

### Critical Raw Materials Act

Proposal for a Regulation 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 undersigned stakeholders welcome the European Commission's timely initiative to address the paramount issue of securing the necessary raw materials supply for a green and digital transition.

Furthermore, the signatories support the intention of the European Commission to pay attention on critical and strategic raw materials. Europe's reliance to an ever more entrenched and disruptive international supply chain on imports for most critical raw materials, combined with the exponentially increasing demand of these raw materials for the twin transition, are threatening the performance and integrity of the industry in the European Union. Europe needs to do more at home, while diversifying its import streams.

The signatories express concerns on the European Commission's decision to dedicate the proposed Regulation solely to critical and strategic raw materials disregarding the essential role of and the need for all the other raw materials, required for the above-mentioned objectives. Recognising the enabling role of all raw materials for multiple economic sectors, we request an integrated policy addressing all raw materials (strategic, critical and essential raw materials). Without a comprehensive and integrated policy addressing all raw materials, we risk that essential raw materials become strategic or critical creating even more dependencies from international raw material supply. Closing the gaps in Europe's supply chains requires a comprehensive raw materials policy. A new Regulation that focuses only on some raw materials, while assuming the supply of others, is unlikely to correspond to the objectives behind its proposal. Thus, the signatories strongly recommend the addition of 'essential raw materials' to the existing proposed categories (i.e., 'strategic and critical raw materials').

The supply of essential raw materials should be ensured and managed in a similar way to critical and strategic ones, through a framework that includes administrative streamlining measures and other benefits tailored to their specific circumstances.

The capacity of competent authorities in charge of land use planning and permitting to comply with the proposed Regulation is already limited to an extent that prioritization of some critical and strategic projects would cause significant further delays for those excluded from the scope. This point is particularly important, since excluding non-critical and non-strategic raw materials does not mean that processing of permits will continue the way it is currently handled but becomes detrimental, which makes the current proposal unacceptable. There is a precedent derived of streamlined permitting from the prioritisation of renewable energy projects.

To ensure the objectives of a green and digital transition are met, the signatories are calling for:

1. **A new third category of essential raw materials**
2. **A one-stop-shop for essential raw materials**
3. **A timeframe of max 18/36 months for permits**

For that reason, the signatories recommend the following amendments (right column) to the proposals made by the European Commission (left column):

# THE ESSENTIAL RAW MATERIALS COALITION

## POSITION

17 May 2023

### European Commission

Article 1, paragraph 1 (page 17)

*Text proposed by the Commission*

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

*Proposed amendment*

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

Justification

Despite frequent calls from the industry to extend the scope of the EU Critical Raw Materials Act, most raw materials are left out of the proposal, they do not benefit at all and, quite the contrary, could be less accessible. The very existence of the proposed regulation is another proof that the European Commission recognizes that land use planning and permitting in Europe do not meet the proposed purposes, forcing the creation of accelerated procedures. However, by leaving most of the raw materials out of the scope, the Commission decides that the latter continue to suffer from an inefficient procedure, assuming supply, the absence of distortions in free competition and without evaluating the reserves authorised nor their evolution.

### European Commission

Article 2, new (4) (page 18)

*Text proposed by the Commission*

*Proposed amendment*

**'essential raw materials' means the raw materials as defined in (new) Article 5;**

Justification

The need to define a new category of 'essential raw materials'.

### European Commission

New Article 5 (page 23)

*Text proposed by the Commission*

*Proposed amendment*

**List of essential raw materials**  
**1. All raw materials not listed in Annexes I and II, Section 1 shall be considered essential raw materials.**

Justification

Not only critical and strategic but all raw materials are needed for the green and digital transition. There is no need for a new calculation methodology for essential raw materials as all non-critical and non-strategic raw materials should be in this new category of "essential raw materials".

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## POSITION

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### **European Commission**

Article 8, paragraphs 2, 3, 5, 6, 8 (page 27) add '**or/and essential**' to the expression 'critical raw material(s) project(s)'. Example:

#### *Text proposed by the Commission*

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.

#### *Proposed amendment*

*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, **strategic and/or essential** raw material project and shall coordinate the submission of all relevant documents and information.*

#### Justification

The one-stop-shop should be applicable to all raw materials, including the new category of 'essential raw materials'.

### **European Commission**

Article 10, new paragraph 3 (page 28)

#### *Text proposed by the Commission*

#### *Proposed amendment*

***The permit granting process, for Essential Raw Materials Projects in the Union, shall not exceed:***

- (a) 36 months for Essential Raw Materials Projects involving extraction;***
- (b) 18 months for Essential Raw Materials Projects only involving processing or recycling.***

#### Justification

Although it is considered appropriate that Strategic Projects enjoy an accelerated granting procedure, it is crucial that the problem of excessive administrative deadlines faced by the Raw Materials Industry is addressed also for essential raw materials.

Permits that take years or even decades to be granted scare away investment and discourage the continuation of this activity on European soil, which seriously jeopardizes the continuity of supply that is now taken for granted.

If the administrative situation continues in these terms, essential raw materials will reach critical or strategic status sooner rather than later, to the extent that a disruption between supply and demand will be created, since the activity will end up extinguishing in the European territory.

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### European Commission

Article 10, new paragraph 4 (page 28)

*Text proposed by the Commission*

*Proposed amendment*

**1. Once the appropriate technical documentation has been submitted by the applicant, the competent authority has three months to:**

**a. Request the applicant to complete or correct the documentation.**

**b. Confirm the documentation is complete and will be processed.**

**Once the competent authority has confirmed the documentation to be complete, it can start the evaluation process in a one-stop-shop as stipulated in the Environmental Impact Assessment Directive 2014/52/EU.**

**2. In the absence of a reply from the competent authorities within the given duration of the permit granting process, the status of the project should be considered as validated.**

### Justification

Competent authorities should have sufficient time to verify the completeness of the files submitted by the applicant. Projects which have delivered the required documentation should not be delayed by requesting further or new documents after the given timeframe. To avoid that projects are – by default – refused or delayed, the absence of a reply from the competent authority should be deemed as validated.

### European Commission

Article 12, paragraphs 1, 2 3 (page 30)

*Text proposed by the Commission*

*Proposed amendment*

**add 'or essential' to the expression 'critical raw material(s) project(s)'.**

### Justification

Land use conflicts can create serious barriers to the deployment of raw material projects, whether critical, strategic or essential. The plans must be well designed, so that they consider the potential to implement raw material projects, decreasing the risk of conflict and accelerating the sustainable deployment of raw material projects in the Union. Therefore, competent national, regional, and local authorities should consider including provisions for raw material projects when developing relevant plans. Well-designed planning, considering competing interests, including extractive interests, should be an aspiration for all management plans.

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### Signatories

#### European Associations



**Aggregates Europe - UEPG**



**Concrete Europe**



**Eurogypsum**



**Euromines**



**European Asphalt and Pavement Association**



**European Calcium Silicate Producers Association**



**European Cement Association**



**European Expanded Clay Association**

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**European Federation for Construction Chemicals**



**European Federation of Concrete Admixtures Associations**



**European & International Federation of Natural Stone Industries**



**European Lime Association**



**European Mortar Industry Association**



**European Ready-Mix Concrete Organization**



**European Salt Producers Association**



**Federation of the European Precast Concrete Industry**

# THE ESSENTIAL RAW MATERIALS COALITION

## POSITION

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**Industrial Minerals Europe**

### National and Regional Associations



**Asociación de Empresas Áridos  
Comunitat Valenciana**

Spain



**Asociación Galega de Áridos**

Spain



**Asociación Nacional de  
Fabricantes de Áridos**

Spain



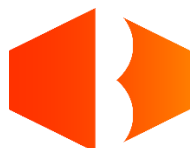
**Associação Nacional da Indústria  
Extractiva e Transformadora**

Portugal



**Associazione Nazionale Estrattori  
Lapidei ed Affini**

Italy



**Betonhuis**  
Sterk de toekomst in

**Betonhuis**

Netherlands



# THE ESSENTIAL RAW MATERIALS COALITION

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**Bundesverband Baustoffe  
– Steine und Erden e.V.**

Germany



**Bundesverband der Gipsindustrie e.V.**

Germany



**Bundesverband keramische Rohstoffe  
und Industrieminerales e.V.**

Germany



**Bundesverband Mineralische  
Rohstoffe**

Germany



**Cascade – Branchevereniging  
voor zand- en grindproducenten**

Netherlands



**Confederacion Espanola de las  
Industrias de las Materiales  
Primas Minerales**

Spain



**Confederacion de Industrias  
Extractivas de Rocas y Minerales  
Industriales**

Spain



**Cyprus Aggregates Producers  
Association**

Cyprus

**Danske Råstoffer**

**Danske Råstoffer**

Denmark



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**Fachverband der Stein- und  
Keramische Industrie**

Austria



**Federacion Vasca de Aridos**

Spain



**Federacion de Aridos**

Spain



**Fédération de l'industrie  
extractive  
Verbond van  
ontginningsbedrijven**

Belgium



**Forum Mineralische Rohstoffe**

Austria



**Gremi d'Àrids de Catalunya**

Spain



**Ibec – Building Materials  
Federation**

Ireland



**Ibec – Cement Manufacturers  
Ireland**

Ireland



**INFRA Contractors Association in  
Finland**

Finland

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|   |   |                |
|---|---|----------------|
|    | <b>Irish Concrete Federation</b>                      | Ireland        |
|    | <b>Mineral Products Association</b>                   | United Kingdom |
|    | <b>Norsk Bergindustri</b>                             | Norway         |
|   | <b>Patronatul Producatorilor de Agregate Minerale</b> | Romania        |
|  | <b>Slovenské Združenie Výrobcov Kameniva</b>          | Slovakia       |
|  | <b>Sveriges Bergmaterialindustri</b>                  | Sweden         |
|  | <b>Union nationale des producteurs de granulats</b>   | France         |