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NOTE

From: General Secretariat of the Council
To: Delegations

No. Cion doc.: 16460/25

Subject: Proposal for a Regulation of the European Parliament and of the Council
amending Regulation (EU) 2024/1252
- Second compromise proposal

Delegations will find in Annex to this note, a marked version of the Presidency revised compromise text. Changes to the Commission proposal, document ST 16460/25, are marked in ***bold italic*** for additions and in ~~strikethrough~~ for deletions. Changes compared to the first compromise text (ST 5820/26) are highlighted in **yellow underlined**.

2025/0385 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Regulation (EU) 2024/1252

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114, thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Since the entry into force of Regulation (EU) 2024/1252 on 23 May 2024, the Commission has been collecting data and information from stakeholders and Member States concerning the implementation of it.

¹ OJ C , , p. .

² OJ C , , p. .

- (2) Access to secure and sustainable critical raw materials is essential for the Union's objectives of clean and digital transition as set out in the Clean Industrial Deal³. They are also essential components for the Union's industries, in all areas **including defence**. Due to the current geopolitical situation the Union's supply and security of critical raw materials is put at risk and therefore, the current framework should be strengthened.
- (3) Under Regulation (EU) 2024/1252, the Commission is required to set up calls for application for Strategic Projects with at least four cut-off dates per year. Given the high number of applications for recognition of Strategic Project under each call ~~per call~~ received for the identification of Strategic projects of strategic-~~critical~~ raw material projects and to ensure a better assessment of the various applications, it should be possible for the Commission to limit the number of such calls per year.
- (4) Under Regulation (EU) 2024/1252, Member States are required to identify large companies by May 2025 and within 12 months of each update of the list of strategic raw materials pursuant to Article 3(3). Nevertheless, large companies that use ~~critical~~**strategic** raw materials can operate in more than one Member State. To avoid a duplication of the identification of these large companies by the various national administrations and to prevent a risk of fragmentation of the Single Market, it should be for the Commission to identify these large companies operating in the Union. ***During the process of identification of large companies, the Commission should keep informed the Member State where the large company operates to be identified, this to ensure cooperation with national authorities.***

³ COM(2025) 85 final

- (5) It is essential to strengthen the risk preparedness of the large companies that are identified by the Commission, it is essential that their obligations are strengthened, and therefore large companies should be required to take measures to mitigate their vulnerabilities, including by diversifying their *strategic* raw material supply chain. ~~The Commission should be able to receive the information regarding their compliance necessary for an effective monitoring and ensure they are prepared in case of supply disruption~~*chains*. The Commission should specify the *various* mitigation measures *among which are those* that large companies should adopt in case of vulnerabilities, it should be able to do so by means of delegated acts. *These measures should aim at ensuring the continuity of the production in case of supply disruption and should build on the assessment of the situation provided to the European Critical Raw Materials Board (the ‘Board’)*.
- (6) Large companies should, as part of that risk assessment, map where the strategic raw materials they use are extracted, processed and recycled from, and analyse the factors that could affect their supply and assess their vulnerabilities to supply disruptions. In order to have a clear understanding of their vulnerabilities, they should also map the supply chain of the components containing ~~critical~~*strategic* raw materials. To reinforce their preparedness large companies should report on their risk assessment to the companies’ board of directors or management board.
- (7) The Commission should continue to monitor the situation and the risk preparedness of large companies, ensuring their readiness in case of disruption of their supply chains. To that end, and when it decides so, the Commission can request information from large companies on their compliance and mitigation measures as required by this Regulation. *To ensure effective enforcement of large companies’ obligations regarding risk preparedness by Member States, the Commission should provide the concerned Member State with the relevant information obtained from large companies on their compliance with these obligations. Following its monitoring, where significant vulnerabilities are detected, the Commission should provide to the Board an assessment of the situation based on information at its disposal, among others the trade flows between the Union and third countries and information on the compliance by large companies with their obligation.*

- (8) The recognition of pre-consumer recycled materials complements, the recovery of post-consumer waste by ensuring that manufacturers can improve short-term resource efficiency while maintaining strong incentives to build and expand end-of-life collection and recycling systems. Additional product categories and pre-consumer waste are therefore essential to improve recycling, strengthen traceability and increase the availability of secondary materials thereby supporting the Union's overall resource efficiency and security of supply. ***The methodology for calculating recycled content should be consistent with other Union legislation, in particular Regulation (EU) 2024/1781.***
- (9) To attain the objectives set in the RESourceEU Action Plan, Regulation (EU) 2024/1252 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) 2024/1252

Regulation (EU) 2024/1252 is amended as follows:

- (1) in Article 7(3), the second subparagraph is replaced by the following:

‘The first such cut-off date shall be no later than 24 August 2024. The Commission shall set cut-off dates ***at least once per year and*** up to four times per year.’²

(2) Article 24 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. **I.** By [P.O.: please insert date corresponding to the date of entry into force of this Regulation plus 2 months] and within six months of each update of the list of strategic raw materials, the Commission shall identify the large companies operating in the Union that use strategic raw materials to manufacture batteries for energy storage and e-mobility, equipment related to hydrogen production and utilisation, equipment related to renewable energy generation, aircrafts, traction motors, heat pumps, equipment related to data transmission and storage, mobile electronic devices, equipment related to additive manufacturing, equipment related to robotics, drones, rocket launchers, radar, satellites or advanced chips. ***In the course of this identification, the Commission shall inform the Member State concerned and exchange relevant information with it regarding the identified large companies operating in its territory.***’;

(b) the following paragraph 1a is inserted:

‘1a. The Commission shall inform the large companies it has identified under paragraph 1 of such identification and of their obligations under this Article.’;

(c) paragraph 2 is replaced by the following:

‘2. Large companies as referred to in paragraph 1 shall by six months of the information of their identification and at least every three years and to the extent the required information is available to them, carry out a risk assessment of their raw materials supply chain of strategic raw materials, including:

- a) a mapping of the supply chain of components containing strategic raw materials;
- b) a mapping of where the strategic raw materials they use are extracted, processed or recycled;
- c) an analysis of the factors that might affect their supply of strategic raw materials;
- d) an assessment of their vulnerabilities to supply disruptions.’;

(d) paragraph 4 is replaced by the following:

‘4. If significant vulnerabilities to supply disruptions are detected as a result of the risk assessment referred to in paragraph 2, large companies as referred to under paragraph 1 shall take efforts to mitigate those vulnerabilities, including by diversifying its *strategic* raw materials supply chains, considering secondary raw materials, or substituting the strategic raw materials; *and, where a delegated act has been adopted pursuant to paragraph 5b, shall take the appropriate mitigation measures identified thereof.*

(e) paragraph 5 is replaced by the following:

‘5. Large companies as referred to in paragraph 1 shall present to their board of directors or management board the results of the risk assessment referred to in paragraph 2. ’;

(f) the following paragraphs 5a, *5aa* and 5b are inserted:

‘5a. The Commission may request large companies referred to in paragraph 1 to explain how they comply with the obligations set out in this Article. They shall provide that information no later than 30 days after receiving the request from the Commission. ***Where appropriate, The Commission shall provide the Member State in which the company operates with the relevant information on the compliance.***’

*5aa. Where significant vulnerabilities to supply disruptions are detected, the Commission shall submit to the Board an assessment of the available **non-sensitive sector-related** information on supply risks, the trade flows between the Union and third countries, and the potential obstacles to trade in strategic raw materials.*

5b. *When significant vulnerabilities to supply disruptions are detected in accordance with paragraph 4 of this Article, and following the submission of the assessment pursuant to paragraph 5aa, the Commission is empowered to adopt a delegated act in accordance with Article 38 to supplement this Regulation by specifying the risk mitigation measures that the large companies referred to in paragraph 1 of this Article are to take when significant. Those measures shall be proportionate to the vulnerabilities to supply disruptions are detected in accordance with paragraph 4 of this Article identified. They shall consist of measures ensuring the continuity of production in case of supply disruption **in specific sectors**, including by specifying the maximum shares of reliance on a single third country in the supply chain of strategic raw materials, **taking due account of the availability of alternative sources of supply**.*

The Commission shall base such risk mitigation measures on ~~an~~*the* assessment of the available information on supply risks, the trade flows between the Union and third countries, and the potential obstacles to trade in critical raw materials and shall specify the maximum shares of reliance on a single third country in the supply chain of critical raw materials *in paragraph 5aa*.’;

(g) paragraph 6 is deleted;

(3) in Article 28(1), the introductory wording is replaced by the following:

‘1. From two years after the date of entry into force of the implementing act referred to in paragraph 2, any natural or legal person that places on the market magnetic resonance imaging devices, wind energy generators, industrial robots, motor vehicles, light means of transport, cooling generators, heat pumps, electric motors including where electric motors are integrated in other products, automatic washing machines, tumble driers, microwaves, vacuum cleaners, dishwashers, – hard disk drives, transducers, loudspeakers, drones for civil use or motorised toys shall ensure that those products bear a conspicuous, clearly legible and indelible label indicating:

(4) Article 29 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. By 24 May 2027 or two years from the entry into force of the delegated act referred to in paragraph 2, whichever is later, any natural or legal person that places on the market products referred to in Article 28(1) which incorporate one or more permanent magnets referred to in Article 28(1), point (b)(i), (ii) and (iii), and for which the total weight of all such permanent magnets exceeds 0,2 kg shall make publicly available on a free-access website, **or in its product passport when available**, the share of neodymium, dysprosium, praseodymium, terbium, boron, samarium, nickel and cobalt recovered from pre-consumer and post-consumer waste, including the shares of such waste produced within the Union, present in the permanent magnets incorporated in the product.’;

(b) in paragraph 2, the first subparagraph is replaced by the following:

‘2. **By 31 December 2027**, the Commission shall adopt a delegated act in accordance with Article 38 to supplement this Regulation by establishing rules for the calculation and verification of the share of neodymium, dysprosium, praseodymium, terbium, boron, samarium, nickel and cobalt recovered from pre-consumer and post-consumer waste, including the shares of such waste produced within the Union, present in the permanent magnets incorporated in the products referred to in paragraph 1 of this Article.’;

(c) in paragraph 3, the first subparagraph is replaced by the following:

‘3. After the entry into force of the delegated act adopted pursuant to paragraph 2, and in any event by 31 December– 2031, the Commission shall adopt delegated acts supplementing this Regulation by laying down minimum shares for neodymium, dysprosium, praseodymium, terbium, boron, samarium, nickel and cobalt recovered from, pre-consumer and post-consumer waste, including the shares of such waste produced within the Union, or any combination thereof— that must be present in the permanent magnet incorporated in the products referred to in paragraph 1.’;

(d) in paragraph 3, third subparagraph, point (a) is replaced by the following:

‘(a) The existing and forecasted availability of neodymium, dysprosium, praseodymium, terbium, boron, samarium, nickel and cobalt recovered from pre-consumer and post-consumer waste sources as well as Union recycling capacity’;

(5) Article 38 is amended as follows:

(a) in paragraph 2, the first sentence is replaced by the following:

‘2. -The power to adopt delegated acts referred to in Article 3(2), Article 4(2), Article 5(3), Article 6(2), Article 24(5b), Article 28(12), Article 29(2) and (3), Article 31(1) and (8), and Article 34(1) shall be conferred on the Commission for a period of eight years from 24 June 2024. ’;

(b) in paragraph 3, the first sentence is replaced by the following:

‘3. The delegation of power referred to in Article 3(2), Article 4(2), Article 5(3), Article 6(2), Article 24(5b), Article 28(12), Article 29(2) and (3), Article 31(1) and (8) and Article 34(1) may be revoked at any time by the European Parliament or by the Council. ’;

(c) paragraph 6 is replaced by the following:

‘6. A delegated act adopted pursuant to Article 3(2), Article 4(2), Article 5(3), Article 6(2), Article 24(5b), Article 28(12), Article 29(2) or (3), Article 31(1) or (8) or Article 34(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period may be extended by two months at the initiative of the European Parliament or of the Council.’.

Article 2

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament

The President

For the Council

The President