

Brussels, 27 February 2026
(OR. en)

6695/26

**Interinstitutional File:
2025/0385 (COD)**

LIMITE

**COMPET 233
IND 136
MI 178
POLCOM 66
WTO 28
RELEX 260
RECH 77
CODEC 317**

NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee

No. prev. doc.: 6407/26
No. Cion doc.: 16460/25

Subject: Proposal for a Regulation of the European Parliament and of the Council
amending Regulation (EU) 2024/1252
- Mandate for negotiations with the European Parliament

I. BACKGROUND

1. On 3 December 2025, the Commission adopted a proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2024/1252¹. The proposal seeks to amend the Critical Raw Materials Act (CRMA) (Regulation 2024/1252) to streamline, clarify and simplify some provisions related to the governance structure of the original Act. It also seeks to improve circularity in order to increase recycling capacity and to strengthen the secondary market for critical raw materials. This proposal is part of the RESourceEU Action Plan (also adopted by the Commission on 3 December 2025) which aims to reduce EU dependencies in the area of critical raw materials.

¹ COM(2025) 946 final

2. The proposal is based on Article 114 of the Treaty on the Functioning of the European Union (TFEU) (ordinary legislative procedure).
3. On 10 February 2026, the European Parliament appointed the Industry, Research and Energy (ITRE) Committee as responsible for this file. The rapporteur for the file will be Mohammed Chahim (S&D, NL). The Development (DEVE) and the Environment, Climate and Food Safety (ENVI) Committees have been appointed for opinion and are yet to nominate their rapporteurs.
4. The opinion of the European Economic and Social Committee (EESC) was adopted at the EESC plenary session on 18 February 2026², endorsing the proposed text and recalling its earlier opinion on the CRMA, adopted on 12 July 2023.

II. WORK WITHIN THE COUNCIL

5. The Working Party on Competitiveness and Growth (Industry) discussed the proposal for the first time at its meeting on 19 January 2026 under the Cyprus Presidency. It was followed by 2 further meetings, on 9 and 23 February 2026.
6. While Delegations generally welcomed the proposal and its objectives, some also raised concerns as regards certain provisions of the proposal, notably the provisions related to the empowerments of the Commission and the obligations of the identified large companies.

III. MAIN CHANGES TO THE COMMISSION PROPOSAL

7. The Presidency has prepared three compromise texts, and considers that the text in the Annex to this note addresses the main concerns of most of the Member States to the extent possible. Changes in comparison to the Commission proposal³ are marked in ***bold italic*** for additions and in ~~strike through~~ for deletions.
8. The main changes to the Commission proposal are therefore the following:
9. Regarding the number of calls for Strategic Projects in Article 7(3), it is specified that the Commission is required to organise at least one call per year.

² Doc. 6810/26

³ Doc. 16460/25

10. Concerning risk preparedness and the Commission's identification of large companies operating in the Union that use strategic raw materials referred to in Article 24(1), clear language is introduced to require the Commission to consult, in the course of this identification, the Member States concerned and exchange relevant information with it regarding the identified large companies operating in its territory.
11. Article 24(4) was further clarified in order to better differentiate between the obligations of the selected large companies after the identification of vulnerabilities, as a result of the risk assessment referred to in paragraph 2 of Article 24, and the obligations to take appropriate mitigation measures resulting from the delegated act adopted pursuant to new paragraph 5b of Article 24.
12. When it comes to the new paragraph 5a in Article 24, it has been clarified that compliance-related information received by the Commission from the large companies should be shared with Member States whenever necessary to ensure effective enforcement. In addition, for large companies manufacturing defence products, the Member State will collect the requested information and share it with the Commission. Where disclosure to the Commission of a piece of information would jeopardise its essential interests of security or defence, the Member State may withhold disclosure of this piece of information informing the Commission and explaining the reasons for that.
13. A new paragraph 5aa has been added to Article 24 to ensure that once the Commission has identified vulnerabilities to supply disruptions, it must submit an assessment to the Critical Raw Materials Board. This will ensure that the Board is made aware of potential risks at an early stage, and oversight is maintained allowing stronger Member States participation to this process. This procedure acts as an intermediary safeguard, ensuring that Member States can have a comprehensive discussion on the vulnerabilities before the delegated acts foreseen in paragraph 5b of Article 24 are issued.

14. In paragraph 5b of Article 24, additional safeguards have been introduced to the empowerment of the Commission to adopt delegated acts specifying the risk mitigation measures that the large companies are to take. The safeguards introduced seek to clarify the nature and scope of the risk mitigation measures that the Commission may specify requiring them to be proportionate best efforts measures aiming at ensuring the continuity of production in case of severe supply disruption in specific sectors, including suggesting the maximum shares of reliance on a single third country taking due account of the availability of alternative sources of supply.
15. Article 29, concerning the recycled content of permanent magnets, has been slightly amended by introducing a reference to the product passport in paragraph 1 to avoid duplication of administrative burden and by introducing a clear deadline for the postponement of the adoption of the delegated act for establishing the rules for the calculation and verification of the share of relevant materials recovered in the recycling process.

IV. CONCLUSIONS

16. The Presidency considers that the text, as set out in the Annex, reflects a fair and balanced compromise between the different views expressed by delegations.
17. The Permanent Representatives Committee is invited to express agreement on the text of the mandate for negotiations with the European Parliament, as set out in the annex to this note, to enable the Presidency to conduct those negotiations.
18. In accordance with the approach to legislative transparency endorsed by Coreper on 14 July 2020⁴, and in full consistency with Regulation (EC) 1049/2001 and the Council's Rules of Procedure, the text of the mandate thus agreed will be made public unless the Permanent Representatives Committee objects.

⁴ Doc. 9493/20

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 Committee⁵,

Having regard to the opinion of the Committee of the Regions⁶,

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.

⁵ OJ C , , p. .

⁶ 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 Deal⁷. 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.***

⁷ 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) 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 and in the phases following the identification, the Commission shall consult 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~~**60** days after receiving the request from the Commission.²— ***The Commission shall provide the Member State in which the company operates with the relevant information on the compliance.***

Where the identified large company is manufacturing defence products, by way of exception to subparagraph 1, it shall communicate the information requested to the Member State on the territory of which the economic operator concerned is located. The Member State shall collect the information and share it with the Commission. Where disclosure to the Commission of a piece of information would jeopardise its essential interests of security or defence, the Member State may withhold disclosure of this piece of information. In such a case, it shall inform the Commission of having withheld the information and explain the reasons for that.

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 and should consider the availability of alternative sources. They shall consist of best efforts measures aiming at ensuring the continuity of production in case of severe supply disruption in specific sectors, including suggesting 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