], Member States shall designate one national competent authority which shall be responsible for facilitating and coordinating the permit-granting process for critical raw material projects and provide information on the elements referred to in Article 17.</p> <p>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.</p> <p>3. The responsibilities of the national competent authority referred to in paragraph 1 or the tasks related to it may be delegated to, or carried out by, another authority, for each critical raw material projects, provided that:</p> <p>(a) the national competent authority referred to in paragraph 1 notifies the project promoter of that delegation;</p> <p>(b) a single authority is responsible for each critical raw material projects.</p> <p>(c) a single authority coordinates the submission of any relevant documents and information.</p>	<p>1. By [OP please insert: 3 months after the date of entry into force of this Regulation], Member States shall designate one national competent authority or one authority per competent region which shall be responsible for facilitating and coordinating the permit-granting process for critical raw material projects and provide information on the elements referred to in Article 17.</p> <p>2. The national or regional 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.</p> <p>3. The responsibilities of the national or regional competent authority referred to in paragraph 1 or the tasks related to it may be delegated to, or carried out by, another authority, for each critical raw material projects, provided that:</p> <p>(a) the competent authority referred to in paragraph 1 notifies the project promoter of that delegation;</p> <p>(b) a single authority is responsible for each critical raw material projects.</p> <p>(c) a single authority coordinates the submission of any relevant documents and information.</p> <p>(d) if a project promoter conducts more than one critical raw materials project in a Member State within the same operational step, a single authority shall be responsible for this promoter’s projects”</p>
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Justification

In some Member States, One Stop Shop authorities already exist. In Germany, for example, these authorities exist at regional level. A new authority at national level would undermine the federal system and add an additional interface, leading to an additional time-delaying procedural step.

The new point 3.(d) is added to avoid that a project promoter running more than one strategic project has to deal with different single points of contact.

AM 6 – Art. 10

<p>(...)</p> <p>3. In exceptional cases, where the nature, complexity, location or size of the proposed project so require, the national competent authority referred to in Article 8(1) may extend the time limits referred to in paragraph 1, point (a), and 2, point (a), by a maximum of 3 months and the time limits referred to in paragraph 1, point (b), and 2, point (b), by a maximum of 1 month, before their expiry and on a case-by-case basis. In that event, the national competent authority referred to in Article 8(1) shall inform the project promoter of the reasons justifying the extension and of the date when the comprehensive decision is expected in writing.</p> <p>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.</p>	<p>(...)</p> <p>Deleted</p> <p>4. For Strategic Projects, 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. In either such event, the administrative tacit</p>
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	approval period shall be extended by a maximum of two months.
<i>Justification</i>	
<p><i>The definition of “exceptional cases” in par. 4 is not sufficiently defined (indeterminate legal term), providing loopholes for Member States to unduly prolong the duration of permitting procedures.</i></p> <p><i>The administrative tacit approval should not be limited to processing and recycling only. In addition, Environmental Impact Assessments (EIAs) are an important part of the permit-granting process. Without compromising quality over speed, it is important to accelerate the process of EIAs.</i></p>	

AM 7 – Art. 11

<p>(...)</p> <p>3. The national competent authority referred to in Article 8(1) shall ensure that the authorities concerned issue the reasoned conclusion referred to in Article 1(2), point (g)(iv) of Directive 2011/92/EU on the environmental impact assessment of a Strategic Project within three months of receiving all necessary information gathered EN 30 EN pursuant to Articles 5, 6 and 7 of that Directive and completing the consultations referred to in Articles 6 and 7 of that Directive.</p> <p>4. The time-frame for consulting the public concerned on the environmental impact assessment report referred to in Article 5(1) of Directive 2011/92/EU shall not be longer than 90 days in the case of Strategic Projects.</p>	<p>(...)</p> <p>3. The national competent authority referred to in Article 8(1) shall ensure that the authorities concerned issue the reasoned conclusion referred to in Article 1(2), point (g)(iv) of Directive 2011/92/EU on the environmental impact assessment of a Strategic Project within two months of receiving all necessary information gathered EN 30 EN pursuant to Articles 5, 6 and 7 of that Directive and completing the consultations referred to in Articles 6 and 7 of that Directive.</p> <p>4. The time-frame for consulting the public concerned on the environmental impact assessment report referred to in Article 5(1) of Directive 2011/92/EU shall not be longer than 30 days in the case of Strategic Projects.</p>
<i>Justification</i>	
<p><i>Environmental Impact Assessments (EIAs) are an important part of the permit-granting process. Without compromising quality over speed, it is important to accelerate the process of EIAs. On the basis of Art. 6(7) of Directive 2011/92/EU, the timeframes for consulting the public concerned on the environmental impact assessment report referred to in Article 5(1) shall not be shorter than 30 days. Some Member States have general timeframes in place for consulting the public that are longer than 30 days. Therefore, strategic projects should be limited to 30 days because of their contribution to the Union’s technological and industrial resilience.</i></p> <p><i>As an example, a small environmental impact in the construction phase of projects (which is to be mitigated as much as possible) should not stand in the way of a speedy construction of a more sustainable critical raw materials value chain in Europe that will create large environmental gains in the near future.</i></p>	



AM 8 - Art. 14.2

<p>2. Member States may provide administrative support to Strategic Projects to facilitate their rapid and effective implementation, including by providing:</p> <p>(a) assistance to ensure compliance with applicable administrative and reporting obligations;</p> <p>(b) assistance to project promoters to further increase the public acceptance of the project.</p>	<p>2. Member States shall provide - where requested - administrative support to Strategic Projects to facilitate their rapid and effective implementation, including by providing:</p> <p>(a) assistance to ensure compliance with applicable administrative and reporting obligations.</p> <p>(b) assistance to project promoters to further increase the public acceptance of the project.</p> <p>(c) predictable, regular, and clear communication to the project promoter as to administrative delays and obstacles in the permitting process, including the reasons for such delays</p>
<p style="text-align: center;"><i>Justification</i></p> <p><i>Public concerns must be adequately considered and, in case of a lack of information or misinformation, proper actions should be taken. For this reason, it is essential that the states support project promoters to increase public acceptance and avoid unjustified delays.</i></p> <p><i>It is also important that authorities communicate clearly with project promoters on the whole permitting process, and in particular in case of expected delays and the reasons.</i></p>	

AM 9 – Art. 16

<p>1. The Commission shall set up a system to facilitate the conclusion of off-take agreements related to Strategic Projects, in compliance with competition rules.</p> <p>2. The system referred to in paragraph 1 shall allow potential off-takers to make bids indicating:</p> <p>(a) the volume and quality of strategic raw materials they intend to purchase;</p> <p>(b) the intended price or price range;</p> <p>(c) the intended duration of the off-take agreement.</p> <p>3. The system referred to in paragraph 1 shall allow project promoters of</p>	<p>Deleted</p>
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<p>Strategic Projects to make offers indicating:</p> <p>(a) the volume and quality of strategic raw materials for which they are seeking to conclude off-take agreements;</p> <p>(b) the intended price or price range at which they are willing to sell;</p> <p>(c) the intended duration of the off-take agreement.</p> <p>4. Based on the bids and offers received pursuant to paragraph 2 and 3, the Commission shall bring project promoters of Strategic Projects in contact with potential off-takers relevant for their project.</p>	
<p><i>Justification</i></p> <p><i>The added value of such an administrative system is not straight forward. It could delay procedures in terms of concluding business operations/contracts, and there is a risk that business-sensitive information would be properly protected.</i></p>	

AM 10 – Art. 18.5

<p><i>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.</i></p>	<p><i>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 while preserving commercially sensitive information. This information shall, where applicable, include the classification of the identified occurrences using the United Nations Framework Classification for Resources.</i></p>
<p><i>Justification</i></p> <p>Extreme caution must be applied when publishing this information, since it may contain sensitive data, not only for the industry but also for the interests of the State and the Union.</p>	

AM 11 – Art. 23

<p>1. Member States shall identify the large companies that manufacture strategic technologies using strategic raw materials on their territory.</p>	<p>1. [By: OP please insert: 2 years after the date of the entry into force of the delegated act mentioned in paragraph 2] Member States shall identify the large</p>
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<p>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.</p> <p>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).</p> <p>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.</p>	<p>companies that manufacture strategic technologies using strategic raw materials on their territory.</p> <p>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.</p> <p>Deleted</p>
<p style="text-align: center;"><i>Justification</i></p> <p><i>The added value of paragraph 23.2 and 23.3 is unclear because member states are already required under article 20.2 to identify key market operators along the critical raw materials value chain and to monitor their activities through regular and proportionate surveys. It is therefore suggested to remove these two paragraphs to avoid creating parallel flows of information requirements.</i></p>	



AM 12 – Art. 25.1

<p>1. Each Member State shall by [OP please insert: 3 years after the date of entry into force of this Regulation] adopt and implement national programmes containing measures designed to:</p> <p>(a) increase the collection of waste with high critical raw materials recovery potential and ensure their introduction into the appropriate recycling system, with a view to maximising the availability and quality of recyclable material as an input to critical raw material recycling facilities;</p> <p>(b) increase the re-use of products and components with high critical raw materials recovery potential;</p> <p>(c) increase the use of secondary critical raw materials in manufacturing, including, where appropriate, by taking recycled content into account in award criteria related to public procurement;</p> <p>(d) increase the technological maturity of recycling technologies for critical raw materials and to promote materials efficiency and the substitution of critical raw materials in applications, at least by including support actions to that effect under national research & innovation programmes;</p> <p>(e) ensure that their workforce is equipped with the skills needed to support circularity of the critical raw materials value chain.</p>	<p>1. Each Member State shall by [OP please insert: 3 years after the date of entry into force of this Regulation] adopt and implement national programmes containing measures designed to:</p> <p>(a) increase the collection and processing of waste with high critical raw materials recovery potential and ensure their introduction into the appropriate recycling system, with a view to maximising the availability and quality of recyclable material as an input to critical raw material recycling facilities.</p> <p>(b) increase the re-use, refurbishing, remanufacturing, and repurposing of products and components with high critical raw materials recovery potential;</p> <p>(c) increase the use of secondary critical raw materials, in manufacturing, including, where appropriate, by taking recycled content into account in award criteria related to public procurement</p> <p>(d) increase the technological maturity of recycling technologies for critical raw materials and to promote materials efficiency and the substitution of critical raw materials in applications, at least by including support actions to that effect under national research & innovation programmes;</p> <p>(e) ensure that their workforce is equipped with the skills needed to support circularity of the critical raw materials value chain.</p>
<p><i>Justification</i></p> <p><i>It is important to enlarge the scope of this article to foster the market for secondary critical raw materials in Europe.</i></p>	



AM 13 – Art. 29.2

<p>2. Where, on the basis of the evidence provided pursuant to the paragraph 1, the Commission determines that a certification scheme meets the criteria laid down in Annex IV, it shall adopt an implementing act granting that scheme a recognition. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).</p>	<p>2. Where, on the basis of the evidence provided pursuant to the paragraph 1, the Commission determines that a certification scheme meets the criteria laid down in Annex IV, it shall adopt an implementing act granting that scheme a recognition. The decision of recognition of a scheme described in paragraph 1 shall be published no later than 6 months after the application submitted by the scheme owner. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).</p>
<p style="text-align: center;"><i>Justification</i></p> <p>To avoid delays and ensure a swift recognition for public, investor and company confidence, a binding time limit should be introduced.</p>	

AM 14 – Art. 30.10 (new)

	<p>10(new). When the Commission adopts calculation and verification rules for a specific critical raw material, a transitional period of two years shall apply before the delegated act enters into force.</p>
<p style="text-align: center;"><i>Justification</i></p> <p><i>Such a transitional period is important so that impacted economic operators in the EU and in third countries can ensure full compliance when the rules apply.</i></p>	

AM 15 – Art. 33.4 (new)

	<p>Following the identification of strategic projects with third countries, the Board shall rapidly establish structured communication with the Strategic Partnerships countries to identify the modalities of cooperation, relevant stakeholders and procedures.</p>
<p style="text-align: center;"><i>Justification</i></p> <p><i>Timely engagement with third countries will be fundamental to enhance the contribution of strategic projects with third countries to the resilience of the value chains.</i></p>	



AM 16 – Art. 35

<p>6. The Board shall at least establish the following standing sub-groups</p> <p>(a) a subgroup to discuss and coordinate financing for Strategic Projects pursuant to Article 15; representatives of national promotional banks and institutions, the European development financial institutions, the European Investment Bank Group, other international financial institutions including the European Bank for Reconstruction and Development and, as appropriate, private financial institutions shall be invited as observers;</p> <p>(b) a subgroup bringing together national geological institutes or surveys or, in the absence of such institute or survey, the relevant national authority in charge of general exploration, with the purpose of contributing to the coordination of national exploration programmes referred to in Article 18;</p> <p>(c) a subgroup bringing together national supply and information agencies covering critical raw materials or, in the absence of such agency, the relevant national authority in charge of that matter, with the purpose of contributing to the monitoring tasks as set out in Article 19;</p> <p>(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.</p>	<p>6. The Board shall at least establish the following standing sub-groups</p> <p>(a) a subgroup to discuss and coordinate financing for Strategic Projects pursuant to Article 15; representatives of national promotional banks and institutions, the European development financial institutions, the European Investment Bank Group, other international financial institutions including the European Bank for Reconstruction and Development and private financial institutions shall be invited as observers;</p> <p>(b) a subgroup bringing together private exploration companies, national geological institutes or surveys or, in the absence of such institute or survey, the relevant national authority in charge of general exploration, with the purpose of contributing to the coordination of national exploration programmes referred to in Article 18;</p> <p>(c) a subgroup bringing together the relevant private actors, national supply and information agencies covering critical raw materials or, in the absence of such agency, the relevant national authority in charge of that matter, with the purpose of contributing to the monitoring tasks as set out in Article 19;</p> <p>(d) a subgroup bringing together the relevant private actors, 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.</p> <p>(e) a subgroup bringing together relevant private actors in the critical raw materials value chain with the purpose of achieving the objectives in Article 1.</p>
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<p>7. 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.</p> <p><i>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.</i></p>	<p>7. 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.</p> <p><i>The Board shall invite relevant economic operators and may invite, other third parties or representatives of third countries, public and private, to attend meetings of the standing or temporary sub-groups referred to in paragraph 6 as observers or to provide written contributions.</i></p>
<p style="text-align: center;"><i>Justification</i></p> <p><i>Given the need for strong public-private interactions and partnerships expected from the Critical Raw Materials Act, it is important to have a structured dialogue with the relevant stakeholders both public and private (after all the private enterprises will be the once executing and realising the plans), at EU level, as well as with the public and private representatives of third countries. Therefore, the possibility for the third country participation as in the Commission's proposal should be maintained and extended to relevant business stakeholders. Business representatives should be granted a permanent seat in the governance structure in the Commission's proposal.</i></p>	

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