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WORKING PAPER

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WORKING DOCUMENT

From:	Presidency
To:	Working Party on Competitiveness and Growth (Industry)
Subject:	Critical Raw Materials Act: 4-Column Table with Member State comments on the European Parliament's position: batch II

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) 168/2013, (EU) 2018/858, 2018/1724 and (EU) 2019/1020 (Text with EEA relevance) 2023/0079(COD)

Batch II: Chapter II (arts 3, 3a (new in EP's mandate) and 4) and Chapter III- Section 1 (articles 5 to 7), Section 2 (articles 9 to 13) and Section 3 (articles 14 to 17).

(378 Lines)

Comments from MS: PL SI HR DE AT CZ IT IE FI PT NL DK BE FR SK

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
10a		<p>(1a) In addition to growing demand of primary and secondary raw materials, there is a growing demand for skilled workers. The shortage of skilled workers in the Union is already at a critical stage, also in the raw materials sector, which will require an additional 1,2 million skilled workers by 2030 in the e-mobility and renewables sector alone. The Union should therefore support Member States in providing training and skills and consider concrete actions at Union level, such as the establishment of a European raw materials academy to provide talents to the raw and advanced materials sectors, and to reskill and upskill the existing workforce.</p>		<p>PL. (Comments): We support the Parliament's proposal. In the field of geological research, too, there is a shortage of personnel. Highlighting this problem and establishing a European raw materials academy is a step in the right direction.</p> <p>SI: (Comments): SI can be flexible with regard to the EP amendment. Addressing the skills shortages is an important challenge for the EU, so we could accept mentioning it in recitals.</p> <p>AT: (Comments): We very much support this additional wording proposed by the Rapporteur as it correctly addresses one of the major challenges we have and thus supports our endeavours to reach the</p>

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				<p>overall objectives of this Regulation. However, we suggest the following wording: (1a) In addition to growing demand of primary and secondary raw materials, there is a growing demand for skilled workers. The shortage of skilled workers in the Union is already at a critical stage, also in the raw materials sector, which will require an additional 1,2 million skilled workers by 2030 in the e-mobility and renewables sector alone. The Union The Commission should therefore support Member States in providing training and skills and consider concrete actions at Union level, such as the establishment of a European raw materials academy to provide talents to the raw and advanced materials sectors, and to reskill and upskill the existing workforce.</p> <p>IT: (Comments): We are flexible with EP Training is a very important issue. We need technicians who are specialized in sustainable mining management.</p>

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				<p>IE: (Comments): Can accept EP mandate. Alignment sought with academy provisions of net zero industry's act.</p> <p>FI: (Comments): Is this necessary in the Act? The establishment of Raw Materials Academy as part of the Net Zero Industry Act (NZIA) is already stated in the Communication – Finland has expressed certain reservations regarding the Academies when commenting on the NZIA.</p> <p>PT: (Comments): We support the EP mandate but propose it as recital (1c), as we have supported recital (1a) in Council mandate. Europe needs qualified workers at all skill levels in the mining, processing and recycling value chain. As stated in the Communication <i>A secure and sustainable supply of critical raw materials in support of the twin Transition</i> “the EU needs a workforce equipped with the right skills for the green and digital transitions. The</p>

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				<p>establishment of viable CRMs value chains in Europe cannot take place without the proper development of skills (geologists, geological assistants, geophysicists, metallurgists, mechanical engineers, mine workers, sorters, recyclers and also high-tech professions relevant for the sector etc) and reinforcement of GSO's." We support the Communication's proposal to "Establish a large-scale skills partnership on CRMs with stakeholders and public authorities under the EU Pact for Skills with the objective of rolling out successful education and training activities across the entire value chain.", the large-scale up-skilling and re-skilling of the workforce, and measures to stimulate the intra- and extra- EU mobility of tech skills and facilitate the validation and recognition of skills. We still consider that a more comprehensive and "economic" approach, ensuring the different skills needed for the future of industry while avoiding the dispersion of limited</p>

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				<p>resources, could be a better option than creating different academies for different technologies. Many of the skills needed are cross-cutting and not technology or sector specific.</p> <p>DK:</p> <p>(Comments):</p> <p>Important not to introduce a new obligation on member states to support training and skills, or a “European raw materials academy”. There would also be a question about the legal base since education policy is a national competence.</p> <p>BE:</p> <p>(Comments):</p> <p>An interesting proposal, but we would like to verify whether the European raw materials academy has been developed under this name in the NZIA.</p> <p>FR:</p> <p>(Comments):</p> <p>France can support this amendment, as it would complete the Council proposal.</p> <p>SE:</p> <p>(Comments):</p> <p>SE can support this. However, will need to discuss how this would work</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				in practice.
	<p>(4) In order to ensure that the measures set out in the Regulation focus on the most relevant materials, a list of strategic raw materials and a list of critical raw materials should be established. Those lists should also serve to guide and coordinate Member States' efforts to contribute to the realisation of the aims of this Regulation. The list of strategic raw materials should contain raw materials that are of high strategic importance, taking into account their use in strategic technologies underpinning the green and digital transitions or for defence or space applications, that are characterised by a potentially significant gap between global supply and projected demand, and for which an increase in production is relatively difficult, for instance due to long lead-times for new projects increasing supply capacity. To take account of possible technological and economic changes, the list of strategic materials should be periodically reviewed and, if necessary, updated. In order to ensure that efforts to increase the Union capacities along the value</p>	<p>(4) In order to ensure that the measures set out in the Regulation focus on the most relevant materials, a list of strategic raw materials and a list of critical raw materials should be established. Those lists should also serve to guide and coordinate Member States' efforts to contribute to the realisation of the aims of this Regulation. The list of strategic raw materials should contain raw materials that are of high strategic importance, taking into account their use in strategic technologies underpinning the green and digital transitions or for defence or spaceaerospace applications, that are characterised by a potentially significant gap between global supply and projected demand, and for which an increase in production is relatively difficult, for instance due to long lead-times for new projects increasing supply capacity. To take account of possible technological and economic changes as well as ad hoc risks, such as those resulting from geopolitical conflicts or natural catastrophes, the list of strategic materials should be periodically</p>	<p>(4) In order to ensure that the measures set out in the Regulation focus on the most relevant materials, a list of strategic raw materials and a list of critical raw materials should be established. Those lists should also serve to guide and coordinate Member States' efforts to contribute to the realisation of the aimsaim of this Regulation. The list of strategic raw materials should contain raw materials that are of high strategic importance for the functioning of the internal market, taking into account their use in strategic technologies underpinning the green and digital transitions or for defence or space applications, that are characterised by a potentially significant gap between global supply and projected demand, and for which an increase in production is relatively difficult, for instance due to long lead-times for new projects increasing supply capacity. To take account of possible technological and economic changes, the list of strategic raw materials should be periodically reviewed and, if necessary, updated. In order to ensure that efforts to increase the Union capacities along the value chain, reinforce the Union's capacity to monitor and mitigate supply risks and increase diversification of supply are focused on the materials for which they are</p>	<p>PL. (Comments): We support maintaining the Council's proposal. Countries often have their own lists of critical/strategic raw materials for national use. SI: (Comments): DE: (Comments): We support Ep addition of "ad hoc risks, such as those resulting from geopolitical conflicts or natural catastrophes" AT: (Comments): We generally advocate maintaining the Council position, but, suggesting the following wording:(4) In order to ensure that the measures set out in the Regulation focus on the most relevant materials, a list of strategic raw materials and a list of critical raw materials should be established. Those lists should also serve to guide and coordinate Member States' efforts to contribute to the realisation</p>

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	<p>chain, reinforce the Union's capacity to monitor and mitigate supply risks and increase diversification of supply are focused on the materials for which they are most needed, the relevant measures should only apply to the list of strategic raw materials.</p>	<p>reviewed and, if necessary, updated. In order to ensure that efforts to increase the Union capacities along the value chain, reinforce the Union's capacity to monitor and mitigate supply risks and increase diversification of supply are focused on the materials for which they are most needed, the relevant measures should only apply to the list of strategic raw materials.</p>	<p>most needed, thecertain relevant measures should only apply to the list of strategic raw materials. Member States should not be prevented to create additional lists based on specific national needs, and act on them accordingly on a national level.</p>	<p>of the aimsaim of this Regulation. The list of strategic raw materials should contain raw materials that are of high strategic importance for the functioning of the internal market, taking into account their use in strategic technologies underpinning the green and digital transitions or for defence or aerospace applications, that are characterised by a potentially significant gap between global supply and projected demand, and for which an increase in production is relatively difficult, for instance due to long lead-times for new projects increasing supply capacity. To take account of possible technological and economic changes as well as ad hoc risks, such as those resulting from geopolitical conflicts or natural catastrophes, the list of strategic materials should be periodically reviewed and, if necessary, updated. In order to ensure that efforts to increase the Union capacities along the value chain, reinforce the Union's capacity to monitor and</p>

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				<p>mitigate supply risks and increase diversification of supply are focused on the materials for which they are most needed, theecertain relevant measures should only apply to the list of strategic raw materials. Member States should not be prevented to create additional lists based on specific national needs, and act on them accordingly on a national level.</p> <p>IT: (Comments): Retain Council's positionWe are flexible to introduce the EP's amendment in the council's proposal. V ery importa nta to maintain nationa lists</p> <p>IE: (Comments): Supports the EP addition with the removal of "geopolitical" which gives the impression that local or intercommunal conflict risk would not be considered, which it should be.</p> <p>PT: (Comments): We support the Council's mandate.</p> <p>DK: (Comments): Important to keep Council</p>

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				<p>text, and not broaden the scope of “strategic technologies” from space to aerospace</p> <p>BE:</p> <p>(Comments):</p> <p>Support for EP for adding “aerospace”</p> <p>FR:</p> <p>(Comments):</p> <p>France supports the Council proposal but in a spirit of compromise, wishes to add the term “aerospace” into the text, as proposed in the EP version.</p> <p>SE:</p> <p>(Comments):</p> <p>SE can be flexible, but it may add additional burden if the list of strategic materials should be reviewed every time there is a natural catastrophe occurring.</p>
14	<p>(5) The list of critical raw materials should contain all strategic raw materials as well as any other raw materials of high importance for the overall Union economy and for which there is a high risk of supply disruption. To take account of possible technological and economic changes, the Commission should, in continuation of current</p>	<p>(5) The list of critical raw materials should contain all strategic raw materials as well as any other raw materials of high importance for the overall Union economy and for which there is a high risk of supply disruption. To take account of possible technological and economic changes, the Commission should, in continuation of current</p>	<p>(5) The list of critical raw materials should contain all strategic raw materials as well as any other raw materials of high importance for the overall Union economy and for which there is a high risk of supply disruption likely to distort competition and fragment the internal market. To take account of possible technological and economic changes, the Commission should, in</p>	<p>PL.</p> <p>(Comments):</p> <p>Support for the Parliament's proposals.</p> <p>SI:</p> <p>(Comments):</p> <p>SI supports the references to distortion of competition and fragmentation of internal market that should remain in the text.</p>

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	<p>practice, periodically perform an assessment based on data for production, trade, applications, recycling, and substitution for a wide range of raw materials to update the lists of critical and strategic raw materials reflecting the evolution in the economic importance and supply risk associated with those raw materials. The list of critical raw materials should include those raw materials which reach or exceed the thresholds for both economic importance and supply risk, without ranking the relevant raw materials in terms of criticality. This assessment should be based on an average of the latest available data over a 5-year-period. The measures set out in this Regulation related to one stop shop for permitting, planning, exploration, monitoring, circularity, and sustainability should apply to all critical raw materials.</p>	<p>practice, periodically perform an assessment based on data for production, trade, applications, recycling, and substitution for a wide range of raw materials to update the lists of critical and strategic raw materials reflecting the evolution in the economic importance and supply risk associated with those raw materials. The list of critical raw materials should include those raw materials which reach or exceed the thresholds for both economic importance and supply risk, without ranking the relevant raw materials in terms of criticality. This assessment should be based on an average of the latest available data over a 5-year-period. The measures set out in this Regulation related to one stop shop for permitting, planning, exploration, monitoring, circularity, and sustainability should apply to all critical raw materials. The global demand for critical raw materials is projected to soon exceed supply, making the creation of a level playing field for innovative and sustainable alternatives vital for the Union. This requires not only investments into research but also the creation of market conditions that allow</p>	<p>continuation of current practice, periodically perform an assessment based on data for production, trade, applications, recycling, and substitution for a wide range of raw materials to update the lists of critical and strategic raw materials reflecting the evolution in the economic importance and supply risk associated with those raw materials in the internal market. The list of critical raw materials should include those raw materials which reach or exceed the thresholds for both economic importance and supply risk, without ranking the relevant raw materials in terms of criticality. This assessment should be based on an average of the latest available data over a 5-year-period. The measures set out in this Regulation related to one stop shop for permitting, planning, exploration, monitoring, circularity, and sustainability should apply to all critical raw materials.</p>	<p>The reference to the internal market should remain in the text.</p> <p>SI is open to consider EP amendment, but we would be in favour of shorter text.</p>

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		<p>renewable substitutes to compete with traditional fossil raw materials. Therefore, the Union should take anticipative measures to mitigate the expected increase in the consumption of critical raw materials compared to projections, without compromising its industrial base. The list of critical raw materials and related priorities should be taken into account in all relevant Union and national law where those materials are directly or indirectly impacted.</p>		<p>AT: (Comments): We advocate maintaining the Council position in this case. Technology neutrality in research and development is an important basic principle. For this reason, singling out individual substitution technologies (such as replacing mineral raw materials with renewable raw materials) does not fit this purpose. We trust that the best solutions will prevail in a free market.</p> <p>IT: (Comments): We are flexible with EP</p>

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				<p>IE: (Comments): In line with previous comments submitted in Batch 1, in relation to “mitigating”, we respectfully resubmit that the emphasis should perhaps be on avoiding the wasting of materials, rather than decreasing demand, because we know demand will increase. The text here should according be cross-referenced with similar referenced made in NZIA which tries to increase demand for renewable technologies.</p> <p>FI: (Comments): FIN can be flexible where the EP mandate places emphasis on circular economy, research and innovation as well as substitution as ways to mitigate increases in demand of raw materials but the last addition is risky. What would the recital mean in practice? To FIN it seems ill-defined with potential to impose undue burden and possibly significant implications for other legislation.</p> <p>PT:</p>

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				<p>(Comments): We support the Council's mandate and the EP's added text strengthening the focus on mitigation of consumption, and anticipation and comprehensive approach of policies that may impact raw materials (risk mitigation). DK: (Comments): The council text addressed the point raised by the CLS that the legal base needed to be reflected better i.e. that there is a need to more explicitly describe why the regulation concerns the single market. It is therefore important to maintain these changes. FR: (Comments): France supports the Council proposal but in a spirit of compromise, can accept the adding of this addition from the EP proposal : "The global demand for critical raw materials is projected to soon exceed supply, making the creation of a level playing field for innovative and sustainable alternatives vital for the Union."</p>

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				SE: (Comments): SE can be flexible.
	<p>(9) In order to build capacities in the Union, the Commission should, with the support of the Board, identify Strategic Projects in the Union that intend to become active in the extraction, processing or recycling of strategic raw materials. Effective support to Strategic Projects has the potential to improve access to materials for downstream sectors as well as to create economic opportunities along the value chain, including for SMEs, and contribute to the creation of employment. Therefore, to ensure the development of Strategic Projects across the Union, such projects should benefit from streamlined and predictable permitting procedures and support in gaining access to finance. In order to focus support and ensure their added value, projects should, before receiving such support, be assessed against a set of criteria. Strategic Projects in the Union should strengthen the Union's security of supply for strategic raw materials, show sufficient technical feasibility</p>	<p>(9) In order to build capacities in the Union, the Commission should, with the support of the Board, identify Strategic Projects in the Union that intend to become active in the extraction, processing or recycling of strategic raw materials, or in the development and scale-up of substitutes. Strategic Projects should be flagship projects in terms of technological innovation and sustainability. Effective support to Strategic Projects has the potential to improve access to materials for downstream sectors as well as to create economic opportunities along the value chain, including for small and medium-sized enterprises (SMEs) and local communities SMEs, and contribute to the creation of employment. Therefore, to ensure the development of Strategic Projects across the Union, such projects should benefit from streamlined and predictable permitting procedures and support in gaining access to finance which could, if proven successful, be a</p>	<p>(9) In order to build capacities in the Union, The Commission should, with the support of the Board, identify Strategic Projects in the Union that intend to become active in the extraction, processing or recycling of strategic raw materials. Effective support to Strategic Projects has the potential to improve access to materials for downstream sectors as well as to create economic opportunities along the value chain, including for SMEs, and contribute to the creation of employment. Therefore, to ensure the development of Strategic Projects across the Union, such projects should benefit from streamlined and predictable permitting procedures and support in gaining access to finance.– In order to focus support and ensure their added value, projects should, before receiving such support, be assessed against a set of criteria. Raw material projects where strategic raw materials are a by-product, including for example from ferrous scrap, should also be eligible for such support, if they meet all relevant criteria. Strategic Projects in the Union should strengthen the Union's security of supply for strategic raw materials,</p>	<p>PL. (Comments): We support the Parliament's provision, in particular regarding the increase in substitution. SI: (Comments):</p> <p>SI is flexible regarding EP amendment related to development and scale-up of substitutes as well as reference to technological innovation and sustainability.</p> <p>SI can support the reference to SMEs.</p>

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	<p>and be implemented in an environmentally and socially sustainable manner. They should also provide cross-border benefits beyond the Member State concerned. Where the Commission assesses these criteria to be fulfilled, it should publish the recognition as a Strategic Project in a decision. As a speedy recognition is key to effectively supporting the Union's security of supply, the assessment process should remain light and not overly burdensome.</p>	<p>role model for permitting procedures and access to finance for critical or other raw materials.– In order to focus support and ensure their added value, projects should, before receiving such support, be assessed against a set of criteria. Strategic Projects in the Union should strengthen the Union's security of supply for strategic raw materials, show sufficient technical feasibility and be implemented in an environmentally and socially sustainable manner. They should also provide cross-border benefits beyond the Member State concerned. Where the Commission assesses these criteria to be fulfilled, it should publish the recognition as a Strategic Project in a decision. As a speedy recognition is key to effectively supporting the Union's security of supply, the assessment process should remain light and not overly burdensome. Mitigating the increase in demand for critical raw materials is one of the levers by which to strengthen the strategic autonomy of the Union and reduce its global environmental footprint. Therefore, the Commission should develop an indicator to</p>	<p>show sufficient technical feasibility and be implemented in an environmentally and socially sustainable manner. They should also provide cross-border benefits beyond the Member State concerned, including spill-over effects further down the value chain. Where the Commission assesses these criteria to be fulfilled, it should publish the recognition as a Strategic Project in a decision. As a speedy recognition is key to effectively supporting the Union's security of supply, the assessment process should remain light and not overly burdensome.</p>	<p>DE: (Comments): “(9) [...] Mitigating the increase in demand for critical raw materials is one of the levers by which to strengthen the strategic autonomy of the Union and reduce its global environmental footprint. Therefore, the Commission should develop an indicator to monitor the evolution of the level of criticality and material efficiency of intermediate and final products containing critical raw materials.”Mitigating increase is ok, but to monitor evolution of efficiency of all intermediate and final products containing critical raw materials is not feasible. AT: (Comments): We advocate maintaining the Council position in this case. CZ: (Comments): CZ prefers Council position. The text added by Council reiterates the need to support projects where strategic raw materials are a by-product,</p>

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		<p>monitor the evolution of the level of criticality and material efficiency of intermediate and final products containing critical raw materials.</p>		<p>such as ferrous scrap, which we consider as important measure to increase further use of such strategic raw materials.</p> <p>IT:</p> <p>(Comments):</p> <p>We retain the Council's position, but we are flexible to introduce the EP's amendments in the council's proposal. Very important to Retain the Council's position. strategic projects on by-product, especially for ferrous scrap are critical to help achieve the goals of the regulation and decarbonisation</p> <p>IE:</p> <p>(Comments):</p> <p>Prefer Council Mandate</p> <p>FI:</p> <p>(Comments):</p> <p>FIN can be flexible where the EP mandate places emphasis on circular economy, research and innovation as well as substitution as ways to mitigate increases in demand of raw materials.</p> <p>PT:</p> <p>(Comments):</p> <p>We support the Council's mandate.</p> <p>BE:</p>

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				<p>(Comments): We can support EP proposal on mitigation and monitor (last paragraph). SE: (Comments): SE can support the last sentence with an indicator of criticality and material efficiency.</p>
19	<p>(10) In order to diversify the Union's supply of strategic raw materials, the Commission should, with the support of the Board, identify Strategic Projects in third countries that intend to become active in the extraction, processing or recycling of strategic raw materials. To ensure that such Strategic Projects are effectively implemented, they should benefit from improved access to finance. In order to ensure their added value, projects should be assessed against a set of criteria. Like projects in the Union, Strategic Projects in third countries should strengthen the Union's security of supply for strategic raw materials, show sufficient technical feasibility and be implemented sustainably. For projects in emerging markets and developing economies, the</p>	<p>(10) In order to diversify the Union's supply of strategic raw materials, the Commission should, with the support of the Board, and in cooperation with like-minded partners, identify Strategic Projects in third countries and in the overseas countries and territories referred to in Annex II of the TFEU that intend to become active in the extraction, processing or recycling of strategic raw materials. Such projects should respect international standards and conventions related to environmental protection and human rights, and encourage the use of inclusive business models in which local communities participate in decision-making. To ensure that such Strategic Projects are effectively implemented, they</p>	<p>(10) In order to diversify the Union's supply of strategic raw materials, The Commission should, with the support of the Board, identify Strategic Projects in third countries that intend to become active in the extraction, processing or recycling of strategic raw materials. To ensure that such Strategic Projects are effectively implemented, they should benefit from improved access to finance, and investment conditions in line with Union investment policy. In order to ensure their added value, projects should be assessed against a set of criteria. Like projects in the Union, Strategic Projects in third countries should strengthen the Union's security of supply for strategic raw materials, show sufficient technical feasibility and be implemented sustainably. For projects in emerging markets and developing economies, the project should be mutually beneficial for the Union and the third country involved</p>	<p>PL. (Comments): We support maintaining the Council's proposal. The provision to ensure compliance with the EU investment policy, is equivalent to respecting all international standards. SI: (Comments): SI supports the Council text. DE: (Comments): Support for EP addition on international standards related to environmental protection and human rights and participation of local communities. AT: (Comments): We generally advocate maintaining the Council position in this case.</p>

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	<p>project should be mutually beneficial for the Union and the third country involved and add value in that country, taking into account also its consistency with the Union's common commercial policy. Such value may be derived from the project's contribution to more than one stage of the value chain as well as from creating through the project wider economic and social benefits, including the creation of employment in compliance with international standards. Where the Commission assesses these criteria to be fulfilled, it should publish the recognition as a Strategic Project in a decision.</p>	<p>should benefit from improved access to finance and de-risking mechanisms for investment. In order to ensure their added value and mutual benefits for the Union and third countries concerned, including for third countries where they are located, projects should be assessed against a set of criteria. Like projects in the Union, Strategic Projects in third countries should strengthen contribute to the strengthening of the Union's security of supply for strategic raw materials, show sufficient technical feasibility and be implemented sustainably. For projects in emerging markets and developing economies, using the framework of a sustainability certification scheme on raw materials recognised by the Commission. The project should be mutually beneficial for the Union and the third country involved. Where necessary, the Union will support third countries in reinforcing their legal framework, good governance capacity and transparency in the raw materials sector with the aim of making the raw material partnership a mutually beneficial situation, including</p>	<p>and add value in that country, taking into account also its consistency with the Union's common commercial policy. Such value may be derived from the project's contribution to more than one stage of the value chain as well as from creating through the project wider economic and social benefits, including the creation of employment in compliance with international standards. Where the Commission assesses these criteria to be fulfilled, it should publish the recognition as a Strategic Project in a decision.</p>	<p>However, we suggest the following wording: (10) In order to diversify the Union's supply of strategic raw materials, The Commission should, with the support of the Board, and in cooperation with like-minded partners, identify Strategic Projects in third countries that intend to become active in the extraction, processing or recycling of strategic raw materials. To ensure that such Strategic Projects are effectively implemented, they should benefit from improved access to finance, and investment conditions in line with Union investment policy. In order to ensure their added value, projects should be assessed against a set of criteria. Like projects in the Union, Strategic Projects in third countries should strengthen the Union's security of supply for strategic raw materials, show sufficient technical feasibility and be implemented sustainably. For projects in emerging markets and developing economies, the project should be mutually beneficial for the</p>

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		<p>for the local population. A project should and add value in that country and in the case of developing and emerging countries, enable it to move up the value chain while – taking into account also its consistency with the principles enshrined in the Treaties, the Union’s common commercial policy and strategic priorities as well as the principle of policy coherence for development laid down in Article 208 TFEU. Such value may be derived from the project’s contribution to more than one stage of the raw materials value chain as well as from creating through the project wider economic and social benefits, including the creation of employment in compliance with international standards of the International Labour Organization (ILO). Where the Commission assesses these criteria to be fulfilled, it should publish the recognition as a Strategic Project in a decision.</p>		<p>Union and the third country involved and add value in that country, taking into account also its consistency with the Union’s common commercial policy. Such value may be derived from the project’s contribution to more than one stage of the value chain as well as from creating through the project wider economic and social benefits, including the creation of employment in compliance with international standards. Where the Commission assesses these criteria to be fulfilled, it should publish the recognition as a Strategic Project in a decision.</p> <p>IT: (Comments): We are flexible</p> <p>IE: (Comments): Prefer Council MandateIreland prefers non-inclusion of EP text on like-minded partners, due to lack of clarity on ‘like-minded’</p> <p>FI: (Comments): FIN can be flexible here.</p> <p>PT: (Comments): We support the Council’s</p>

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				<p>mandate.</p> <p>BE:</p> <p>(Comments):</p> <p>Rather supportive of EP additions</p> <p>FR:</p> <p>(Comments):</p> <p>In line with its positions for Articles 2, 5 and 33 and for putting in sight the contribution of OCTs to the supplies, France supports the adding of the OCTs in this recital, as presented in the EP proposal. New Caledonia is a major nickel producer that could strengthen EU's supplies.</p>
20	<p>(11) In order to ensure the sustainability of increased raw material production, new raw materials projects should be implemented sustainably. To that end, the Strategic Projects receiving support under this Regulation should be assessed taking into account international instruments covering all aspects of sustainability highlighted in the EU principles for sustainable raw materials¹, including ensuring environmental protection, socially responsible practices, including respect for human rights such as the rights</p>	<p>(11) In order to ensure the sustainability of increased raw material production, new raw materials projects should be implemented sustainably. To that end, the Strategic Projects receiving support under this Regulation should be assessed taking into account international instruments covering all aspects of sustainability highlighted in the EU principles for sustainable raw materials¹, including ensuring environmental protection including marine and coastal environment, socially responsible practices, including</p>	<p>(11) In order to ensure the sustainability of increased raw material production, new raw materials projects should be planned and implemented sustainably. To that end, the Strategic Projects receiving support under this Regulation should be assessed taking into account international instruments covering all aspects of sustainability highlighted in the EU principles for sustainable raw materials¹, including ensuring environmental protection, socially responsible practices, including respect for human rights such as the rights of women, and transparent business practices. Projects should</p>	<p>PL.</p> <p>(Comments):</p> <p>We support the Council's proposal. Public consultation is important. Parliament's proposal is too broad and adds nothing new to the regulation.</p> <p>Environmental protection is a complex concept and this includes the protection of the marine environment.</p> <p>SI:</p> <p>(Comments):</p>

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	<p>of women, and transparent business practices. Projects should also ensure engagement in good faith as well as comprehensive and meaningful consultations with local communities, including with indigenous peoples. To provide project promoters with a clear and efficient way of complying with this criterion, compliance with relevant Union legislation, international standards, guidelines and principles or participation in a certification scheme recognised under this Regulation should be considered sufficient.</p> <p>1. European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, EU principles for sustainable raw materials, Publications Office, 2021, https://data.europa.eu/doi/10.2873/27875</p>	<p>respect for human rights such as the rights of women and children, as well as, and transparent business practices. Projects should also ensure engagement in good faith as well as comprehensive and meaningful consultations with local communities, including with indigenous peoples. To provide project promoters with a clear and efficient way of complying with this criterion, compliance with relevant Union legislation, international standards, guidelines and principles or participation in an environmental certification scheme recognised under this Regulation should be considered sufficient. Furthermore, the Commission should further engage, in close dialogue with Member States, third countries, industry, standardisation bodies and other relevant stakeholders, in discussions about the development of European standards of critical raw materials extraction, processing and recycling. Sustainable and environmentally respectful mining projects, incorporating innovative processes and conducting mineral and</p>	<p>also ensure engagement in good faith as well as comprehensive and meaningful equitable consultations with relevant stakeholders such as local communities, including with indigenous peoples. To provide project promoters with a clear and efficient way of complying with this criterion, compliance with relevant Union legislation, international standards, guidelines and principles or participation in a certification scheme recognised under this Regulation should be considered sufficient.</p> <p>1. [1] European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, EU principles for sustainable raw materials, Publications Office, 2021, https://data.europa.eu/doi/10.2873/27875</p>	<p>SI is flexible with regard to the reference to marine and coastal environment.</p> <p>SI would like to hear the opinion of the Commission on the EP amendment. DE: (Comments):</p>

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		<p>metallurgical processing close to the extraction sites, could be regarded as important projects of common European interest. Such projects must significantly contribute to economic growth, job creation, the green and digital transition, and enhance competitiveness for the Union industry and economy. Furthermore, to align with Union values and objectives, such projects should exhibit an unwavering commitment to transparency, education, and community engagement, avoiding the use of fossil fuels through the integration of renewable energy sources, reducing waste, and utilizing sustainable water usage practices. Strategic raw materials are, in most cases, extracted as by-products of a carrier mineral. For the Union to meet the objectives of this Regulation, the by-product nature of strategic raw materials does not impact the strategic nature of such extraction projects. Projects with the aim of extraction can therefore be deemed strategic, both where the strategic mineral is extracted as a main product and where it is extracted as a by-product.</p>		<p>We support EP position in the following "... including ensuring environmental protection including marine and coastal environment, socially responsible practices,..." Rationale: marine and coastal environment will be strongly impacted by raw material projects such as coastal or deep sea mining and should therefore explicitly be included. Also, we support the inclusion of children's rights in addition to women's rights, as suggested by EP. We support the EP's proposal to promote the use of renewable energy sources, sustainable water usage practices and waste reduction: "Furthermore, to align with Union values and objectives, such projects should exhibit an unwavering commitment to transparency, education, and community engagement, avoiding the use of fossil fuels through the integration of renewable energy sources, reducing waste, and utilizing sustainable water usage practices." Here we prefer the council wording :</p>

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		<p>1. European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, EU principles for sustainable raw materials, Publications Office, 2021, https://data.europa.eu/doi/10.2873/27875</p>		<p>“Projects should also ensure engagement in good faith as well as comprehensive and equitable consultations with relevant stakeholders such as local communities, including with indigenous peoples.”</p> <p>Rationale: Equitable consultation in this context is more clear and therefore a more sensible formulation than "meaningful"</p> <p>AT:</p> <p>(Comments):</p> <p>We advocate maintaining the Council position in this case.</p> <p>IT:</p> <p>(Comments):</p> <p>We are flexible with EP</p> <p>IE:</p> <p>(Comments):</p> <p>Prefer Council Mandate</p> <p>PT:</p> <p>(Comments):</p> <p>We support the Council’s mandate. We support the EP’s text “human rights such as the rights of women and children,”</p> <p>DK:</p> <p>(Comments):</p> <p>The European Parliament text is problematic in that mining projects can usually not be “sustainable”, since they inevitable will impact on the environment where</p>

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				<p>mining operations are conducted. It is also unclear what is meant by “environmentally respectful”. SK:</p> <p>(Comments):</p> <p>In this case, we fully support the EP position, which duly considers the reality that some (if not most) strategic raw materials are mined as by-products of carrier minerals, and this should be allowed and supported. Proposed wording:(11) In order to ensure the sustainability of increased raw material production, new raw materials projects should be planned and implemented sustainably. To that end, the Strategic Projects receiving support under this Regulation should be assessed taking into account international instruments covering all aspects of sustainability highlighted in the EU principles for sustainable raw materials¹, including ensuring environmental protection, socially responsible practices, including respect for human rights such as the rights of women, and transparent</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>business practices. Projects should also ensure engagement in good faith as well as comprehensive and meaningful equitable consultations with relevant stakeholders such as local communities, including with indigenous peoples. To provide project promoters with a clear and efficient way of complying with this criterion, compliance with relevant Union legislation, international standards, guidelines and principles or participation in a certification scheme recognised under this Regulation should be considered sufficient.</p> <p>Strategic raw materials are, in most cases, extracted as by-products of a carrier mineral. For the Union to meet the objectives of this Regulation, the by-product nature of strategic raw materials does not impact the strategic nature of such extraction projects.</p> <p>Projects with the aim of extraction can therefore be deemed strategic, both where the strategic mineral is extracted as a main product and where it is extracted as a by-product.</p>

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				<p>SE:</p> <p>(Comments):</p> <p>Very long recital... Some parts show good ambition, but this needs to be shortened and/or cut into several recitals if it should remain. Isn't the last part supposed to be taken care of in the CS3D instead and/or in the work of global resolutions? How is the EU supposed to 'support third countries in reinforcing their legal framework'?</p>
21	<p>(12) Any promoter of a strategic raw materials project should be able to apply to the Commission for the recognition of their project as a Strategic Project. The application should include several documents and evidence related to the criteria. To better assess the social, environmental and economic viability, the feasibility of the project as well as the level of confidence in the estimates, the project promoter should also provide a classification of the project according to the United Nations Framework Classification for Resources, and to allow for objective validation, they should support this classification with relevant evidence. A timetable</p>	<p>(12) Any promoter of a strategic raw materials project should be able to apply to the Commission for the recognition of their project as a Strategic Project. The application should include several relevant documents and evidence related to the criteria. To better assess the social, environmental and economic viability, the feasibility of the project as well as the level of confidence in the estimates, the project promoter should also provide a classification of the project according to the United Nations Framework Classification for Resources, and to allow for objective validation, they should support this classification with relevant</p>	<p>(12) Any promoter of a strategic raw materials project should be able to apply to the Commission for the recognition of their project as a Strategic Project. The application should include several documents and be based upon necessary evidence related to the criteria. To better assess the social, environmental and economic viability, the feasibility of the project as well as the level of confidence in the estimates, the project promoter should also provide a classification of the project according to the United Nations Framework Classification for Resources, and to allow for objective validation, they should support this classification with relevant evidence.– A timetable for the project should also be attached to an application, in order to estimate</p>	<p>PL.</p> <p>(Comments):</p> <p>We support maintaining the Council's proposal. The proposal should be based on necessary evidence and not on a few e.g. unimportant ones. The EP mandate may limit cooperation with third countries by imposing too many guidelines to be followed by these countries. This may significantly narrow the number of relevant third countries.</p> <p>SI:</p> <p>(Comments):</p> <p>DE:</p> <p>(Comments):</p> <p>Support the EP on including the ownership structure as a</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	<p>for the project should also be attached to an application, in order to estimate when the project would be able to contribute towards the benchmarks for domestic capacity or for diversification. As public acceptance of mining projects is crucial for their effective implementation, the promoter should also provide a plan containing measures to facilitate public acceptance. Special attention should be paid to social partners, civil society and other oversight actors. The promoter should also provide a business plan providing information regarding the project's financial viability and giving an overview of funding and off-take agreements already secured as well as estimates for potential job creation and for the project's needs in terms of skilled workforce, including upskilling and reskilling.</p>	<p>evidence.– A timetable for the project should also be attached to an application, in order to estimate when the project would be able to contribute towards the benchmarks for domestic capacity or for diversification. As public acceptance of mining projects is crucial for their effective implementation, the promoter should also provide a plan containing measures to facilitate public acceptance. This is also valid for projects in third countries. Special attention should be paid to social partners, civil society and other oversight actors. The promoter should also provide a business plan providing information regarding the project's financial viability and giving an overview of funding, including the ownership structure in order to ensure that project funding does not contradict the aim of increasing the cooperation with like-minded partners, especially as regards projects in or financed by partners from third countries. Furthermore, information should be provided on-and off-take agreements already secured as well as estimates for potential job creation and for the project's needs in terms of skilled</p>	<p>when the project would be able to contribute towards the benchmarks for domestic capacity or for diversification. As public acceptance of mining projects is crucial for their effective implementation, the promoter should also provide a plan containing measures to facilitate public acceptance. Special attention should be paid to social partners, civil society and other oversight actors. The promoter should also provide a business plan providing information regarding the project's financial viability and giving an overview of funding and off-take agreements already secured as well as estimates for potential job creation and for the project's needs in terms of skilled workforce, including upskilling and reskilling.</p>	<p>requirement for promoters of strategic projects and we support the EP in including “the initiatives envisaged to improve participation of women as well as the overall working conditions”. AT: (Comments): We advocate maintaining the Council position in this case. IT: (Comments): Retain Council's position. It seems sufficiently complete IE: (Comments): -Prefer Council mandate FI: (Comments): FIN can be flexible towards the EP mandate in the second sentence: The changes by EP and the Council could be combined. FIN can also support the following addition. “This is also valid for projects in third countries.”, PT: (Comments): We support the Council's mandate. DK: (Comments):</p>

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		workforce, including upskilling and reskilling, and the initiatives envisaged to improve participation of women as well as the overall working conditions.		
22	(13) To ensure the effective and efficient treatment of applications, the Commission should be able prioritise the processing of applications for projects related to specific underrepresented value chain stages or strategic raw materials, in order to be able to ensure the Union's balanced progress towards all benchmark for Union capacity included in this Regulation.	(13) To ensure the effective and efficient treatment of applications, the Commission should be able prioritise the processing of applications for projects related to specific underrepresented value chain stages or strategic raw materials, in order to be able to ensure the Union's balanced progress towards all benchmark for Union capacity included in this Regulation. The Commission should be able to prioritise Strategic Projects that contribute to circularity of raw materials or submitted by SMEs provided that a balance of projects between the different stages of the value chain is maintained. The Commission should also proactively seek out partner countries to promote strategic collaborations.	(13) To ensure the effective and efficient treatment of applications, the Commission should be able to prioritise the processing of applications for projects related to specific underrepresented value chain stages or strategic raw materials, in order to be able to ensure the Union's balanced progress towards all benchmark for Union capacity included in this Regulation.	PL. (Comments): Support for the Commission's proposal. It is the countries in which a strategic project is planned that should have the last word in project priority. SI: (Comments): AT: (Comments): We advocate maintaining the Council position in this case, but welcome the last additional wording proposed by the Rapporteur. Therefore, we suggest the following wording: (13) To ensure the effective and efficient treatment of applications, the Commission should be able to prioritise the processing of applications for projects related to specific underrepresented value chain stages or strategic raw

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>materials, in order to be able to ensure the Union's balanced progress towards all benchmark for Union capacity included in this Regulation. The Commission should also proactively seek out partner countries to promote strategic collaborations.</p> <p>IT: (Comments): Retain Council's position because it is not clear how to apply the priority</p> <p>IE: (Comments): Accept EP mandate with the exception of reference made to SME's given the high-level nature of this proposal</p> <p>PT: (Comments): We support the Council's mandate.</p> <p>BE: (Comments): The inclusion of SMEs in the EP proposal has added value, we can support this.</p> <p>FR: (Comments): France supports the Council proposal.</p> <p>SE:</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				(Comments): See comment under article 6, para 7 (ba).
	<p>(14) As the cooperation of the Member State on whose territory a Strategic Project will be implemented is necessary to ensure its effective implementation, that Member State should have the right to object to and thereby prevent that a project is granted the status of Strategic Project against its will. If it does so, the relevant Member State should provide a reasoned justification for its refusal referring to the applicable criteria. Similarly, the Union should not grant the status of Strategic Project to projects that will be implemented by a third country against the will of its government and should therefore refrain from doing so where a third country government objects.</p>	<p>(14) As the cooperation of the Member State on whose territory a Strategic Project will be implemented is necessary to ensure its effective implementation, that Member State should have the right to object to and thereby prevent that a project is granted the status of Strategic Project against its will. If it does so, the relevant Member State should provide a reasoned justification for its refusal referring to the applicable criteria. Similarly, the Union should not grant the status of Strategic Project to projects that will be implemented by a third country against the will of its government and should therefore refrain from doing so where a third country government objects.</p>	<p>(14) As the cooperation of the Member State on whose territory a Strategic Project will be implemented is necessary to ensure its effective implementation, that Member State should have the right to object to and thereby prevent that a project is granted the status of Strategic Project against its will. If it does so, the relevant Member State should provide a reasoned justification for its refusal referring to the applicable criteria. Similarly, the Union should not grant the status of Strategic Project to projects that will be implemented by a third country, including Overseas Countries and Territories (OCTs), against the will of its government and should therefore refrain from doing so where a third country government objects.</p>	<p>PL. (Comments): No comments for each proposal. SI: (Comments): AT: (Comments): We advocate maintaining the Council position in this case. IT: (Comments): Retain Council's position IE: (Comments): Agree with Council Mandate PT: (Comments): We support the Council's mandate. DK: (Comments): We should maintain the reference to OCTs (as we also mention elsewhere) FR: (Comments): France supports the Council proposal but with the following writing: "including or Overseas</p>

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				Countries and Territories (OCT) ". It is important to not consider an OCT as a third country, especially as New Caledonia is a major nickel producer that could strengthen EU's supplies.
	(15) To prevent misuse of the recognition as Strategic Project, the Commission should be able to repeal its initial decision to recognise a project as strategic if it no longer fulfils the conditions or the recognition was based on an application containing incorrect information. Before it can do so, the Commission should consult the Board and hear the project promoter.	(15) To prevent misuse of the recognition as Strategic Project, the Commission should be able to repeal its initial decision to recognise a project as strategic if it no longer fulfils the conditions or the recognition was based on an application containing incorrect information. Before it can do so, the Commission should consult the Board and hear the project promoter. Project promoters should remain entirely liable for any deliberate deceit, and can be subject to potential corresponding judicial proceedings.	(15) To prevent misuse of, the recognition as of a Strategic Project should, where justified, the Commission should be able to repeal its initial decision to recognise a project as strategic be repealed by the Commission, after consulting with the Board and the responsible project promoter if it no longer fulfils the conditions or the recognition was based on an application containing incomplete or incorrect information. Before it can do so, the Commission should consult the Board and hear the In order to attract long-term investments and ensure legal predictability, even in case of updates of the strategic raw materials list in Annex I, a Strategic Project promoters should still maintain its status for a reasonable period.	PL. (Comments): Support for the Commission's proposal, Not only the Commission but also the State in which the strategic project is being carried out should be able to overturn its decision to designate the project as strategic. SI: (Comments): SI supports the Council text. AT: (Comments): We generally advocate maintaining the Council position in this case, however, suggest the following wording:(15) To prevent misuse of, the recognition as of a Strategic Project should, where justified, the Commission should be able to repeal its initial decision to recognise a project as strategic be repealed by the

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>Commission, after consulting with the Board and the responsible project promoter if it no longer fulfils the conditions or the recognition was based on an application containing incomplete or incorrect information. Before it can do so, the Commission should consult the Board and hear the Project promoters should remain entirely liable for any deliberate deceit, and can be subject to potential corresponding judicial proceedings. In order to attract long-term investments and ensure legal predictability, even in case of updates of the strategic raw materials list in Annex I, a Strategic Project promoters should still maintain its status for a reasonable period.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): -Prefer Council Mandate</p> <p>PT: (Comments): We support the Council's mandate.</p> <p>FR:</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				(Comments): France strongly supports the Council proposal.
	(16) In light of their importance for ensuring the security of supply of strategic raw materials, Strategic Projects should be considered to be in the public interest. Ensuring the security of supply of strategic raw materials is of crucial importance for the success of the green and digital transitions as well as the resilience of the defence and space sectors. To contribute towards security of supply of strategic raw materials in the Union, Member States may provide for support in national permit granting procedures to speed up the realisation of Strategic Projects in accordance with Union law.	(16) In light of their importance for ensuring the security of supply of strategic raw materials, Strategic Projects should be considered to be in the public interest or of public security concern . Ensuring the security of supply of strategic raw materials is of crucial importance for the success of the green and digital transitions as well as the resilience of the defence and space aerospace sectors. To contribute towards security of supply of strategic raw materials in the Union, Member States may– provide for support in national permit granting procedures to speed up the realisation of Strategic Projects in accordance with Union law.	(16) In light of their importance for ensuring the security of supply of strategic raw materials and safeguard the functioning of the internal market , Strategic Projects should be considered to be in the public interest. Ensuring the security of supply of strategic raw materials is of crucial importance for the success of the green and digital transitions as well as the resilience of the defence and space sectors. To contribute towards security of supply of strategic raw materials in the Union, Member States may provide for support in national permit granting procedures to speed up the realisation of Strategic Projects in accordance with Union law.	PL. (Comments): We support the Council's proposal. SI: (Comments): SI supports the Council text. AT: (Comments): We generally advocate maintaining the Council position in this case, however, suggest the following wording:(16) In light of their importance for ensuring the security of supply of strategic raw materials and safeguard the functioning of the internal market , Strategic Projects should be considered to be in the public interest. Ensuring the security of supply of strategic raw materials is of crucial importance for the success of the green and digital transitions as well as the resilience of the defence and aerospace sectors. To contribute towards security of supply of strategic raw materials in the Union,

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				<p>Member States may– provide for support in national permit granting procedures to speed up the realisation of Strategic Projects in accordance with Union law. From our perspective, “public interest” also entails the additionally proposed wording “public security concern”. This amendment by the Rapporteur would be an additional restrictive criterion for strategic projects as it is also not clearly defined what exactly “public security concern” entails.</p> <p>IT: (Comments): Retain Council’s position, we are flexible to introduce EP’s amendments in council’s proposal</p> <p>PT: (Comments): We support the Council’s mandate.</p> <p>BE: (Comments): (16) In light of their importance for ensuring the security of supply of strategic raw materials and safeguard the functioning of the internal market, Strategic Projects should be considered to be in the public</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>interest. Ensuring the security of supply of strategic raw materials is of crucial importance for the success of the green and digital transitions as well as the resilience of the defence and space sectors. To contribute towards security of supply of strategic raw materials in the Union, Member States may provide for support in national or regional permit granting procedures to speed up the realisation of Strategic Projects in accordance with Union law.</p> <p>FR:</p> <p>(Comments):</p> <p>France supports the Council proposal but in a spirit of compromise, wishes to add the term “aerospace” into the text, as proposed in the EP version.</p>
26	<p>(17) National permit-granting processes ensure that raw materials projects are safe, secure and comply with environmental, social and safety requirements. Union environmental legislation sets common conditions for the process and content of national permit-granting processes, thereby ensuring a high level of</p>	<p>(17) National permit-granting processes ensure that raw materials projects are safe, secure and comply with environmental, social and safety requirements. Union environmental legislation sets common conditions for the process and content of national permit-granting processes, thereby ensuring a high level of</p>	<p>(17) National permit-granting processes ensure that raw materials projects are safe, secure and comply with environmental, social and safety requirements. Union environmental legislation sets common conditions for the process and content of national permit-granting processes, thereby ensuring a high level of environmental protection and allowing for the</p>	<p>PL.</p> <p>(Comments):</p> <p>No remarks.</p> <p>SI:</p> <p>(Comments):</p> <p>BE:</p> <p>(Comments):</p> <p>(17) National or regional permit-granting processes ensure that raw materials</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	<p>environmental protection and allowing for the sustainable exploitation of the Union's potential along the raw materials value chain. Being granted the status of Strategic Project should therefore be without prejudice to any applicable permitting conditions for the relevant projects, including those set out in Directive 2011/92/EU of the European Parliament and of the Council¹, Council Directive 92/43/EEC², Directive 2000/60/EC³ of the European Parliament and of the Council, Directive 2010/75/EU⁴ of the European Parliament and of the Council and Directive 2004/35/CE⁵ of the European Parliament and of the Council, Directive 2009/147/EC⁶ of the European Parliament and of the Council, and Directive 2006/21/EC⁷ of the European Parliament and of the Council.</p> <p>1. Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1-21).</p> <p>2. Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206 22.7.1992, p. 7-50).</p> <p>3. Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework</p>	<p>environmental protection and allowing for the sustainable exploitation of the Union's potential along the raw materials value chain. Being granted the status of Strategic Project should therefore be without prejudice to any applicable permitting conditions for the relevant projects, including those set out in Directive 2011/92/EU of the European Parliament and of the Council¹, Council Directive 92/43/EEC², Directive 2000/60/EC³ of the European Parliament and of the Council, Directive 2010/75/EU⁴ of the European Parliament and of the Council and Directive 2004/35/CE⁵ of the European Parliament and of the Council, Directive 2009/147/EC⁶ of the European Parliament and of the Council, and Directive 2006/21/EC⁷ of the European Parliament and of the Council.</p> <p>1. Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1-21).</p> <p>2. Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206 22.7.1992, p. 7-50).</p> <p>3. Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework</p>	<p>sustainable exploitation of the Union's potential along the raw materials value chain. Being granted the status of Strategic Project should therefore be without prejudice to any applicable permitting conditions for the relevant projects, including those set out in Directive 2011/92/EU of the European Parliament and of the Council¹, Council Directive 92/43/EEC², Directive 2000/60/EC³ of the European Parliament and of the Council, Directive 2010/75/EU⁴ of the European Parliament and of the Council and Directive– 2004/35/CE⁵ of the European Parliament and of the Council, Directive 2009/147/EC⁶ of the European Parliament and of the Council, and Directive 2006/21/EC⁷ of the European Parliament and of the Council.</p> <p>1. [1] Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L- 26, 28.1.2012, p. 1-21).</p> <p>2. [2] Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206 22.7.1992, p. 7-50).</p> <p>3. [3] Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p.1-73).</p> <p>4. [4] Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)</p>	<p>projects are safe, secure and comply with environmental, social and safety requirements. Union environmental legislation sets common conditions for the process and content of national or regional permitting processes, thereby ensuring a high level of environmental protection and allowing for the sustainable exploitation of the Union's potential along the raw materials value chain. Being granted the status of Strategic Project should therefore be without prejudice to any applicable permitting conditions for the relevant projects, including those set out in Directive 2011/92/EU of the European Parliament and of the Council¹, Council Directive 92/43/EEC², Directive 2000/60/EC³ of the European Parliament and of the Council, Directive 2010/75/EU⁴ of the European Parliament and of the Council and Directive 2004/35/CE⁵ of the European Parliament and of the Council, Directive 2009/147/EC⁶ of the European Parliament and of the Council, and Directive</p>

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	<p>for Community action in the field of water policy (OJ L 327, 22.12.2000, p.1-73).</p> <p>4. Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17-119).</p> <p>5. ^[1] Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ L 143, 30.4.2004, p. 56-75).</p> <p>6. Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7-25).</p> <p>7. Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC - Statement by the European Parliament, the Council and the Commission (OJ L 102, 11.4.2006, p. 15-34).</p>	<p>for Community action in the field of water policy (OJ L 327, 22.12.2000, p.1-73).</p> <p>4. Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17-119).</p> <p>5. ^[1] Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ L 143, 30.4.2004, p. 56-75).</p> <p>6. Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7-25).</p> <p>7. Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC - Statement by the European Parliament, the Council and the Commission (OJ L 102, 11.4.2006, p. 15-34).</p>	<p>(OJ L 334, 17.12.2010, p. 17-119).</p> <p>5. ^[1][5] Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ L 143, 30.4.2004, p. 56-75).</p> <p>6. [6] Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7-25).</p> <p>7. [7] Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC - Statement by the European Parliament, the Council and the Commission (OJ L 102, 11.4.2006, p. 15-34).</p>	<p>2006/21/EC⁷ of the European Parliament and of the Council. _____1. [1] Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1-21).2. [2] Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206 22.7.1992, p. 7-50).3. [3] Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p.1-73).4. [4] Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17-119).5. ^[1][5] Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ L 143, 30.4.2004, p. 56-75).6. [6] Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7-25).7. [7] Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending</p>

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				Directive 2004/35/EC - Statement by the European Parliament, the Council and the Commission (OJ L 102, 11.4.2006, p. 15-34).
	<p>(18) At the same time, the unpredictability, complexity and, at times, excessive length of national permit-granting processes undermines the investment security needed for the effective development of strategic raw material projects. Therefore, in order to ensure and speed up their effective implementation, Member States should apply streamlined and predictable permitting procedure to Strategic Projects. To that end, Strategic Projects should be given priority status at national level to ensure rapid administrative treatment and urgent treatment in all judicial and dispute resolution procedures relating to them. This Regulation should not prevent competent authorities from streamlining permitting for other projects on the critical raw materials value chain that are not Strategic Projects.</p>	<p>(18) At the same time, the unpredictability, complexity and, at times, excessive length of national permit-granting processes undermines the investment security needed for the effective development of strategic raw material projects. Therefore, in order to ensure and speed up their effective implementation, Member States should apply streamlined and predictable permitting procedure to Strategic Projects. To that end, Strategic Projects should be given priority status at national level to ensure rapid administrative treatment and urgent treatment in all judicial and dispute resolution procedures relating to them. This Regulation should not prevent competent authorities from streamlining permitting for other projects on the critical raw materials value chain that are not Strategic Projects.</p>	<p>(18) At the same time, the unpredictability, complexity and, at times, excessive length of national permit-granting processes undermines the investment security needed for the effective development of strategic raw material projects. The structure and length of a permit granting process for relevant projects can also differ greatly between Member States. Therefore, in order to ensure and speed up their effective implementation, Member States should apply streamlined and predictable permitting procedureprocedures to Strategic Projects. To that end, Strategic Projects should, where they exist, be given priority status at national level to ensure rapid administrative treatment and urgent treatment in all judicial and dispute resolution procedures relating to them. This Regulation should not prevent competent authorities from streamlining permitting for other projects on the critical raw materials value chain that are not Strategic Projects.</p>	<p>PL. (Comments): We support the Council's proposal. SI: (Comments): AT: (Comments): We strongly advocate maintaining the Council position in this case (see also comments in Batch I regarding national contact points). IT: (Comments): Retain Council's position IE: (Comments): Retain Council Mandate PT: (Comments): We support the Council's mandate. BE: (Comments): (18) At the same time, the unpredictability, complexity and, at times, excessive length of national or regional permit-granting</p>

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				<p>processes undermines the investment security needed for the effective development of strategic raw material projects. The structure and length of a permit granting process for relevant projects can also differ greatly between Member States. Therefore, in order to ensure and speed up their effective implementation, Member States should apply streamlined and predictable permitting procedures to Strategic Projects. To that end, Strategic Projects should, where they exist, be given priority status at national level to ensure rapid administrative treatment and urgent treatment in all judicial and dispute resolution procedures relating to them. This Regulation should not prevent competent authorities from streamlining permitting for other projects on the critical raw materials value chain that are not Strategic Projects.</p>
28	(19) Given their role in ensuring the Union's security of supply for strategic raw materials, and their contribution to the Union's open	(19) Given their role in ensuring the Union's security of supply for strategic raw materials, and their contribution to the Union's open	(19) Given their role in ensuring the Union's security of supply for strategic raw materials, and their contribution to the Union's open strategic	<p>PL. (Comments): We support maintaining the Council's proposal.</p>

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	<p>strategic autonomy and the green and digital transition, Strategic Projects should be considered by the responsible permitting authority as being in the public interest. Strategic Projects which have an adverse impact on the environment, to the extent it falls under the scope of Directive 2000/60/EC, Council Directive 92/43/EEC and Directive 2009/147/EC¹ may be authorised where the responsible permitting authority concludes, based on its case-by-case assessment, that the public interest served by the project overrides those impacts, provided that all relevant conditions set out in those Directives are met. Where relevant, the case-by-case assessment should take into account the geological specificity of extraction sites, which constrains decisions on location.</p> <p>¹ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7–25).</p>	<p>strategic autonomy and the green and digital transition, Strategic Projects should be considered by the responsible permitting authority as being in the public interest and public security concern. Strategic Projects which have an adverse impact on the environment, to the extent it falls under the scope of Directive 2000/60/EC,– Council Directive 92/43/EEC and Directive 2009/147/EC¹ may be authorised where the responsible permitting authority concludes, based on its case-by-case assessment, that the public interest served by the project overrides those impacts, provided that all relevant conditions set out in those Directives are met. Where relevant, The case-by-case assessment should duly take into account the geological specificity of extraction sites, which constrains decisions on location due to the absence of alternative solutions to extraction sites.</p> <p>¹ [1] Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7–25 7).</p>	<p>autonomy and the green and digital transition, Strategic Projects should be considered by the responsible permitting authority as being in the public interest. Strategic Projects which have an adverse impact on the environment, to the extent it falls under the scope of Directive 2000/60/EC,– Council Directive 92/43/EEC and Directive 2009/147/EC¹, or in the [Nature Restoration Regulation] may be authorised where the responsible permitting authority concludes, based on its case-by-case assessment, that the public interest served by the project overrides those impacts, provided that all relevant conditions set out in those Directivesacts are met. Where relevant, the case-by-case assessment should take into account the geological specificity of extraction sites, which constrains decisions on location.</p> <p>¹ [1] Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7–25).</p>	<p>SI: (Comments):</p> <p>AT: (Comments): We support the additional wording proposed by the Rapporteur.</p> <p>IT: (Comments): We retain the position of the council. risks engaging in litigation and accentuating social opposition</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>FI: (Comments): FIN can support the last sentence in the EP mandate.</p> <p>PT: (Comments): We support the Council’s mandate and, for clarity, the EP’s text “due to the absence of alternative solutions to extraction sites.”</p>
30	(21) In order to ensure clarity	(21) In order to ensure clarity	(21) In order to ensure clarity about	PL.

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	<p>about the permitting status of Strategic Projects and to limit the effectiveness of potential abusive litigation, while not undermining effective judicial review, Member States should ensure that any dispute concerning the permit granting process for Strategic Projects is resolved in a timely manner. To that end, national competent authorities should ensure that applicants and project promoters have access to simple dispute settlement procedure and that Strategic Projects are granted urgent treatment in all judicial and dispute resolution procedures relating to the projects.</p>	<p>about the permitting status of Strategic Projects and to limit the effectiveness of potential abusive litigation, while not undermining effective judicial review, Member States should ensure that any dispute concerning the permit granting process for Strategic Projects is resolved in a timely manner. To that end, national competent authorities should ensure that applicants and project promoters have access to simple dispute settlement procedure and that Strategic Projects are granted urgent treatment in all judicial and dispute resolution procedures relating to the projects. In addition, this Regulation should facilitate the exchange of best practices to resolve disputes, such as ad hoc working groups under neutral arbiters to solve open issues.</p>	<p>the permitting status of Strategic Projects and to limit the effectiveness of potential abusive litigation, while not undermining effective judicial review, Member States should ensure that any dispute concerning the permit granting process for Strategic Projects is resolved in a timely manner. To that end, national competent authorities the Member States should ensure that applicants and project promoters have access to simple dispute settlement procedure and that Strategic Projects are granted urgent treatment in all judicial and dispute resolution procedures relating to the projects, if and to the extent, national law provides for such urgency procedures.</p>	<p>(Comments): We support the Council's proposal. SI: (Comments): AT: (Comments): We advocate maintaining the Council position in this case. IT: (Comments): Retain Council's position IE: (Comments): Prefer Council Mandate PT: (Comments): We support the Council's mandate. DK: (Comments): We should keep the Council text. It is Member states that can be required to ensure this and take the necessary steps, not the national competent authority. Important to maintain the text that this only applies insofar that national measures/procedures exist for this BE: (Comments): Ensuring that applicants and project promoters have</p>

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				<p>access to simple dispute settlement procedure is not a competence of competent authorities. It is a competence of national legislators. Sufficient to state that the member states must do what is necessary to ensure easy access. Council position must be upheld.</p> <p>SE:</p> <p>(Comments):</p> <p>It needs to be clear that it is to the extent to which national law provides for.</p>
31	<p>(22) In order to allow citizens and businesses to directly enjoy the benefits of the internal market without incurring an unnecessary additional administrative burden, Regulation (EU) 2018/1724 of the European Parliament and the Council¹, which established the Single Digital Gateway, provides for general rules for the online provision of information, procedures and assistance services relevant for the functioning of the internal market. The information requirements and procedures covered by this Regulation should comply with the requirements of Regulation (EU)</p>	<p>(22) In order to allow citizens and businesses to directly enjoy the benefits of the internal market without incurring an unnecessary additional administrative burden, Regulation (EU) 2018/1724 of the European Parliament and the Council¹, which established the Single Digital Gateway, provides for general rules for the online provision of information, procedures and assistance services relevant for the functioning of the internal market. The information requirements and procedures covered by this Regulation should comply with the requirements of Regulation (EU)</p>	<p>(22) In order to allow citizens and businesses to directly enjoy the benefits of the internal market without incurring an unnecessary additional administrative burden, Regulation (EU) 2018/1724 of the European Parliament and the Council¹, which established the Single Digital Gateway, provides for general rules for the online provision of information, procedures and assistance services relevant for the functioning of the internal market. The information requirements and procedures covered by this Regulation should comply with the requirements of Regulation (EU) 2018/1724. In particular, it should be ensured that project promoters of Strategic Project can access and complete any procedure related to the</p>	<p>SI:</p> <p>(Comments):</p>

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	<p>2018/1724. In particular, it should be ensured that project promoters of Strategic Project can access and complete any procedure related to the permit granting process fully online, in line with Article 6(1) of and Annex II to Regulation (EU) 2018/1724.</p> <p>1. Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1-38).</p>	<p>2018/1724. In particular, it should be ensured that project promoters of Strategic Project can access and complete any procedure related to the permit granting process fully online, in line with Article 6(1) of and Annex II to Regulation (EU) 2018/1724.</p> <p>1. Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1-38).</p>	<p>permit granting process fully online, in line with Article 6(1) of and Annex II to Regulation (EU) 2018/1724.</p> <p>1. [1] Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1-38).</p>	
32	<p>(23) In order to provide project promoters and other investors with the security and clarity needed to increase development of Strategic Project, Member States should ensure that the permit granting process related to such projects does not exceed pre-set time limit. For Strategic Projects involving only processing or recycling, the length of the permit granting process should not exceed 1 year. However, for Strategic Projects that involve extraction the length of the permit granting process should, considering the</p>	<p>(23) In order to provide project promoters and other investors with the security and clarity needed to increase development of Strategic Project, Member States should ensure that the permit granting process related to such projects does not exceed pre-set time limit. For Strategic Projects involving only processing or recycling, the length of the permit granting process should not exceed 1 year. However, for Strategic Projects that involve extraction the length of the permit granting process should, considering the</p>	<p>(23) In order to provide project promoters and other investors with the security and clarity needed to increase development of Strategic ProjectProjects, Member States should ensure that the permit granting process related to such projects does not exceed pre-set time limit. For Strategic Projects involving only processing or recycling, the length of the permit granting process should not exceed 1 year. However, For Strategic Projects that involve extraction the length of the permit granting process should, considering the complexity and extent of the potential impacts involved, not exceed 2 years.</p>	<p>PL. (Comments): We support the Council's proposal. We support the provisions of not including an environmental impact assessment in the permitting deadlines. Furthermore, we support the provisions that in exceptional cases related to the nature, complexity, location or size of a proposed project, Member States should be allowed to extend the deadlines. We maintain the comment that the current deadlines are too short to be achievable. Moreover, the</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	<p>complexity and extent of the potential impacts involved, not exceed 2 years. To effectively achieve those time limits, Member States should ensure that the responsible authorities have sufficient resources and personnel. Through the Technical Support Instrument, the Commission supports Member States, upon their request, in designing, developing and implementing reforms including the strengthening the administrative capacity related to national permitting.</p>	<p>complexity and extent of the potential impacts involved, not exceed 2 years. To effectively achieve those time limits, Member States should ensure that the responsible authorities have sufficient resources and personnel. Through the Technical Support Instrument, the Commission supports Member States, upon their request, in designing, developing and implementing reforms including the strengthening the administrative capacity related to national permitting.</p>	<p>However, the first two steps of the environmental impact assessment within the Environmental Impact assessment Directive (2011/92/EU) are often predominantly performed by the project promoter. As these steps also includes consultation with the public, which is directly linked to public acceptance, it is important that sufficient time is given. These steps should therefore not be integrated in the timelines which the Member States are bound upon as referred to in the permit granting process. In addition, in exceptional cases related to the nature, complexity, location or size of the proposed project, Member States should be able to extend the timelines. Such exceptional cases could include unforeseen circumstances triggering the need to add to or complete environmental assessments related to the project.</p> <p>To effectively achieve those time limits, Member States should ensure that the responsible authorities have sufficient resources and personnel. Through the Technical Support Instrument, set up under Regulation (EU) 2021/240, the Commission supportssshould support Member States, upon their request, in designing, developing and implementing reforms including the strengthening the administrative capacity related to national permitting,</p>	<p>duration of such proceedings is influenced by many independent factors, including the type of mineral, the method of exploitation, the environmental impact, and the public's favourability for such activities. Thus, the rigid timeframes proposed by the Council without taking into account the multifaceted nature of the permitting issue will not be achievable.</p> <p>SI: (Comments):</p> <p>AT: (Comments): We advocate maintaining the Council position in this case.</p> <p>IT: (Comments): Retain Council's position regarding to the timing and issues of the Environmental Impact procedure..</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>FI: (Comments): FI strongly supports the Council's proposal not to integrate the first two steps of the EIA procedure in the duration of the permit granting process. See also</p>

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			such as the designated contact point.	<p>comments on Article 10(2a). PT: (Comments): We support the Council's mandate. BE: (Comments): <u>Environmental assessments</u>:Council Position must be upheld. This more closely reflects the reality on the ground. <u>Rationale</u> :BE request that the environmental assessments must not be included entirely in the permit granting process. The environmental assessment information including the environmental impact assessment report pursuant to article 5.1 of Directive 2011/92/EU must be part of the application for a permit and is a matter of completeness of the application. It follows that the screening, the scoping and the preparation of the environmental impact assessment information must be kept out of the permit granting process and its time periode. Those stages of the environmental assessment are predominantly performed by the project promoter and the pace of performance by</p>

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				<p>project promotor may not impact on the term competent authorities have to carry out the permit process and take the decision.</p> <p>FR:</p> <p>(Comments):</p> <p>In line with its position for Article 10 (2a) and in a spirit of compromise, France supports the exclusion of only the first step of the environmental impact assessment within the Environmental Impact assessment Directive (2011/92/EU). Moreover, it would harmonized the CRM Act with the NZIA.</p> <p>Therefore, France wants to explicitly exclude only the first step and suppress the mention to the second step with the following writing:</p> <p>“However, the first two steps of the environmental impact assessment within the Environmental Impact assessment Directive (2011/92/EU) are often predominantly performed by the project promoter.</p> <p>SE:</p> <p>(Comments):</p> <p>SE supports Council mandate.</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	<p>(24) The environmental assessments and authorisations required under Union law, including in relation to water, habitats and birds, are an integral part of the permit granting process for a raw material project and an essential safeguard to ensure that negative environmental impacts are prevented or minimised. However, in order to ensure that the permit granting processes for Strategic Projects are predictable and timely, any potential to streamline the required assessments and authorisations while not lowering the level of environmental protection should be realised. In that regard, it should be ensured that the necessary assessment are bundled to prevent unnecessary overlap and it should be ensured that project promoters and responsible authorities explicitly agree on the scope of the bundled assessment before it is implemented to prevent unnecessary follow-up.</p>	<p>(24) The environmental assessments and authorisations required under Union law, including in relation to water, habitats and birds, are an integral part of the permit granting process for a raw material project and an essential safeguard to ensure that negative environmental impacts are prevented or minimised. However, in order to ensure that the permit granting processes for Strategic Projects are predictable and timely, any potential to streamline and do not exceed the pre-set time limit for a particular stage in the permit granting process, streamlining the required assessments and authorisations while not lowering the level of environmental protection should be realised. In that regard, it should be ensured that the necessary assessment are bundled to prevent unnecessary overlap and it should be ensured that project promoters and responsible authorities explicitly agree on the scope of the bundled assessment before it is implemented to prevent unnecessary follow-up, without prejudice to the quality of those assessments.</p>	<p>(24) The environmental assessments and authorisations required under Union law, including in relation to water, soil, habitats and birds, are an integral part of the permit granting process for a raw material project and an essential safeguard to ensure that negative environmental impacts are prevented or minimised. However, in order to ensure that the permit granting processes for Strategic Projects are predictable and timely, any potential to streamline the required assessments and authorisations while not lowering the level of environmental protection should be realised. In that regard, it should be ensured that the necessary assessment assessments are bundled to prevent unnecessary overlap and it should be ensured that project promoters and responsible authorities explicitly agree on the scope of the bundled assessment before it is implemented to prevent unnecessary follow-up.</p>	<p>PL. (Comments): We support the Council's proposal in par. 32 that the environmental impact assessment should not be counted against the permitting deadlines.. SI: (Comments): AT: (Comments): We advocate maintaining the Council position in this case. IT: (Comments): Retain Council's position IE: (Comments): Prefer Council Mandate FI: (Comments): FIN supports the council mandate but can be flexible towards adding a mention of “without prejudice to the quality of those assessments” to the last sentence. PT: (Comments): We support the Council's mandate. BE: (Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>Delete 'integral': <i>The environmental assessments and authorisations required under Union law, including in relation to water, habitats and birds, are an integral part of the permit granting process for a raw material project</i></p> <p>Rationale :BE request that the environmental assessments must not be included entirely in the permit granting process. The environmental assessment information including the environmental impact assessment report pursuant to article 5.1 of Directive 2011/92/EU must be part of the application for a permit and is a matter of completeness of the application. It follows that the screening, the scoping and the preparation of the environmental impact assessment information must be kept out of the permit granting process and its time periode. Those stages of the environmental assessment are predominantly performed by the project</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>promoter and the pace of performance by project promotor may not impact on the term competent authorities have to carry out the permit process and take the decision.</p> <p>SE: (Comments): What does “particular stage” refer to? EP: By whom should it be ensured?</p>
34	<p>(25) Land use conflicts can create barriers to the deployment of critical raw material projects. Well-designed plans, including spatial plans and zoning, that take into account the potential for implementing critical raw material projects and whose potential environmental impacts are assessed, have the potential to help balance public goods and interests, decreasing the risk of conflict and accelerating the sustainable deployment of raw materials projects in the Union. Responsible national, regional and local authorities should therefore consider including provisions for raw materials projects when developing relevant plans.</p>	<p>(25) Land use conflicts can create barriers to the deployment of critical raw material projects notably in developing countries, where forced eviction is a common feature of mining operations. Well-designed plans, which are based on close and justified cooperation of the relevant competent authorities on national, regional and local level, including spatial plans and zoning, that take into account the potential for implementing critical raw material projects and whose potential environmental impacts are assessed, have the potential to help balance public goods and interests, decreasing the risk of conflict and</p>	<p>(25) Land use conflicts can create barriers to the deployment of critical raw material projects. Well-designed plans, including spatial plans and zoning, that take into account the potential for implementing critical raw material projects and whose potential environmental impacts are assessed, have the potential to help balance public goods and interests, decreasing the risk of conflict and accelerating the sustainable deployment of raw materials projects in the Union. Responsible national, regional and local authorities should therefore be encouraged to consider including provisions for raw materials projects when developing relevant plans.</p>	<p>PL. (Comments): We support the Council's provision.</p> <p>SI: (Comments):</p> <p>AT: (Comments): We advocate maintaining the Council position in this case.</p> <p>IT: (Comments): We are flexible</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>FI: (Comments): FIN can be flexible here.</p> <p>PT:</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
		<p>accelerating the sustainable deployment of raw materials projects in the Union and in third countries. Responsible national, regional and local authorities should therefore consider including– provisions for raw materials projects when developing relevant plans.</p>		<p>(Comments): We support the Council’s mandate. BE: (Comments): It makes little sense to include references to third countries when the point is aimed at projects in the EU. SE: (Comments): SE supports Council mandate.EP: What does “close and justified cooperation mean”?</p>
35	<p>(26) Within the Union, critical raw materials projects often face difficulties with access to finance. Critical raw materials markets are often characterised by high volatility of prices, long lead times, high concentration and opacity. Additionally, financing for the sector requires a high level of expert knowledge that is often lacking among financial institutions. To overcome these factors and contribute towards ensuring a stable and reliable supply of strategic raw materials, Member States and the Commission should assist in access to finance and administrative support.</p>	<p>(26) Within the Union, critical raw materials projects often face difficulties with access to finance. Critical raw materials markets are often characterised by high volatility of prices, long lead times, high concentration and opacity. Additionally, financing for the sector requires a high level of expert knowledge and financial instruments aiming to de-risk investments, such as raw materials funds, tax breaks, financial guarantees, grants or other risk-mitigation financial measures that are that is often lacking among financial institutions. To overcome these factors and contribute towards</p>	<p>(26) Within the Union, critical raw materials projects often face difficulties with access to finance. Critical raw materials markets are often characterised by high volatility of prices, long lead times, high concentration and opacity. Additionally, financing for the sector requires a high level of expert knowledge that is often lacking among financial institutions. To overcome these factors and contribute towards ensuring a stable and reliable supply of strategic raw materials, Member States and the Commission should assist in access to finance and administrative support.</p>	<p>PL. (Comments): Support for the Commission's proposal and the Council. The Regulation should not impose an obligation on Member States to finance projects in order to reduce investment risks. SI: (Comments): AT: (Comments): We strongly advocate maintaining the Council position in this case. From a legal point of view, there is no basis of EU competence for the determination of state</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
		<p>ensuring a stable and reliable supply of strategic raw materials, Member States and the Commission should tackle hurdles in terms of policies and assist in access to finance and administrative support. Member States should take into account environmental, social and labour commitments taken by the relevant project promoters when deciding on financial support. In order to be competitive, innovative and resilient, as well as to be able to ramp up its production, processing and recycling as well as substitution capacities, the critical raw materials sector needs to access both public and private financing. In its urgency to act and in order to achieve the benchmarks set out in this Regulation, it is equally important to ensure that other horizontal policies, such as initiatives on sustainable finance, remain consistent with the Union's efforts to facilitate the Union's critical raw materials industry's sufficient access to finance and investment.</p>		<p>subsidies in an EU legal act. The granting of a state guarantee should be reserved for national law alone and can only take place in compliance with EU state aid law anyways. The additional wording proposed by the Rapporteur would therefore possibly set a precedent for other future legal acts.</p> <p>IT: (Comments): We are flexible with EP</p> <p>IE: (Comments): Prefer Council MandateFinancial guarantees not accepted</p> <p>PT: (Comments): We support the EP's amendment.</p> <p>BE: (Comments): BE prefers to keep the wording of the Council's general approach</p> <p>FR: (Comments): France can accept the EP proposal.</p> <p>SK: (Comments): Here we support the EP position regarding access to</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>finance and de-risking of investments. It is equally important not only to prepare a coherent EU policy on raw materials and shorten the permitting and licensing, but also to shift the investors' mood and stimulate their appetite for investments into CRM/SRM projects.</p> <p>Proposed wording:(26)</p> <p>Within the Union, critical raw materials projects often face difficulties with access to finance. Critical raw materials markets are often characterised by high volatility of prices, long lead times, high concentration and opacity. Additionally, financing for the sector requires a high level of expert knowledge and financial instruments aiming to de-risk investments, such as raw materials funds, tax breaks, financial guarantees, grants or other risk-mitigation financial measures that arethat is often lacking among financial institutions. To overcome these factors and contribute towards ensuring a stable and reliable supply of strategic raw materials, Member States and</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>the Commission should tackle hurdles in terms of policies and assist in access to finance and administrative support. Member States should take into account environmental, social and labour commitments taken by the relevant project promoters when deciding on financial support. In order to be competitive, innovative and resilient, as well as to be able to ramp up its production, processing and recycling as well as substitution capacities, the critical raw materials sector needs to access both public and private financing. In its urgency to act and in order to achieve the benchmarks set out in this Regulation, it is equally important to ensure that other horizontal policies, such as initiatives on sustainable finance, remain consistent with the Union's efforts to facilitate the Union's critical raw materials industry's sufficient access to finance and investment.</p>
36	(27) A strong value chain in Europe can be built only with	(27) A strong value chain in Europe can be built only with	(27) A strong European value chain in Europe can be built only is	PL. (Comments):

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	<p>adequate financial means. The Commission will work with InvestEU implementing partners to seek ways to scale up support to investment in line with the common objectives set out in Regulation (EU) 2021/523¹ and in this Regulation. The InvestEU Advisory Hub can contribute to the build-up of pipeline of viable projects.</p> <p>1. Regulation (EU) 2021/523 of the European Parliament and of the Council of 24 March 2021 establishing the InvestEU Programme and amending Regulation (EU) 2015/1017 (OJ 64, 26.3.2021, p. 30-89)</p>	<p>adequate financial means. The Commission will work with InvestEU implementing partners to seek ways to scale up support to investment in line with the common objectives set out in Regulation (EU) 2021/523¹ and in this Regulation. The InvestEU Advisory Hub can contribute to the build-up of pipeline of viable projects.</p> <p>1. Regulation (EU) 2021/523 of the European Parliament and of the Council of 24 March 2021 establishing the InvestEU Programme and amending Regulation (EU) 2015/1017 (OJ 64, 26.3.2021, p. 30-89)</p>	<p>necessary to ensure security of supply to safeguard the functioning of the internal market and increasing capacities can only be achieved with adequate financial means, part of which can come from existing Union funds. Critical raw materials projects, including Strategic Projects, could be eligible for support from such funds if the requirements of the respective programmes are met, for example related to geographical location, the environment or their contribution to innovation. The relevant funds comprise cohesion policy programmes, such as the European Regional Development fund, whose allocation of grant to promote regional cohesion may enable SMEs to develop innovative projects, for instance linked to the reduction of energy consumption in the processing of raw materials. The Just Transition Fund can also be used to support such type of projects to the extent that they contribute to reducing the social and economic costs brought by the green transition. In addition, the Recovery and Resilience Facility, particularly its RePowerEU chapter which focuses on energy security and diversification of energy supply, can be mobilised to support projects involved, for instance, in the recycling or recovery of raw</p>	<p>We support the Council's proposal. The indication of concrete financing possibilities is a good step and meets the expectations of the Member States.</p> <p>SI: (Comments):</p> <p>AT: (Comments): In terms of clarity of wording, we strongly advocate maintaining the Council position in this case.</p> <p>IT: (Comments): Retain Council's position. In the field of mining, it is also necessary to encourage basic mining research without which new strategic projects cannot be arrived at. Innovation must also include innovative exploration and exploitation techniques, such as Biominig and extraction of elements from geothermal fluids</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>PT: (Comments): We support the Council's mandate. Although we do not see this recital reflected in</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
			<p>materials. The Innovation Fund, whose objective is notably to drive clean and innovative technologies towards the market, may provide grants, for instance, to enable the development of recycling capacity of raw materials related to low carbon technologies. Furthermore, InvestEU is the Union's flagship programme for boosting investment, especially in the green and digital transition, by providing financing and technical assistance. Through the use of blending mechanisms, InvestEU contributes to the crowding-in of additional public and private capital. The Commission will work with InvestEU implementing partners to seek ways to scale up support to and investment in relevant projects, in line with the common objectives set out in Regulation (EU) 2021/523¹ and in this Regulation. The InvestEU Advisory Hub can contribute Lastly, projects in third countries contributing to the build-up of pipeline of viable projects diversification of Union's supply may be supported through relevant funds, such as the Neighbourhood, Development and International Cooperation Instrument, and the European Fund for Sustainable Development Plus.</p> <p><small>1. Regulation (EU) 2021/523 of the European Parliament and of the Council of 24 March 2021 establishing the InvestEU Programme</small></p>	<p>any article of this Regulation. The mention of "investment in relevant projects" would need to be defined.</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
			and amending Regulation (EU) 2015/1017 (OJ 64, 26.3.2021, p. 30-89)	
36a		<p>(27a) This Regulation should enhance synergies with actions currently supported by the Union and Member States through programmes and actions in research and innovation (R&I) in relation to critical raw materials and in developments of part of the supply chain, in particular the Horizon Europe Framework Programme established by Regulation (EU) 2021/695 of the European Parliament and of the Council¹ (Horizon Europe) and Council Decision (EU) 2021/764².</p> <p>¹. Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 (OJ L 170, 12.5.2021, p. 1).</p> <p>². Council Decision (EU) 2021/764 of 10 May 2021 establishing the Specific Programme implementing Horizon Europe – the Framework Programme for Research and Innovation, and repealing Decision 2013/743/EU (OJ L 167I, 12.5.2021, p. 1).</p>		<p>PL. (Comments): Support for the Parliament's proposals.</p> <p>AT: (Comments): We very much support the addition proposed by the Rapporteur.</p> <p>IT: (Comments): We are flexible with EP. Research is also essential in mining as is the adoption of innovative techniques for extracting and processing mined minerals</p> <p>IE: (Comments): Support European Parliament text</p> <p>PT: (Comments): We support the EP's amendment.</p> <p>FR: (Comments): France can accept this EP proposal.</p> <p>SE: (Comments): SE can be flexible.</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	<p>(28) In order to overcome the limitations of the currently often fragmented public and private investments efforts, facilitate integration and return on investment, the Commission, Member States and promotional banks should better coordinate and create synergies between the existing funding programmes at Union and national level as well as ensure better coordination and collaboration with industry and key private sector stakeholders. To that end, a dedicated sub-group of the Board bringing together experts from the Member States and the Commission as well as relevant public financial institutions should be set up. This sub-group should discuss the individual financing needs of Strategic Projects and their existing funding possibilities in order to provide project promoters with a suggestion on how to best access existing financing possibilities. When discussing and making recommendations for the financing of Strategic Projects in third countries, the Board should in particular take into account the Global Gateway strategy¹.</p> <p>¹. Joint Communication to the European Parliament, the Council, the European</p>	<p>(28) In order to overcome the limitations of the currently often fragmented public and private investments efforts, facilitate integration and return on investment, the Commission, Member States and promotional banks should better coordinate and create synergies between the existing funding programmes at Union and national level as well as ensure better coordination and collaboration with industry and key private sector stakeholders. To that end, a dedicated sub-group of the Board bringing together experts from the Member States and the Commission as well as relevant public financial institutions should be set up. This sub-group should discuss the individual financing needs of Strategic Projects and their existing funding possibilities in order to provide project promoters with a suggestion on how to best access existing financing possibilities. When discussing and making recommendations for the financing of Strategic Projects in third countries including emerging markets and developing countries, the Commission and, the Board, in cooperation with the potential</p>	<p>(28) In order to overcome the limitations of the currently often fragmented public and private investments efforts, facilitate integration and return on investment, the Commission, Member States and promotional banks should better coordinate and create synergies between the existing funding programmes at Union and national level as well as ensure better coordination and collaboration with industry and key private sector stakeholders. To that end, a dedicated sub-group of the Board bringing together experts from the Member States and the Commission as well as relevant public financial institutions should be set up. This sub-group should discuss the individual financing needs of Strategic Projects and their existing funding possibilities in order to provide project promoters with a suggestion on how to best access existing financing possibilities. When discussing and making recommendations for the financing of Strategic Projects in third countries, the Board should in particular take into account the Global Gateway strategy¹.</p> <p>¹. Joint Communication to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank The Global Gateway (JOIN/2021/30 final).</p>	<p>PL. (Comments): We support the Council's proposal. SI: (Comments):</p> <p>DE: (Comments): We support the EP addition with reference to the Global Gateway strategy AT: (Comments): As already underlined throughout Batch I, we very much welcomed additional strengthened wording by the Rapporteur regarding the Global Gateway Strategy. For this reason, we very much support the amendments proposed by the Rapporteur in this case. IT: (Comments): Retain Council's position PT: (Comments): We support the Council's mandate.</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	Economic and Social Committee, the Committee of the Regions and the European Investment Bank The Global Gateway (JOIN/2021/30 final).	<p>partner countries should in particular take into account make Strategic Projects a priority under the Global Gateway strategy, and coordinate with national and international development finance institutions^{1. 1}.</p> <p>1. [1] Joint Communication to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank The Global Gateway (JOIN/2021/30 final).</p>		
37a		<p>(28a) Continuous efforts at Union and national level are needed to foster and support R&I regarding critical raw materials, as fundamental research will be key to discover new materials and substitute materials.</p>		<p>PL. (Comments): We support the Parliament's proposal . Geological surveys are the first step to reduce investment risks. HR: (Comments): We agree in principle, however, the Republic of Croatia does not have deposits of strategic/mineral raw materials, and due to the geological structure of the Republic of Croatia, there are no indications that strategic projects could be launched that would result in the potential discovery of deposits of strategic/critical mineral raw materials.</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>AT: (Comments): We very much support the additional wording proposed by the Rapporteur.</p> <p>IT: (Comments): We are flexible with EP</p> <p>IE: (Comments): We support the principle expressed in 28a European Parliament text</p> <p>FI: (Comments): FIN can be flexible here.</p> <p>PT: (Comments): We can support the EP's amendment.</p> <p>BE: (Comments): OK with EP but does not add much</p> <p>FR: (Comments): France can accept this EP proposal.</p> <p>SE: (Comments): SE can be flexible.</p>
38	(29) Private investment by companies, financial investors and off takers is essential. Where	(29) Private investment by companies, financial investors and off takers is essential. Where	(29) Private investment by companies, financial investors and off takers is essential. Where private	<p>PL. (Comments): We support the Parliament's proposal . The creation of a</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	<p>private investment alone is not sufficient, the effective roll-out of projects along the critical raw material value chain may require public support, for example in the form of guarantees, loans or equity and quasi-equity investments. This public support may constitute State aid. Such aid must have an incentive effect and be necessary, appropriate and proportionate. The existing State aid guidelines, which have recently undergone an in-depth revision in line with twin transition objectives, provide ample possibilities to support investments along the critical raw materials value chain subject to certain conditions.</p>	<p>private investment alone is not sufficient, the effective roll-out of projects along the critical raw material value chain may require public support, for example in the form of guarantees, loans or equity and quasi-equity investments. This public support may constitute State aid. Such aid must have an incentive effect and be necessary, appropriate and proportionate. The existing State aid guidelines, which have recently undergone an in-depth revision in line with twin transition objectives, provide ample possibilities to support investments along the critical raw materials value chain and other objectives under the European Green Deal subject to certain conditions. The Commission should further consider the possibility of setting up a dedicated fund at Union level, for example in the form of a European Fund for Strategic Raw Materials including considering revolving instruments, or of earmarking of financial support through reprioritisation of funds under the Multiannual Financial Framework. Already existing knowledge, investment platforms and pipelines regarding critical raw</p>	<p>investment alone is not sufficient, the effective roll-out of projects along the critical raw material value chain may require public support, for example in the form of guarantees, loans or equity and quasi-equity investments. This public support may constitute State aid. Such aid mustshould have an incentive effect and be necessary, appropriate and proportionate. The existing State aid guidelines, which have recently undergone an in-depth revision in line with twin transition objectives, provide ample possibilities to support investments along the critical raw materials value chain subject to certain conditions.</p>	<p>dedicated fund will make it easier to apply for possible funding for projects.</p> <p>SI: (Comments):</p> <p>DE: (Comments): We reject the supplement proposed by the European Parliament regarding the possibility of setting up a new fund for new financial support. It would prejudice the ongoing discussion on the revision of the MFF which includes the reprioritisation of funds. [The Commission should further consider the possibility of setting up a dedicated fund at Union level, for example in the form of a European Fund for Strategic Raw Materials including considering revolving instruments, or of earmarking of financial support through reprioritisation of funds under the Multiannual Financial Framework. Already existing knowledge, investment platforms and pipelines regarding critical raw materials projects should</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
		materials projects should be used in that context.		<p>be used in that context.</p> <p>AT:</p> <p>(Comments):</p> <p>We generally advocate maintaining the Council position in this case, but, suggest the following wording: (29) Private investment by companies, financial investors and off takers is essential. Where private investment alone is not sufficient, the effective roll-out of projects along the critical raw material value chain may require public support, for example in the form of guarantees, loans or equity and quasi-equity investments. This public support may constitute State aid. Such aid mustshould have an incentive effect and be necessary, appropriate and proportionate. The existing State aid guidelines, which have recently undergone an in-depth revision in line with twin transition objectives, provide ample possibilities to support investments along the critical raw materials value chain subject to certain conditions. The Commission should further consider the possibility of setting up a dedicated fund at Union</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>level, for example in the form of a European Fund for Strategic Raw Materials including considering revolving instruments, or of earmarking of financial support through reprioritisation of funds under the Multiannual Financial Framework. Already existing knowledge, investment platforms and pipelines regarding critical raw materials projects should be used in that context.</p> <p>IT: (Comments): We are flexible with EP</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>PT: (Comments): We support the Council's mandate, but we agree with the view that the Critical Raw Materials Act lacks a solid EU-level funding instrument.</p> <p>DK: (Comments): The European Parliament text is problematic - It is not clear how a "dedicated Fund" would be differentiated from</p>

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				<p>STEP (and if it is not, it would be better to refer to SPTE), and at any rate major policy initiatives should not be presented like this as an ad hoc addition into a recital to another legal proposal. There are also important questions about where the funding would come from etc. that would need to be settled. So this proposed text cannot be accepted.</p> <p>FR: (Comments):</p>
39	<p>(30) Public support is used to address specific identified market failures or sub-optimal investment situations in a proportionate manner, and actions should not duplicate or crowd out private financing or distort competition in the internal market. Actions should have a clear added value for the Union.</p>	<p>(30) Public support is used to address specific identified market failures or sub-optimal investment situations in a proportionate manner, and actions should not duplicate or crowd out private financing, impede cooperation between companies from different Member States, or distort competition in the internal market. Actions should be targeted and efficient and have a clear added value for the Union.</p>	<p>(30) Public support is used to address specific identified market failures or sub-optimal investment situations in a proportionate manner, and actions should not duplicate or crowd out private financing or distort competition in the internal market. Actions should have a clear added value for the Union.</p>	<p>PL. (Comments): No comments for each proposal.</p> <p>SI: (Comments):</p> <p>AT: (Comments): We very much support the amendments proposed by the Rapporteur.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>PT:</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				(Comments): We can agree with the EP's amendment.
	(31) The volatile prices of several strategic raw materials, exacerbated by limited means to hedge them on forward markets, create an obstacle both for project promoters to secure financing for strategic raw material projects as well as for downstream consumers looking to secure stable and predictable prices for key inputs. In an effort to reduce uncertainty over future prices for strategic raw materials, it is necessary to provide for the setting up of a system that enables both interested off-takers and promoters of Strategic Projects to indicate their buying or selling bids and to bring them in contact if the respective bids are potentially compatible.	(31) The volatile prices of several strategic raw materials, exacerbated by limited means to hedge them on forward markets, create an obstacle both for project promoters to secure financing for strategic raw material projects as well as for downstream consumers looking to secure stable and predictable prices for key inputs. In an effort to reduce uncertainty over future prices for strategic raw materials, it is necessary to— provide for the setting up of a system that enables both interested off-takers and promoters of Strategic Projects to indicate their buying or selling bids and to bring them in contact if the respective bids are potentially compatible. Such a system is essential to foster the participation of SMEs in the value chains of strategic raw materials. Support should be provided to enable business consortia to access markets that are not yet covered by a Strategic Partnership or a free trade agreement.	(31) The volatile prices of several strategic raw materials, exacerbated by limited means to hedge them on forward markets, create an obstacle both for project promoters to secure financing for strategic raw material projects as well as for downstream consumers looking to secure stable and predictable prices for key inputs. In an effort to reduce uncertainty over future prices for strategic raw materials and thereby limit supply risk to safeguard the functioning of the internal market , it is necessary to provide for the setting up of a system that enables both interested off-takers and promoters of Strategic Projects to indicate their buying or selling bids and to bring them in contact if the respective bids are potentially compatible.	PL. (Comments): No comments for each proposal. SI: (Comments): AT: (Comments): We generally advocate maintaining the Council position in this case, but, suggest the following wording: (31) The volatile prices of several strategic raw materials, exacerbated by limited means to hedge them on forward markets, create an obstacle both for project promoters to secure financing for strategic raw material projects as well as for downstream consumers looking to secure stable and predictable prices for key inputs. In an effort to reduce uncertainty over future prices for strategic raw materials and thereby limit supply risk to safeguard the functioning of the internal market , it is necessary to provide for the setting up of a

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>system that enables both interested off-takers and promoters of Strategic Projects to indicate their buying or selling bids and to bring them in contact if the respective bids are potentially compatible. Such a system is essential to foster the participation of SMEs in the value chains of strategic raw materials. Support should be provided to enable business consortia to access markets that are not yet covered by a Strategic Partnership or a free trade agreement.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>PT: (Comments): We support the EP's amendment.</p>
40a		<p>(31a) The European Investment Bank should, in agreement with the Board, the Commission and the Member States, explore setting up an EU Export Credit Facility that enables Union undertakings to</p>		<p>PL. (Comments): We support the Parliament's proposal .</p> <p>AT: (Comments): We support this addition proposed by the Rapporteur.</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
		invest in projects that contribute to achieving the targets set in this Regulation.		<p>IT: (Comments): We are flexible with EP</p> <p>PT: (Comments): The EP's amendment is worth exploring, safeguarding security risks that can result from outbound investments.</p> <p>DK: (Comments): Not appropriate to introduce legal text in this regulation that will oblige Member States to explore setting up an EU expert credit facility.</p> <p>BE: (Comments): Interesting, but we'd like more information on what the EU Export Credit Facility covers. We'd like to get a better idea of the impact this could have at European level.</p> <p>FR: (Comments): France can accept this EP proposal.</p>
72	(63) To the extent that any of the measures envisaged by the present Regulation constitute State aid, the provisions concerning such measures are without prejudice to the	(63) To the extent that any of the measures envisaged by the present Regulation constitute State aid, the provisions concerning such measures are without prejudice to the	(63) To the extent that any of the measures envisaged by the present Regulation constitute State aid, the provisions concerning such measures are without prejudice to the application of Articles 107 and 108 of	<p>PL. (Comments): No comments for each proposal.</p> <p>SI: (Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	application of Articles 107 and 108 the Treaty.	application of Articles 107 and 108 of the Treaty.	the Treaty.	
88	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	SI: (Comments):
89	For the purposes of this Regulation, the following definitions shall apply:	For the purposes of this Regulation, the following definitions shall apply:	For the purposes of this Regulation, the following definitions shall apply:	SI: (Comments):
90	(1) 'raw material' means a substance in processed or unprocessed state used as an input for the manufacturing of intermediate or final products, excluding substances predominantly used as food, feed or combustion fuel;	(1) 'raw material' means a substance in processed or unprocessed state used as an input for the manufacturing of intermediate or final products, excluding substances predominantly used as food, feed or combustion fuel;	(1) 'raw material' means a substance in processed or unprocessed state used as an input for the manufacturing of intermediate or final products, excluding substances predominantly used as food, feed or combustion fuel;	PL. (Comments): No remarks. SI: (Comments):
91	(2) 'critical raw materials' means the raw materials as defined in Article 4;	(2) 'critical raw materials' means the raw materials as defined in Article 4;	(2) 'critical raw materials' means the raw materials as defined in Article 4;	PL. (Comments): No remarks. SI: (Comments):
92	(3) 'strategic raw materials' means the raw materials as defined in Article 3;	(3) 'strategic raw materials' means the raw materials as defined in Article 3;	(3) 'strategic raw materials' means the raw materials as defined in Article 3;	PL. (Comments): No remarks. SI:

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				(Comments):
93	(4) 'raw materials value chain' means all activities and processes involved in the exploration, extraction, processing and recycling of raw materials;	(4) 'raw materials value chain' means all activities and processes involved in the exploration, extraction, processing and recycling of raw materials;	(4) 'raw materials value chain' means all activities and processes involved in the exploration, extraction, processing and recycling of raw materials;	PL. (Comments): No remarks. SI: (Comments):
95	(6) 'extraction' means the primary extraction of ores, minerals and plant products from their original source, including from a mineral occurrence underground, mineral occurrence under water, sea brine and trees;	(6) 'extraction' means the primary or secondary extraction of ores, minerals and plant products from their original source as a main product or as a by-product , including from a mineral occurrence underground, mineral occurrence under and from water, sea brine and trees;	(6) 'extraction' means the primary extraction of ores, minerals and plant products from their original source, including from a mineral occurrence underground, mineral occurrence under water, sea brine and trees;	PL. (Comments): Support for the Parliament's proposals. SI: (Comments): AT: (Comments): We support the amendment proposed by the Rapporteur. IT: (Comments): We are flexible with EP. "Geothermal brine" should also be included given the proliferation of projects to extract lithium from brines. It could be included in the term underground but then it would be better to make explicit "from rocks and fluids underground" IE:

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>(Comments): Seek definition on secondary extraction</p> <p>FI: (Comments): The suggestions in the EP mandate are not necessary in our view since they are already covered by the Council mandate.</p> <p>PT: (Comments): We propose the following text, in order for “secondary” not be confused with secondary mining (“secondary raw materials”): “<i>‘extraction’ means the extraction of ores, minerals and plant products from their original source as a main product or as a by-product, including from a mineral occurrence underground or open cast mining, mineral occurrence under and from water, sea brine and trees</i>”;</p> <p>FR: (Comments): France strongly supports the Council proposal.</p> <p>SK: (Comments): Here we support the definition, since it correctly includes by-products. This is</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				crucial. Proposed wording: (6) ‘extraction’ means the primary or secondary extraction of ores, minerals and plant products from their original source as a main product or as a by-product , including from a mineral occurrence underground, mineral occurrence under and from water, sea brine and trees;
98	(9) ‘processing’ means all physical, chemical and biological processes involved in the transformation of a raw material from ores, minerals, plant products or waste into pure metals, alloys or other economically usable forms;	(9) ‘processing’ means all physical, chemical and biological processes involved in the transformation of a raw material from ores, minerals, plant products or waste into pure metals, alloys or other economically usable forms;	(9) ‘processing’ means all physical, chemical and biological processes involved in the transformation of a raw material from ores, minerals, plant products or waste into pure metals, alloys or other economically usable forms, including but not limited to beneficiation, separation, smelting and refining, and excluding metal working and further transformation into intermediate and final goods ;	PL. (Comments): No comments for each proposal. SI: (Comments): AT: (Comments): In terms of clarity, we advocate maintaining the Council position in this case. IT: (Comments): Retain Council’s position IE: (Comments): Prefer Council Mandate FI: (Comments): FIN supports the more precise wording in the Council mandate

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				PT: (Comments): We consider the Council's text more detailed and comprehensive.
100	(11) 'recycling' means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes;	(11) 'recycling' means any recovery operation of both pre-consumer and post-consumer waste by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes;	(11) 'recycling' means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes recycling within the meaning of Directive 2008/98/EC;	PL. (Comments): We support the Council's proposal. SI: (Comments): DE: (Comments): We want to keep the council position with its reference to the Waste Framework Directive 2008/98/EC. Unclear definitions of pre-consumer and post-consumer waste could weaken recycling targets. AT: (Comments): As already underlined in the respective line in Batch I, we strongly advocate maintaining the Council position in this case. The definition needs to be aligned with the Waste Framework Directive. CZ: (Comments): CZ supports Council proposal. As there already is

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>a definition of ‘recycling’ set in the Directive 2008/98/EC on waste there should not be any alternative definition. Waste materials already include both pre-consumer and post-consumer waste. There is no need to emphasize it.</p> <p>IT: (Comments): Retain Council’s position</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>PT: (Comments): We agree with the Council’s text: “<i>within the meaning of Directive</i>” it’s clear without being ambiguous.</p> <p>DK: (Comments): The Council text is preferable –better to refer to a specific directive to ensure coherence and clear definitions. In Directive 2008/98 there is no distinction between pre- and post-consumer waste.</p> <p>BE: (Comments): Upholding position of the Council, for conformity reasons in different environmental legislation</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				FR: (Comments): France strongly supports the Council proposal. SE: (Comments): SE finds it important to stick with Council mandate.
103	(14) 'supply risk' means supply risk as calculated in line with Annex II;	(14) 'supply risk' means supply risk as calculated in line with Annex II;	(14) 'supply risk' means supply risk as calculated in line with Annex II;	PL. (Comments): No remarks. SI: (Comments):
104	(15) 'raw material project' means any planned facility or planned significant extension or repurposing of an existing facility active in extraction, processing or recycling of raw materials;	(15) 'raw material project' means any planned facility or planned significant extension or repurposing of an existing facility active in extraction, processing or recycling of raw materials;	(15) 'raw material project' means any planned facility or planned significant extension or repurposing of an existing facility active in extraction, processing or recycling of raw materials;	PL. (Comments): No remarks. SI: (Comments): BE: (Comments): (15) 'raw material project' means any planned facility or planned significant extension or repurposing change of an existing facility active in extraction, processing or recycling of the raw materials; Rationale: editorial alignment with directive 2011/92/EU and directive 2010/75/EU

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
104a			(15a) 'critical raw material project' means any planned facility or planned significant extension or repurposing of an existing facility active in extraction, processing or recycling of the critical raw materials as defined in Article 4;	<p>PL. (Comments): We support the Council's proposal.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Prefer Council Mandate since Ireland proposed this additional text</p> <p>PT: (Comments): We support the Council's mandate. This definition is essential to address not only the strategic projects but all critical minerals projects.</p> <p>BE: (Comments): (15a) 'critical raw material project' means any planned facility or planned significant extension or repurposing change of an existing facility active in extraction, processing or recycling of the critical raw materials as defined in Article 4; Rationale: editorial alignment with directive 2011/92/EU and directive 2010/75/EU</p>
105	(16) 'off-taker' means an	(16) 'off-taker' means an	(16) 'off-taker' means an undertaking	<p>PL. (Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	undertaking that has entered into an off-take agreement with a project promoter;	undertaking that has entered into an off-take agreement with a project promoter;	that has entered into an off-take agreement with a project promoter;	No remarks. SI: (Comments):
106	(17) ‘off-take agreement’ means any contractual agreement between an undertaking and a project promoter containing either a commitment on part of the undertaking to procure a share of the raw materials produced by a specific raw material project over a certain period of time or a commitment on part of the project promoter to provide the undertaking with the option to do so;	(17) ‘off-take agreement’ means any contractual agreement between an undertaking and a project promoter containing either a commitment on part of the undertaking to procure a share of the raw materials produced by a specific raw material project over a certain period of time or a commitment on part of the project promoter to provide the undertaking with the option to do so;	(17) ‘off-take agreement’ means any contractual agreement between an undertaking and a project promoter containing either a commitment on part of the undertaking to procure a share of the raw materials produced by a specific raw material project over a certain period of time or a commitment on part of the project promoter to provide the undertaking with the option to do so;	PL. (Comments): No remarks. SI: (Comments):
107	(18) ‘project promoter’ means any undertaking or consortium of undertakings developing a raw material project;	(18) ‘project promoter’ means any undertaking or consortium of undertakings developing a raw material project;	(18) ‘project promoter’ means any undertaking or consortium of undertakings developing a raw material project;	PL. (Comments): No remarks. SI: (Comments):
108	(19) ‘permit granting process’ means a process covering all relevant administrative permits to plan, build and operate the Strategic Projects referred to in Article 5, including building,	(19) ‘permit granting process’ means a process covering all relevant administrative permits to plan, build and operate the Strategic Projects referred to in Article 5, including building,	(19) ‘permit granting process’ means a process covering all relevant administrative permits to plan, build and operate the Strategic Projects referred to in Article 5, including building, chemical and grid	PL. (Comments): We support the Council's proposal with the proviso that the contact point should be a support in circulating for further permits, but should

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	chemical and grid connection permits and environmental assessments and authorisations where these are required, and encompassing all administrative applications and procedures from the acknowledgment of the validity of the application to the notification of the comprehensive decision on the outcome of the procedure by the responsible national competent authority referred to in Article 8(1);	chemical and grid connection permits and environmental assessments and authorisations where these are required, and encompassing all administrative applications and procedures from the acknowledgment of the validity of the application to the notification of the comprehensive decision on the outcome of the procedure by the responsible national competent authority referred to in Article 8(1);	connection permits and environmental assessments and authorisations where these are required critical raw materials projects , and encompassing all administrative applications and procedures from the acknowledgment of the validity of the application that the application is complete to the notification of the comprehensive decision on the outcome of the procedure by the responsible national competent authority referred to in Article 8(1);	not be responsible for coordinating the acquisition of all permits and forwarding the comprehensive decision to the project applicant. SI: (Comments): AT: (Comments): In terms of clarity, we advocate maintaining the Council position in this case. IT: (Comments): Retain Council's position IE: (Comments): Prefer Council Mandate FI: (Comments): FIN supports the Council's proposal, which rules 'environmental assessments' and 'plans' outside of the definition of 'permit granting process'. The exclusion of planning and environmental impact assessment from the definition of 'permit granting process' is vital as it could affect whether they are included in the permitting timelines of the Act. This is very important for FIN. PT:

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>(Comments): We agree with the Council's text, including all critical raw materials projects, not only the strategic.</p> <p>DK: (Comments):</p> <p>BE: (Comments): <u>Strategic projects</u>:Regarding permitting BE is flexible to confine scope of application of the upcoming regulation to strategic projects as proposed by the European Parliament position and proposed by the European Commission's proposal. <u>Planning</u>:No support for EP position and Council Position must be upheld.Rationale :The planning (art 8) of projects is not a matter of permitting and involves planning authorities instead of permitting authorities. Planning processess differ significantly from permitting processes. It follows :- planning may not be included in the permit granting process - planning may not be bound by the deadlines</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>imposed on the permit granting process- planning authorities and permitting authorities may not be brought under supervision of one of more (national) competent facilitating and coordinating authority or authorities.<u>Environmental assessments</u>:No support for EP position and Council Position must be upheld.Rationale :BE request that the environmental assessments must not be included entirely in the permit granting process.The environmental assessment information including the environmental impact assessment report pursuant to article 5.1 of Directive 2011/92/EU must be part of the application for a permit and is a matter of completeness of the application.It follows that the screening, the scoping and the preparation of the environmental impact assessment information must be kept out of the permit granting process</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>and its time periode. Those stages of the environmental assessment are predominantly performed by the project promoter and the pace of performance by project promotor may not impact on the term competent authorities have to carry out the permit process and take the decision.</p> <p><u>Chemical permits and grid connection</u>:No support for EP position and Council Position must be upheld.Rationale :No support for EP position which includes chemical permits and grid connection permits into the permit granting process. There is no gain in uniting substantively unrelated matters into one permit issuing process under coordination of a single authority process even when those matters concern the same project or the same administrative issue such as permitting. Council position must be upheld.<u>Tasks of the</u></p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p><u>authority referred to in art 8 (1):</u>No support for EP position and Council Position must be upheld.RationaleBE does not support that the facilitating and coordination instrument must be set up as a single authority which has substantive duties or is competent to take decisions in each of the permit issuing procedures (such as the acknowledgement of or decision on the validity of the application for a permit concerned) -thereby replacing the expert authority - or which is competent to take decisions across all permit issuing procedures composing the permit issuing process (such as taking of comprehensive decision as the outcome of the process). Decisions must be taken by substantively expert authorities.</p> <p>FR: (Comments): France strongly supports</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>the Council proposal.</p> <p>SE:</p> <p>(Comments):</p> <p>SE supports Council mandate, “plan” needs to be removed if added. SE needs a clarification in what “the acknowledgment of the validity of the application” means.</p>
109	<p>(20) ‘comprehensive decision’ means the decision or set of decisions taken by Member State authorities not including courts or tribunals that determines whether or not a project promoter is authorised to implement a raw material project, without prejudice to any decision taken in the context of an administrative appeal procedure;</p>	<p>(20) ‘comprehensive decision’ means the decision or set of decisions taken by Member State authorities not including courts or tribunals that determines whether or not a project promoter is authorised to implement a raw material project, without prejudice to any decision taken in the context of an administrative appeal procedure;</p>	<p>(20) ‘comprehensive decision’ means the decision or set of decisions taken by Member State authorities not including courts or tribunals that determines whether or not a project promoter is authorised to implement a raw material project, without prejudice to any decision taken in the context of an administrative appeal procedure;</p>	<p>PL.</p> <p>(Comments):</p> <p>Support for the Commission's proposal with the proviso that the contact point (which we support) should be a support in circulating for further permits, but should not be responsible for coordinating the acquisition of all permits and forwarding the comprehensive decision to the project proponent.</p> <p>SI:</p> <p>(Comments):</p> <p>AT:</p> <p>(Comments):</p> <p>We advocate maintaining the Council position in this case.</p> <p>IT:</p> <p>(Comments):</p> <p>Retain Council’s position</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
152	Chapter 2 Critical and strategic raw materials	Chapter 2 Critical and strategic raw materials	Chapter 2 Critical and strategic raw materials	PL. (Comments): No remarks. SI: (Comments):
153	Article 3 List of strategic raw materials	Article 3 List of strategic raw materials	Article 3 List of strategic raw materials	PL. (Comments): No remarks. SI: (Comments): AT: (Comments): Once again, we would like to point out that, from AT's point of view, the definition of critical and strategic raw materials falls short. There is a particular lack of flexibility to be able to react to different regional supply situations in the individual member states, especially for those raw materials that cannot be traded internationally and are in danger of becoming scarce. Those raw materials (especially construction raw materials that are required, for example, for concrete foundations for wind turbines) should also be given the status of strategic raw materials for the reasons

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				mentioned. Due to the strong concentration of graphite production and the increasing demand for synthetic graphite, we advocate including synthetic graphite as a strategic raw material (note: synthetic graphite is mainly used for electrodes in metallurgical processes, e.g. in electric arc furnaces in steel production).
154	1. The raw materials listed in Annex I, Section 1 shall be considered strategic raw materials.	1. The raw materials listed in Annex I, Section 1, including raw materials that are a by-product of other extraction or recycling processes , shall be considered strategic raw materials.	1. The raw materials listed in Annex I, Section 1 shall be considered strategic raw materials.	<p>PL. (Comments): Support for the Commission's proposal and the Council. At this point it is difficult to say what these by-products will be. Also, there is a danger of over-expanding the regulation.</p> <p>SI: (Comments): SI supports the Council text</p> <p>DE: (Comments): AT: (Comments): We very much support the amendment proposed by the Rapporteur.</p> <p>CZ: (Comments): CZ is flexible towards EP</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>amendment.</p> <p>IT: (Comments): We are flexible with EP</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>FI: (Comments): In FIN view the additions of the EP on line 154 are redundant as the mentioned materials are already included in the council mandate.</p> <p>PT: (Comments): We support the Council's mandate.</p> <p>NL: (Comments): EP Mandate</p> <p>DK: (Comments): We see no added value in distinguishing between primary and secondary raw materials and the introduction of another list for secondary raw materials Whether a raw material is critical/strategic is a matter of what it is used for, not where it comes from</p> <p>BE: (Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>Aiming also on circularity and recycling is an absolute necessity. Primary Raw materials are non-renewable resources. However BE would like the definition of raw material to be clarified.</p> <p>FR:</p> <p>(Comments):</p> <p>No need to precise that raw materials can be a by-product of extraction or recycling. They are already in the list.</p> <p>France opposes to the amendment of the EP proposal.</p> <p>SK:</p> <p>(Comments):</p> <p>Also support EP position, see the reasoning above</p> <p>SE:</p> <p>(Comments):</p> <p>SE does not support this and finds it important to stick with the Council mandate. Secondary raw materials (as well as by-products) are already included in the same way as the primary ones.</p>
155	2. The Commission is empowered to adopt delegated acts in accordance with Article 36 to amend Annex I, Section 1 in order to update the list of strategic raw materials.	2. The Commission is empowered to adopt delegated acts in accordance with Article 36 to amend Annex I, Section 1 in order to update amend this Regulation by updating the list	2. The Commission is empowered to adopt delegated acts in accordance with Article 36 to amend Annex I, Section 1 in order to update the list of strategic raw materials.	<p>PL.</p> <p>(Comments):</p> <p>We support Parliament's position.</p> <p>SI:</p> <p>(Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
		<p>of strategic raw materials, including by adding raw materials to that list if supply risks are detected as a result of the monitoring and stress testing carried out pursuant to this Regulation. Any such ad hoc updating of the list of strategic raw materials shall have no impact on the updates referred to in paragraph 3 of this Article.</p>		<p>SI does not see the need to specify this in the legal text. AT: (Comments): We very much support this amendment proposed by the Rapporteur since it provides for more flexibility regarding the list of strategic raw materials. Even though this still does not improve the different regional supply situations in the MS (see line 153). IT: (Comments): We are flexible with EP IE: (Comments): Prefer Council Mandate PT: (Comments): We support the Council's mandate. NL: (Comments): EP Mandate FR: (Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>France can accept the EP proposal in a spirit of compromise.</p> <p>SK:</p> <p>(Comments):</p> <p>We support the possibility of an ad-hoc update, as the RM markets tend to be highly unpredictable and volatile.</p> <p>Proposed wording:2. The Commission is empowered to adopt delegated acts in accordance with Article 36 to amend Annex I, Section 1 in order to update the list of strategic raw materials, including by adding raw materials to that list if supply risks are detected as a result of the monitoring and stress testing carried out pursuant to this Regulation.</p>
156	<p>An updated list of strategic raw materials shall include, from among the raw materials assessed, the raw materials that score among the highest in terms of strategic importance, forecasted demand growth and difficulty of increasing production. The strategic importance, projected demand growth and difficulty of increasing production shall be</p>	<p>An updated list of strategic raw materials shall include, from among the raw materials assessed, the raw materials that score among the highest in terms of strategic importance, forecasted demand growth and availability as well as the difficulty of increasing production and, most importantly, shall support the general objective of this</p>	<p>An updated list of strategic raw materials shall include, from among the raw materials assessed, the raw materials that score among the highest in terms of strategic importance, forecasted demand growth and difficulty of increasing production. The strategic importance, projected demand growth and difficulty of increasing production shall be determined in accordance with Annex I, Section 2.</p>	<p>PL.</p> <p>(Comments):</p> <p>No comments for each proposal.</p> <p>SI:</p> <p>(Comments):</p> <p>SI can accept the EP amendment if it is acceptable also for other MS.</p> <p>AT:</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	determined in accordance with Annex I, Section 2.	Regulation referred to in Article 1(1) and (2). The strategic importance, projected demand growth and availability as well as the difficulty of increasing production shall be determined in accordance with Annex I, Section 2.		<p>(Comments): In terms of clarity of wording, we very much support the amendments proposed by the Rapporteur.</p> <p>IT: (Comments): We are flexible with EP</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>PT: (Comments): We support the Council's mandate.</p> <p>NL: (Comments): EP Mandate</p>
157	3. 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 4 four years thereafter.	3. The Commission shall review and, if necessary, update the list of strategic raw materials by [OP please insert: four two years after the date of entry into force of this Regulation], and every 4 four two years thereafter. The Commission shall provide clear reasons for any such update. Upon request by the Board, on the basis of monitoring and stress testing in accordance with this Regulation, the Commission shall review and, where appropriate, update the list at any time and those scheduled reviews.	3. The Commission shall review and, if necessary update, in accordance with paragraph 2, update the list of strategic raw materials by [OP please insert: four three years after the date of entry into force of this Regulation], and at least every 4 four 3 years thereafter.	<p>PL. (Comments): Support for the Commission's proposal..</p> <p>SI: (Comments): SI believes that "3 years after the date of entry into force of this Regulation" is a good compromise and the same goes for " at least 3 years thereafter" since we understand that in the latter case the period for reviewing and possible update of the</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>List could also be shorter if the need be.</p> <p>The Commission shall provide clear reasons for any such update. Upon request by the Board, on the basis of monitoring and stress testing in accordance with this Regulation, the Commission shall review and, where appropriate, update the list at any time and those scheduled reviews. – SI would like to hear the views of the Commission about this amendment.</p> <p>HR:</p> <p>(Comments):</p> <p>We are flexible about the specified deadlines.</p> <p>AT:</p> <p>(Comments):</p> <p>We generally advocate the Council position in this case, however, propose the following wording: 3. The Commission shall review and, if necessary update, in accordance with paragraph 2, update the list of strategic raw materials by [OP please insert: fourthree years after the date of entry into force of this Regulation], and at least every 4three years thereafter. Upon request by</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>the Board, on the basis of monitoring and stress testing in accordance with this Regulation, the Commission shall review and, where appropriate, update the list at any time and those scheduled reviews. In addition, the term “at least” is essential since external circumstances may lead to the list of strategic raw materials being adjusted at shorter intervals.</p> <p>CZ: (Comments): CZ prefers Commission proposal.</p> <p>IT: (Comments): The Council's position seems like a good solution. Updating every two years may be of little use because of the short time frame of the analysis considering the extreme volatility of the markets.</p> <p>IE: (Comments): Council Mandate strongly preferred</p> <p>FI: (Comments): FIN can be flexible here although FIN does the 3 year update period of the council</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>mandate. PT: (Comments): We can support the EP's mandate, for transparency, risk mitigation and prevention, although keeping the frequency of three years. NL: (Comments): EP Mandate BE: (Comments): Agree on Council's compromise FR: (Comments): France can support adding the review and update of the list at any time as set in the EP proposal but would like to keep the delays to three years SE: (Comments): SE does not find it reasonable to update the list every two year. SE can however support the last sentences regarding 'on the basis of monitoring and stress testing but not upon request from the board</p>
157a		3a. The Commission shall use a transparent and clearly		<p>PL. (Comments): We support the Parliament's</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
		<p>defined methodology as referred to in Annex I, Section 2 for the assessment of strategic raw materials to be included in the list, including through the use of technical factsheets, similar to the methodology applied to the critical raw materials list referred to in Article 4.</p>		<p>proposal .</p> <p>SI: (Comments): SI considers this amendment not necessary but would like to hear the opinion of the Commission.</p> <p>IT: (Comments): We are flexible with EP</p> <p>IE: (Comments): Reject European Parliament text</p> <p>FI: (Comments): FIN can support the addition by the EP</p> <p>NL: (Comments): EP Mandate</p> <p>SK: (Comments): Support the proposed position – both the CRM and the SRM lists should be based on a thorough methodology. This AM is also in line with the position of the EESC and reflects the AM proposed by the EESC itself in its opinion on CRMA. Critical raw materials are assessed through a criticality assessment based on a specific methodology</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>which includes a long and thorough validating process with the assistance of external experts, industry representatives and research institutes. On the contrary, the identification of strategic raw materials was not based on a published methodology nor did it include previous consultations. Incorporating strategic raw materials in to the critical raw materials list (Annex 2) implies that all of materials have met the thresholds set by the CRM methodology, which is misleading. Therefore, we support a dedicated methodology for SRMs as well.</p> <p>SE:</p> <p>(Comments):</p> <p>SE sees importance of having a clear methodology, but don't want the methodology developing with the aim of including specific raw materials. There is already a methodology!</p>
157b		<p>Article 3a Secondary Strategic Raw Materials</p>		<p>PL.</p> <p>(Comments):</p> <p>No support for the Parliament's proposal. However, it should be noted that the idea of the regulation</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>from the beginning was to focus on primary raw materials, which are critical. Extending the regulation to include secondary raw materials could lead to overextension.</p> <p>DE:</p> <p>(Comments):</p> <p>It is unclear what the added value of this Definition of “secondary strategic raw materials” is and what shall be done with list? What is the purpose of the list?</p> <p>AT:</p> <p>(Comments):</p> <p>We very much support and welcome this addition proposed by the Rapporteur. Further challenges in the supply of scrap are foreseeable in view of the increasing electrification of processes in iron and steel as well as non-ferrous metal production.</p> <p>IT:</p> <p>(Comments):</p> <p>We are flexible with EP. A list of strategic secondary raw materials (including ferrous scrap), properly identified according to the criteria set out in the text of AM 3a, is essential to apply the same objectives, tools,</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>and actions to these secondary raw materials as CRMA proposes for the current "primary" list</p> <p>IE:</p> <p>(Comments):</p> <p>Reject all of Article 3a, disagree with designation of secondary strategic raw materials</p> <p>FI:</p> <p>(Comments):</p> <p>FIN finds the new article 3a in the EP mandate and its list of secondary raw materials redundant as the issue in our understanding is already covered in the commission proposal and the council mandate.</p> <p>PT:</p> <p>(Comments):</p> <p>In substance, we support the EP's concern with secondary raw materials, as this puts the focus on the increase of materials' efficiency, circularity, and as it supports the objectives of the proposal and contributes to the green and digital transition goals. It answers some of the European industry's calls. However, we have doubts as to whether this concern is sufficient to support a new article, since</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>secondary raw materials are also, in the end, raw materials.</p> <p>BE:</p> <p>(Comments):</p> <p>We may be in favor of secondary strategic raw materials, as BE can support the inclusion of ferrous scrap. But we need information on how to define the list. This could be in the form of a list, or through alternative options. What would they be? It seems to us essential to ensure harmony and legal certainty in the text, in connection with the list of critical materials. At the same time, we would like further clarification about the interrelation between this list 'secondary strategic raw materials' and the foreseen national program and measures under art. 25, both for materials on and not on this list.</p> <p>FR:</p> <p>(Comments):</p> <p>The EP introduced the notion of Secondary Strategic Raw Materials without defining this notion and therefore the consequences of this addition are not clear. France opposes to the amendment of the EP</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>proposal that adds an Article 3a.</p> <p>SE:</p> <p>(Comments):</p> <p>SE does not support having another list of secondary raw materials. Secondary raw materials are included in the list as it is. Also, ferrous scrap is part of the material, not a material itself.</p>
157c		<p>1. By ... [6 months from the adoption of this Regulation], the Commission shall submit to the European Parliament and to the Council a list of strategic secondary raw materials, including ferrous scrap.</p>		<p>PL.</p> <p>(Comments):</p> <p>As above.</p> <p>CZ:</p> <p>(Comments):</p> <p>CZ does not support the proposal of EP. There is no methodology for the introduction of strategic secondary raw materials.</p> <p>IT:</p> <p>(Comments):</p> <p>We are flexible with EP.</p> <p>NL:</p> <p>(Comments):</p> <p>EP Mandate</p> <p>DK:</p> <p>(Comments):</p> <p>We see no need to establish a separate list of strategic secondary raw materials, since the list according to article 3 doesn't distinguish between primary and secondary raw materials.</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>Including ferrous scrap seems out of scope and should not be included. Prefer that the entire article 3a is deleted.</p> <p>SK:</p> <p>(Comments):</p> <p>Support the proposed EP position. Secondary raw materials play an important part in the decarbonisation of European industries, especially those producing strategic technologies for the green and digital transitions. Recognizing their strategic value supports responsible sourcing and reduces virgin material extraction. A sub-list of strategic secondary raw materials should be established within the strategic raw materials list, considering, inter alia, these criteria: strategic role in decarbonisation and the green transition; forecasted global demand growth; difficulty of collection, recovery, or recycling in EU; high potential for critical raw material recovery. The assessment should take into account the latest available data. as well as the predicted evolution of demand-supply over an appropriate reference</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				period, to address future scarcity or supply disruptions.
157d		<p>2. While defining the list referred to in the first paragraph, the Commission shall give specific consideration to the relevance of a secondary raw material for the green and digital transition as well as defence and space applications, taking into account:</p>		<p>PL. (Comments): As above. IT: (Comments): We are flexible with EP NL: (Comments): EP Mandate DK: (Comments): The relevance in relation to the green transition applies to all critical raw materials and not only secondary ones. BE: (Comments): Replace "space" with "aerospace". SK: (Comments): For the secondary strategic raw materials list, we consider these factors important for the methodology/assessment: <i>their strategic role in decarbonisation, green and digital transition as well as defence and space applications, high forecasted demand growth or scarcity at global level, difficulty of</i></p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<i>increasing collection/recovery in the EU; high potential for recovery of critical raw materials in the EU.</i> We support the proposed EP text, but would like to see it specified as outlined above.
157e		(a) the contribution to preserve the additional raw materials consumption otherwise needed for strategic technologies;		PL. (Comments): As above. IT: (Comments): We are flexible with EP NL: (Comments): EP Mandate SK: (Comments): (a) the contribution to preserve the additional raw materials consumption otherwise needed for strategic technologies and the potential for recovery of critical raw materials from the secondary raw material ;
157f		(b) the amount of prevented GHG emissions via utilisation of secondary raw materials when used for manufacturing relevant strategic technologies when compared to other		PL. (Comments): As above. IT: (Comments): We are flexible with EP NL:

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
		materials; and		(Comments): EP Mandate
157g		(c) the forecasted global demand growth for secondary raw material.		PL. (Comments): As above. IT: (Comments): We are flexible with EP NL: (Comments): EP Mandate SK: (Comments): (c) the forecasted global demand growth or scarcity predictions for secondary raw material.
157h		3. The Commission is empowered to adopt delegated acts in accordance with Article 36 to amend this Regulation by updating the list of secondary strategic raw materials. An updated list of strategic secondary raw materials shall include high strategical role in decarbonisation and green transition, high forecasted demand growth at global level, difficulty of increasing collection and recovery in the Union, high potential for recovery of critical raw materials in the Union.		PL. (Comments): As above. NL: (Comments): EP Mandate DK: (Comments): We should not be having separate lists for primary vis-a-vis secondary raw materials, as mentioned above SK: (Comments): Support position, in line with the above.

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
157i		4. The Commission shall review and, if necessary, update the list of secondary strategic raw materials by ... [OP please insert: two years after the date of entry into force of this Regulation], and every two years thereafter.		PL. (Comments): As above. NL: (Comments): EP Mandate BE: (Comments): Request for alignment with the revision frequency for other lists. SK: (Comments): Support the two-year review period, in line with the review periods for CRM and SRM lists.
158	Article 4 List of critical raw materials	Article 4 List of critical raw materials	Article 4 List of critical raw materials	PL. (Comments): No remarks. SI: (Comments):
159	1. The raw materials listed in Annex II, Section 1 shall be considered critical raw materials.	1. The raw materials listed in Annex II, Section 1 shall be considered critical raw materials.	1. The raw materials listed in Annex II, Section 1 shall be considered critical raw materials.	PL. (Comments): No remarks. SI: (Comments):
160				PL.

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	2. The Commission is empowered to adopt delegated acts in accordance with Article 36 to amend Annex II, Section 1 in order to update the list of critical raw materials.	2. The Commission is empowered to adopt delegated acts in accordance with Article 36 to amend Annex II, Section 1 in order to update the list of critical raw materials.	2. The Commission is empowered to adopt delegated acts in accordance with Article 36 to amend Annex II, Section 1 in order to update the list of critical raw materials.	(Comments): No remarks. SI: (Comments): IT: (Comments): Retain Council's position
161	An updated list of critical raw materials shall include the strategic raw materials listed in Annex I, Section 1 as well as any other raw material that reaches or exceeds the thresholds for both economic importance and supply risk referred to in paragraph 3. Economic importance and supply risk shall be calculated in accordance with Annex II, Section 2.	An updated list of critical raw materials shall include the strategic raw materials listed in Annex I, Section 1 as well as any other raw material that reaches or exceeds the thresholds for both economic importance and supply risk referred to in paragraph 3. Economic importance and supply risk shall be calculated in accordance with Annex II, Section 2. The Commission shall consider adding an additional indicator to the criticality assessment which reflects both the scarcity of materials and their energy intensity in production.	An updated list of critical raw materials shall include the strategic raw materials listed in Annex I, Section 1 as well as any other raw material that reaches or exceeds the thresholds for both economic importance and supply risk referred to in paragraph 3. Economic importance and supply risk shall be calculated in accordance with Annex II, Section 2.	PL. (Comments): Support for the Commission's proposal and the Council. The criticality assessment of a given raw material is calculated on the basis of an appropriate proven methodology. Its modification without indication of the specifics may disrupt existing practice. SI: (Comments): SI would like to hear the opinion of the Commission for this amendment. AT: (Comments): We advocate maintaining the Council position in this case. The term “security of supply” in the present calculation algorithm (according to Annex III) is sufficiently clarified. We do

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>not see the need for an additional indicator in this respect.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>NL: (Comments): New text suggestion: An updated list of critical raw materials shall include the strategic raw materials listed in Annex I, Section 1 as well as any other raw material that reaches or exceeds the thresholds for both economic importance and supply risk referred to in paragraph 3. Economic importance and supply risk shall be calculated in accordance with Annex II, Section 2. <i>The Commission shall consider adding an indicator to the criticality assessment which reflects both the scarcity of materials and adding an indicator for the raw materials listed in Annex II, section 1, which reflects their energy intensity in production.</i></p> <p>DK:</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>(Comments): The list of strategic raw materials should be based on clear and evidence-based criteria and not have a lot of additional elements introduced that makes it rather open ended how the list is drawn it. Moreover scarcity is already accounted for in the criteria in annex I, and energy intensity is not a relevant parameter. So the European Parliament text should not be used.</p> <p>BE: (Comments): Interesting, but be careful not to add too many layers to the evaluation.</p> <p>FR: (Comments): France opposes to the addition of new criteria, as this would further complexify the methodology of calculation.</p> <p>• SK: (Comments): We support COM/Council position as it is not clear how the energy intensity is to be reflected in the methodology. Unclear whether the methodology will exclude energy-intensive materials or</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>why is this proposed to be included.</p> <p>SE:</p> <p>(Comments):</p> <p>SE can be flexible. Scarcity is the base for the assessment. If energy intensity should be included, some of the raw materials will be excluded. It would make more sense to address the energy mix for the production. That in turn could introduce inequalities between different MS.</p>
162	3. The thresholds shall be 1 for supply risk and 2.8 for economic importance.	3. The thresholds shall be 1 for supply risk and 2.8 for economic importance.	3. The thresholds shall be 1 for supply risk and 2.8 for economic importance.	<p>PL.</p> <p>(Comments):</p> <p>No remarks.</p> <p>SI:</p> <p>(Comments):</p> <p>SK:</p> <p>(Comments):</p> <p>We support adhering to the original COM thresholds, so as not to water down the original lists by adding an excessive amount of new materials without proper assessment.</p>
163	4. 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	4. The Commission shall review and, if necessary, update the list of critical raw materials by [OP please insert: four two years after the date of entry into force of this	4. The Commission shall review and, if necessary, update, in accordance with paragraph 2 , the list of critical raw materials by [OP please insert: four three years after the date of entry	<p>PL.</p> <p>(Comments):</p> <p>We support the Commission's proposals.</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	Regulation], and every 4 four years thereafter.	Regulation], and every 4 four two years thereafter. The Commission shall provide clear reasons for any such update.	into force of this Regulation], and at least every 4 four 3 years thereafter.	<p>SI: (Comments): SI open to EP amendment, we would also appreciate the opinion of the Commission.</p> <p>HR: (Comments): We are flexible about the specified deadlines.</p> <p>AT: (Comments): We advocate maintaining the Council position in this case. The term “at least” is essential since external circumstances may lead to the list of critical raw materials being adjusted at shorter intervals (see line 157).</p> <p>IT: (Comments): WE retain the Coincil ‘s potition. The Council's position seems like a good solution. Updating every two years may be of little use because of the short time frame of the analysis considering the extreme volatility of the markets.</p> <p>IE: (Comments): Prefer Council Mandate</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>NL: (Comments): EP Mandate</p> <p>BE: (Comments): Agree on the Council's compromise</p> <p>FR: (Comments): France strongly supports the Council proposal as the list can be updated at any time in case of disruptions a regular update every three years appears more appropriate.</p> <p>SE: (Comments): SE does not find it reasonable to update the list every two years.</p>
166	Article 5 Criteria for recognition of Strategic Projects	Article 5 Criteria for recognition of Strategic Projects	Article 5 Benchmarks and criteria for recognition of Strategic Projects	<p>PL. (Comments): Support for the proposal of the Commission's and Parliament.</p> <p>SI: (Comments): SI supports the Council text, benchmarks should remain in the text</p> <p>HR: (Comments): We support the criteria,</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>however, the Republic of Croatia does not have deposits of strategic/mineral raw materials, and due to the geological structure of the Republic of Croatia, there are no indications that strategic projects could be launched that would result in the potential discovery of deposits of strategic/critical mineral raw materials.</p> <p>AT: (Comments): As already pointed out in the respective lines in Batch I, we strongly advocate maintaining the Council position in this case, moving the benchmarks of Article 1 into Article 5(0), respectively.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Prefer Council Mandate</p>
167	1. Following an application of the project promoter and in accordance with the procedure established in Article 6, the	1. Following an application of the project promoter and in accordance with the procedure established in Article 6, the	1. Following an application of the project promoter and in accordance with the procedure established in Article 6, the Commission shall	<p>SI: (Comments):</p> <p>IT:</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	Commission shall recognise as Strategic Projects raw material projects that meet the following criteria:	Commission shall recognise as Strategic Projects raw material projects that meet the following criteria:	recognise as Strategic Projects raw material projects that– meet the following criteria:	(Comments): Retain Council's position IE: (Comments): Prefer Council Mandate
168	(a) the project would make a meaningful contribution to the security of the Union's supply of strategic raw materials;	(a) the project would make a meaningful contribution to the security of the Union's supply of strategic raw materials by fulfilling one of the following two criteria;	(a) the project would make a meaningful contribution to strengthen the security of the Union's supply of strategic raw materials;	PL. (Comments): Support for the proposal of the Commission's and the Council. SI: (Comments): AT: (Comments): In terms of clarity of wording, we strongly advocate maintaining the Council position in this case. IT: (Comments): We are flexible to introduce the last sentence in the Council's proposal IE: (Comments): Prefer Council Mandate NL: (Comments): Council mandate DK: (Comments): “make a meaningful contribution” is too weak

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				language so important to maintain Council text
168a		(i) it contributes, at any stage of the value chain, significantly to the supply of any of the strategic raw materials set out in Annex I, Section I;		<p>SI: (Comments):</p> <p>SI is flexible. IT: (Comments): We are flexible with EP IE: (Comments): Prefer Council Mandate NL: (Comments): Council mandate BE: (Comments): We must be careful not to make the text too complex</p>
168b		(ii) it contributes to the supply of strategic technologies through the substitution of any of the strategic raw materials outlined in Annex I, Section I within the value chains of those strategic technologies, while taking measures to achieve an equal or lower environmental and material footprint compared to the material that is substituted.		<p>SI: (Comments): SI is flexible DE: (Comments): No to the EP addition. Substitution is very important; however, it should not be part of criteria for recognition of strategic projects. It would be completely unclear, what kind of projects would be eligible to be recognized as strategic projects.</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>IT: (Comments): We are flexible with EP</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>NL: (Comments): Council mandate</p> <p>SE: (Comments): It is important to emphasize that the strategic raw material is substituted by a non-critical raw material. Wonder if EP suggestion on substitution will widen the scope of the act and may include raw materials that are not on the list. The evaluation of the lists will unravel criticality of possible substitution materials once they are identified, a process that includes R&D that may take decades before they go into production.</p>
169	(b) the project is or will become technically feasible within a reasonable timeframe and the expected production volume of the project can be estimated with a sufficient level of confidence;	(b) the project is or will become technically feasible within a reasonable timeframe and the expected production volume of the project can be estimated with a sufficient level of confidence;	(b) the project is or will become technically feasible within a reasonable timeframe and the expected production volume of the project can be estimated with a sufficient level of confidence;	<p>PL. (Comments): No remarks.</p> <p>SI: (Comments):</p> <p>NL: (Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				Council mandate
	<p>(c) the project would be implemented sustainably, in particular as regards the monitoring, prevention and minimisation of environmental impacts, the use of socially responsible practices including respect of human and labour rights, quality jobs potential and meaningful engagement with local communities and relevant social partners, and the use of transparent business practices with adequate compliance policies to prevent and minimise risks of adverse impacts on the proper functioning of public administration, including corruption and bribery;</p>	<p>(c) the project would be implemented sustainably, in particular as regards the monitoring, prevention and minimisation of environmental socio-environmental and climate impacts including but not limited to water, air and soil, the use of socially responsible practices including respect of human, indigenous peoples' and labour rights, quality jobs potential and meaningful engagement with local communities and relevant social partners, and the use of transparent business practices with adequate compliance policies to prevent and minimise risks of adverse impacts on the proper functioning of public administration, including corruption and bribery as set out in Annex III;</p>	<p>(c) the project would be implemented sustainably, in particular as regards the monitoring, prevention and minimisation of environmental impacts, the use of socially responsible practices including respect of human and labour rights, quality jobs potential and meaningful engagement with local communities and relevant social partners, and the use of transparent business practices with adequate compliance policies to prevent and minimise risks of adverse impacts on the proper functioning of public administration, including corruption and bribery;</p>	<p>PL. (Comments): Support for the proposal of the Commission's and the Council. SI: (Comments): SI is flexible. DE: (Comments): We support the EP addition of "[...] indigenous peoples' and labour rights [...]" AT: (Comments): We advocate maintaining the Council position in this case. The sustainable implementation of strategic projects is of course an essential criterion, as stated in the Council position and original Commission's proposal. However, the additional wording proposed by the Rapporteur restricts the possibilities for projects to be recognized as strategic projects. This is not in line with our overall objectives. IT: (Comments): Retain Council's position. It seems sufficiently completed FI:</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>(Comments): Regarding the EP mandate FIN would like to note that this regulation should not establish a different definition for ‘environmental impact’ from the definition used in the EIA directive’s Article 3(1). PT: (Comments): We support the Council’s mandate and the EP’s end wording “as set out in Annex III”.</p> <p>NL: (Comments): Council mandate BE: (Comments): Supporting the inclusion of EP’s “indigenous peoples” FR: (Comments): France can accept the EP proposal. SE: (Comments): SE can be flexible, but do not support the reference to Annex III. EP language introduces unclarities that opens up for different interpretations, especially connected to the EP mandate on Annex III.</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
171	(d) for projects in the Union, the establishment, operation or production of the project would have cross-border benefits beyond the Member State concerned, including for downstream sectors;	(d) for projects in the Union, the establishment, operation or production of the project would have cross-border benefits beyond the Member State concerned, including for downstream sectors;	(d) for projects in the Union, the establishment, operation or production of the project would have cross-border benefits beyond the Member State concerned, including for downstream sectors;	PL. (Comments): No remarks. SI: (Comments): NL: (Comments): Council mandate
172	(e) for projects in third countries that are emerging markets or developing economies, the project would be mutually beneficial for the Union and the third country concerned by adding value in that country.	(e) for projects in third countries that are emerging markets or developing economies, the project would include only project with like-minded partners, be operated under the framework of a sustainability certification scheme on raw materials recognised by the Commission and be mutually beneficial for the Union and the third country concerned by adding value in that country and contributing to the development of its economy and the establishment of relevant downstream industries, including local processing industries.	(e) for projects in third countries that are emerging markets or developing economies, the project would be mutually beneficial for the Union and the third country concerned by adding value in that country.	PL. (Comments): Support for the proposal of the Commission's and the Council. SI: (Comments): SI can be flexible with regard to the EP proposal. However we are not sure whether the proposed provisions are to prescriptive for the legal text. DE: (Comments): We support the second part of EP addition, namely:(e) for projects in third countries that are emerging markets or developing economies, the project would be mutually beneficial for the Union and the third country concerned by adding value in that country and contributing to the development of its

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>economy and the establishment of relevant downstream industries, including local processing industries.</p> <p>AT: (Comments): (see line 170). We advocate maintaining the Council position in this case.</p> <p>IT: (Comments): Retain Council's position. We are flexible on <i>“framework of a sustainability certification scheme on raw materials recognised by the Commission and”</i></p> <p>PT: (Comments): We don't support the EP's amendment “the project would include only project with like-minded partners,”. Natural constraints (e.g. geology), political instability in several resource-rich countries, and open strategic autonomy reasons recommend that the EU engage with all partners, safeguarding human rights, environmental, and labour rights. A like-minded partner today may not be so in the future.</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>NL: (Comments): Council mandate</p> <p>BE: (Comments): Keep the Council's position. Also unclear what "like-minded" means (be careful not to be too restrictive when mentioning like-minded countries)</p> <p>SK: (Comments): We support the COM/Council position – it should be up to the third country concerned to determine whether the project adds value or is deemed beneficial from its own point of view. The EU shall not impose its politico-economic criteria on sovereign third countries, whose governments are legitimate and capable of assessing the benefits of such projects themselves.</p> <p>SE: (Comments): SE believes that this might be too detailed.</p>
172a		(ea) Applications for the status of Strategic Project related exclusively to processing or		<p>PL. (Comments): No support for Parliament's proposal.</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
		<p>recycling located in areas protected under Council Directive 92/43/EEC¹ and Directive 2000/60/EC of the European Parliament and of the Council² shall not be considered for the status of Strategic Project by the Commission, unless duly justified.</p> <p>1. Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7). 2. Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).</p>		<p>DE: (Comments): We could support EP suggestion to exclude protected areas – however with a different wording (not just “unless duly justified”), which clarifies that such applications can be considered only in exceptional cases and provided that all the conditions set out in the Directives are fulfilled. We support the general idea behind the EP’s addition, but ask for a redraft to make the text coherent with the rest,(ea) Applications for the status of Strategic Project related exclusively to processing or recycling located in areas protected under Council Directive 92/43/EEC¹ and Directive 2000/60/EC of the European Parliament and of the Council² shall not be considered for the status of Strategic Project by the Commission, unless all the conditions set out in those acts are fulfilled. [from Art. 9, line 227b]Alternatively, we could recur to our proposal for NZIA which is:</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>“Areas protected under nature conservation law and areas designated for nature conservation under marine spatial planning law shall be excluded for net-zero manufacturing projects, except the nature conservation law allows such projects.”</p> <p>AT:</p> <p>(Comments):</p> <p>We advocate maintaining the Council position in this case (see also lines 170, 172).</p> <p>IT:</p> <p>(Comments):</p> <p>Retain Council's position</p> <p>FI:</p> <p>(Comments):</p> <p>What would the process be when deciding when locating these areas is duly justified? FIN assumes it would happen in the process described in Art. 6(1) but the criteria is not clear what ‘duly justified’ would mean.</p> <p>PT:</p> <p>(Comments):</p> <p>We can support the EP’s amendement concerning recycling projects.</p> <p>SE:</p> <p>(Comments):</p> <p>SE does not support this. This inclusion raises more</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				questions than what's being answered...The EP text refers to all water bodies which means no strategic projects would be possible if this text is adopted.
173	2. The fulfilment of the recognition criteria set out in paragraph 1 shall be assessed by the Commission in accordance with the elements and evidence set out in Annex III.	2. The fulfilment of the recognition criteria set out in paragraph 1 shall be assessed by the Commission in accordance with the elements and evidence set out in Annex III.	2. The fulfilment of the recognition criteria set out in paragraph 1 shall be assessed by the Commission in accordance with the elements and evidence set out in Annex III.	PL. (Comments): No remarks. SI: (Comments): FI: (Comments): Regarding the sustainability criteria, see our comments on Annex III (line 823)
174	The Commission is empowered to adopt delegated acts in accordance with Article 36 to amend Annex III in order to adapt the elements and evidence to be taken into account when assessing the fulfilment of the recognition criteria set out in paragraph 1 to technical and scientific progress or to take into account changes to the Union legislation or international instruments listed in Annex III, point 4, or the adoption of additional Union legislation or international instruments relevant for the fulfilment of the criterion	The Commission is empowered to adopt delegated acts in accordance with Article 36 to amend Annex III in order to adapt the elements and evidence to be taken into account when assessing the fulfilment of the recognition criteria set out in paragraph 1 to technical and scientific progress or to take into account changes to the Union legislation or international instruments listed in Annex III, point 4, or the adoption of additional Union legislation or international instruments relevant for the fulfilment of the criterion	The Commission is empowered to adopt delegated acts in accordance with Article 36 to amend Annex III in order to adapt the elements and evidence to be taken into account when assessing the fulfilment of the recognition criteria set out in paragraph 1 to technical and scientific progress or to take into account changes to the Union legislation or international instruments listed in Annex III, point 4, or the adoption of additional Union legislation or international instruments relevant for the fulfilment of the criterion referred to in paragraph 1, point (c).	PL. (Comments): Support for the proposal of the Commission's and the Council. SI: (Comments): DE: (Comments): We reject EP addition. It is important to specify that participation in a certification scheme recognised under this Regulation should only be an indication for sustainable implementation of a project. Even if a project promoter

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	referred to in paragraph 1, point (c).	referred to in paragraph 1, point (c). The project promoter may attest compliance with the criterion referred to in paragraph 1, point (c), through certification in a scheme or the commitment to fulfill such schemes at the time of project implementation, in accordance with Annex III, fifth paragraph. The Commission shall inform project promoters in the process of obtaining a Strategic Project permit as well as scheme owners of any delegated act adopted in accordance with Article 36 at the start of the objection period set in Article 36(4). Once the delegated act enters into force, the Commission shall inform project promoters and scheme owners thereof as well.		<p>participates in a scheme, he remains responsible for the sustainable implementation of a project and for compliance with relevant Union legislation and international instruments (in line with the provisions of the Batteries Act, recital 85). Therefore, we suggest adding the following sentence to the Council Mandate:</p> <p>“Participation in a scheme recognised under Article 29 indicates the fulfilment of the recognition criteria set out in paragraph 1 (c). While private sector schemes may support economic operators to implement a project sustainably, economic operators are individually responsible for compliance with the criterion referred to in paragraph 1, point (c) and relevant Union legislation.”</p> <p>AT:</p> <p>(Comments):</p> <p>We advocate maintaining the Council position in this case.</p> <p>IT:</p> <p>(Comments):</p> <p>We are flexible</p> <p>IE:</p> <p>(Comments):</p> <p>Prefer Council Mandate</p> <p>PT:</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>(Comments): We support the Council's mandate.</p> <p>NL: (Comments): Council mandate</p> <p>BE: (Comments): Keep the Council's position. Be careful not to make the EP procedure too complex.</p> <p>FR: (Comments): France supports the EP amendments of Annex IV to strengthen the criteria of recognition of the schemes and, therefore, France can also support this EP amendment. Indeed, more robust criteria of recognition of private scheme, should guarantee that schemes will be sufficiently reliable to assess compliance with paragraph 1, point (c).</p>
175	3. The recognition of a project as a Strategic Project shall not affect the requirements applicable to the relevant project or project promoter under international, Union or national law.	3. The recognition of a project as a Strategic Project shall not affect the requirements applicable to the relevant project or project promoter under international, Union or national law including national laws of third countries.	3. The recognition of a project as a Strategic Project shall not affect the requirements applicable to the relevant project or project promoter under international, Union or national law.	<p>PL. (Comments): Support for the proposal of the Commission's and the Council. The Parliament's proposal is a restatement of the "national law."</p> <p>SI: (Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>DE: (Comments): We support the EP addition</p> <p>AT: (Comments): We very much support this addition proposed by the Rapporteur. This provision should be valid for strategic projects both within the Union and in third countries.</p> <p>IT: (Comments): Retain Council's position. Appears pleonastic</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>PT: (Comments): We support the Council's mandate.</p> <p>NL: (Comments): Council mandate</p> <p>BE: (Comments): Is it possible to include a reference to the laws of third countries?</p>
175a		3a. Where relevant, the Commission shall consider the feasibility of complementary infrastructural Strategic		<p>PL. (Comments): No remarks.</p> <p>SI: (Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
		<p>Projects that have the potential to facilitate and improve transport and communication related to the Strategic Projects, as well as generally contribute to better regional and local development and greater social acceptability of the Strategic Project and social inclusion, while taking into consideration also environmental issues.</p>		<p>SI is flexible. DE: (Comments): Please clarify whether this addition aims at broadening the scope of application of the rules for strategic projects to infrastructural projects. AT: (Comments): We very much support this addition proposed by the Rapporteur as additional infrastructure will be required for some projects. IT: (Comments): We are flexible with EP IE: (Comments): Ireland rejects European Parliament text on the basis that it seeks to unduly expand the scope of this regulation. PT: (Comments): The EP's mandate may be considered regarding the extraction projects, since they very often are located in regions without adequate infrastructure. NL: (Comments): Council mandate</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>DK: (Comments): The Commission should not be obliged to consider additional infrastructure project. It is unclear what this would really mean, especially since the Commission could not take steps to carry out such complementary infrastructure projects. This text should not be maintained.</p> <p>BE: (Comments): Need more information on strategic infrastructure projects.</p> <p>SE: (Comments): SE finds it interesting but needs elaboration. What is a 'complementary infrastructural Strategic Project'? Does this really fit in a CRMA? Is this act intended to solve all societal challenges?</p>
176	Article 6 Application and recognition	Article 6 Application and recognition	Article 6 Application and recognition	<p>PL. (Comments): No remarks.</p> <p>SI: (Comments):</p> <p>FI: (Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				The additions in the EP mandate could place undue administrative burden on the applicants.
177	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:	1. Applications for recognition of a raw material project as a Strategic Project shall may be submitted by the project promoter to the Commission at any time . The application shall include:	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>PL. (Comments): No comments for each proposal.</p> <p>SI: (Comments):</p> <p>AT: (Comments): In terms of clarity of wording, we advocate maintaining the Council position in this case.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>PT: (Comments): We support the Council's mandate.</p> <p>NL: (Comments): Council mandate</p> <p>SE: (Comments): ?</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
178	(a) relevant evidence related to fulfilment of the criteria laid down in Article 5(1);	(a) relevant and factual evidence related to fulfilment of the criteria laid down in Article 5(1);	(a) relevant evidence related to fulfilment of the criteria laid down in Article 5(1);	<p>PL. (Comments): No comments for each proposal. SI: (Comments):</p> <p>AT: (Comments): In terms of clarity of wording, we very much support the amendment by the Rapporteur. IT: (Comments): Retain Council's position IE: (Comments): Prefer Council Mandate PT: (Comments): We support the Council's mandate. NL: (Comments): Council mandate</p>
179	(b) a classification of the project according to the United Nations Framework Classification for Resources, supported by appropriate evidence;	(b) a classification of the project according to the United Nations Framework Classification for Resources, supported by appropriate evidence;	(b) a classification of the project according to the United Nations Framework Classification for Resources, supported by appropriate evidence;	<p>PL. (Comments): No remarks. SI: (Comments):</p> <p>AT: (Comments): We continue to promote the</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>inclusion of resource classification according to the JORC code (Joint Ore Reserves Committee). The JORC code has greater international significance especially for publicly listed companies.</p> <p>IT: (Comments): It would be good to add: o similar classification of resources according to international standard procedures (CRISCO, etc.).</p> <p>PT: (Comments): We propose the following text as a replacement: <i>(b) a classification of the project according to the United Nations Framework Classification for Resources or CRIRSCO, supported by appropriate evidence;</i></p> <p>NL: (Comments): Council mandate</p>
180	(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;	(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;	(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>SI: (Comments):</p> <p>NL: (Comments): Council mandate</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	<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>(d) a plan containing measures to facilitate public acceptance ensure the meaningful involvement and active participation of affected communities, including, where appropriate, the establishment of recurrent communication channels with the local communities and organisations and regional authorities, including social partners and local communities, the implementation of awareness-raising and information campaigns and the establishment of mitigation and compensation mechanisms, and ensuring that involuntary resettlement is used exclusively as a last option;</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 potential mitigation and compensation mechanisms;</p>	<p>PL. (Comments): Support for the proposal of the Commission's and the Council.</p> <p>SI: (Comments):</p> <p>DE: (Comments): We strongly support for EP addition on meaningful involvement and active participation of affected communities. This is particularly important for projects in third countries.</p> <p>AT: (Comments): We advocate maintaining the Council position in this case as the wording of the Council mandate sufficiently serves the purpose of this provision.</p> <p>IT: (Comments): Retain Council's position <i>(The last phrase of EP's proposal is unclear)</i></p> <p>IE: (Comments): Prefer Council Mandate</p> <p>FI:</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>(Comments): EP would remove reference to communication channels with organisations. FIN thinks they should be included.</p> <p>PT: (Comments): We support the EP's amendment.</p> <p>NL: (Comments): Council mandate</p> <p>DK: (Comments): We made the point in the Council working group that it should not be an explicit goal to build public acceptance as this could interfere with the role of the public administration to have an impartial role. So we could accept European Parliament text that removes reference to building social acceptance here</p> <p>SE: (Comments): SE support council. There might be difficulties for operators to actually ensure the active participation from other stakeholders if those do not want to participate. This would hinder an efficient process, even though we</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				support the goal of local engagement.
182	(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;	(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;	(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;	PL. (Comments): No remarks. SI: (Comments):
183	(f) a business plan evaluating the financial viability of the project;	(f) a business plan evaluating the financial viability of the project;	(f) a business plan evaluating the financial viability of the project;	PL. (Comments): No remarks. SI: (Comments):
184	(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 and skill gap analysis, and a multiannual work plan to deploy upskilling and reskilling- effort in order to address such gaps, if any, and promote gender equality;	(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.	PL. (Comments): No comments for each proposal. SI: (Comments): AT: (Comments): We advocate maintaining the Council position in this case. IT: (Comments): Retain Council's position IE: (Comments): Prefer Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>PT: (Comments): We support the Council's mandate.</p> <p>NL: (Comments): Council mandate</p> <p>SK: (Comments): Support COM/Council wording. We advise to keep the criteria reasonable, so as not to deter new investments. EP position, while relevant, continues to increase substantially the administrative burden on project promoters.</p> <p>SE: (Comments): SE support Council. The EP suggestion would create an enormous burden on both operators and authorities including the Commission.</p>
184a		<p>(ga) for projects involving extraction, a plan to improve the sites environmental state after the end of exploitation, with a view to restoring the prior environmental state while taking into account technical and economic feasibility, as well as measures to foster training and reemployment of</p>		<p>PL. (Comments): No support for the introduction of additional requirements, to the application, most of this information is included in the applications for the relevant permits, e.g., licenses (ownership, method of decommissioning the mining</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
		workers;		<p>plant, etc.).</p> <p>DE: (Comments): We support the EP addition</p> <p>AT: (Comments): We agree with the intention of this addition proposed by the Rapporteur. However, we suggest the following wording: (ga) for projects involving extraction, measures to improve a plan to improve the sites environmental state after the end of exploitation, with a view to restoring the prior environmental state while taking into account technical and economic feasibility, as well as This may also include measures to foster training and reemployment of workers;</p> <p>CZ: (Comments): CZ does not support the proposal of EP.</p> <p>IT: (Comments): We retain the C's proposal. the concern is that excessive burdens on mining companies could be a major obstacle to investment</p> <p>IE:</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>(Comments): Reject EP Mandate FI:</p> <p>(Comments): Fulfilling the 40 % requirement might in some cases be challenging. PT:</p> <p>(Comments): This proposal from the EP cannot be included, as it oversteps the remit of the EU's action. It has clearly been established for the preparation of this Regulation, namely in the Commission Staff Working Document, that this initiative solely sets out measures to incentivise national authorities to streamline and accelerate administrative procedures for Strategic Projects. Member States remain the only competent authorities in terms of permitting and remain responsible for their staffing decisions. The obligations outlined in this Regulation target those areas where Member States retain significant competence, and they define the areas where more actions are necessary to achieve them, while leaving discretion to the Member</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>States on how to fulfil and implement them. Member States have their own mining laws with dispositions regarding mine closures. Portugal's legislation ensures that holders of the rights (pre-assessment, exploration, experimental exploitation and exploitation rights) are responsible for taking the appropriate measures to guarantee the minimisation of the environmental impact of their respective activities. The closure plan is approved with the granting of the concession and should be implemented during the execution of the exploitation works.</p> <p>NL: (Comments): Council mandate</p> <p>FR: (Comments): The EP added many new documents that would burden and lengthen the application for project promoter that could restrain project promoters to apply for the status of Strategic Project. In a spirit of compromise, France can accept the addition of the document in the paragraph (ga) but</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>opposes to the addition of the other documents.</p> <p>SE:</p> <p>(Comments):</p> <p>SE needs a clarification whether this would already be included in part in the Extractive Waste Directive.</p>
184b		<p>(gb) if the project involves resettlement, a plan detailing how legitimate tenure rights-holders will be identified and considered in the valuation process, and how compensation processes for loss of assets are fair and timely;</p>		<p>PL.</p> <p>(Comments):</p> <p>No support for the introduction of additional requirements, to the application, most of this information is included in the applications for the relevant permits, e.g., licenses (ownership, method of decommissioning the mining plant, etc.).</p> <p>DE:</p> <p>(Comments):</p> <p>We support the EP addition</p> <p>AT:</p> <p>(Comments):</p> <p>This is subject to authorization level by the competent national authority and therefore not a fitting addition in this case.</p> <p>IT:</p> <p>(Comments):</p> <p>See comments on raw 184a</p> <p>IE:</p> <p>(Comments):</p> <p>Reject EP Mandate</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>PT: (Comments): This proposal cannot be included as these are measures of the exclusive competence of Member-States to decide upon at their full discretion.</p> <p>NL: (Comments): Council mandate</p> <p>SE: (Comments): SE supports Council.</p>
184c		<p>(gc) for projects involving extraction within areas protected under Directive 92/43/EC or 2000/60/EC, a description demonstrating the tangible link between the project and the public interest;</p>		<p>PL. (Comments): No support for the introduction of additional requirements, to the application, most of this information is included in the applications for the relevant permits, e.g., licenses (ownership, method of decommissioning the mining plant, etc.).</p> <p>DE: (Comments): The idea behind the EP's addition is probably ok, but we do not believe this is necessary and that para could create confusion as the requirements of those</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>directives would require that in the first place. Therefore, we suggest deletion.</p> <p>AT:</p> <p>(Comments):</p> <p>We very much welcome a strengthened link between strategic projects and the civil society (public acceptance). However, we do not agree with this addition proposed by the Rapporteur. Strategic projects should lie in the public interest, no matter where they are planned.</p> <p>IT:</p> <p>(Comments):</p> <p>See comments on raw 184a</p> <p>IE:</p> <p>(Comments):</p> <p>Reject EP Mandate</p> <p>PT:</p> <p>(Comments):</p> <p>We support the EP's amendment.</p> <p>NL:</p> <p>(Comments):</p> <p>Council mandate</p> <p>SE:</p> <p>(Comments):</p> <p>SE needs a clarification if this is already included in the national permitting process. Should this really be included in the application to</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				be an SP, before the actual permitting process that the SP status shall open up to, is done?
184d		(gd) for projects involving extraction, a plan containing measures to ensure part of the added value will be created in the wider region of the extraction project;		<p>PL. (Comments): No support for the introduction of additional requirements, to the application, most of this information is included in the applications for the relevant permits, e.g., licenses (ownership, method of decommissioning the mining plant, etc.).</p> <p>AT: (Comments): We of course very much support the link between strategic projects and the local benefit they may create. However, we do not agree with this wording proposed by the Rapporteur as it is too vague. What exactly does “wider region” entail?</p> <p>IT: (Comments): See comments on raw 184a</p> <p>IE: (Comments): Reject EP Mandate</p> <p>PT: (Comments): Once again, we cannot</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>accept this EP proposal as it goes beyond the scope of the EU's intervention, entering into details which are of the competence of Member States to legislate upon.</p> <p>NL:</p> <p>(Comments):</p> <p>Council mandate</p>
184e		<p>(ge) for projects in third countries, evidence provided by the project promoter that at least 40% of its ownership is based in the Union or in the partner country.</p>		<p>PL.</p> <p>(Comments):</p> <p>No support for the introduction of additional requirements, to the application, most of this information is included in the applications for the relevant permits, e.g., licenses (ownership, method of decommissioning the mining plant, etc.).</p> <p>DE:</p> <p>(Comments):</p> <p>No to this addition. We do support the idea that the project promoter should provide the ownership structure (see recital 12 in line 21), we do not however support concrete percentage requirements.</p> <p>AT:</p> <p>(Comments):</p> <p>We very much support this</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>amendment proposed by the Rapporteur.</p> <p>IT: (Comments): Retain the council's position</p> <p>IE: (Comments): Reject EP Mandate</p> <p>PT: (Comments): We cannot support the EP's amendment.</p> <p>NL: (Comments): Council mandate</p> <p>FR: (Comments): France opposes to the amendment of the EP proposal. Projects should be analyzed case by case.</p> <p>SE: (Comments): SE needs a clarification if this can be implemented when applying trade agreements/regulations? Council legal service?</p>
185	2. The Commission is empowered to adopt implementing acts establishing a template to be used by project promoters for the applications referred to in paragraph 1. The	2. The Commission is empowered to shall adopt implementing acts establishing a single template to be used by project promoters for the applications referred to in	2. The Commission is empowered to adopt implementing acts establishing a template to be used by project promoters for the applications referred to in paragraph 1. The template may indicate how the information referred	<p>PL. (Comments): We support the Parliament's proposal . A uniform template will allow to speed up the work and include all the necessary information in</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	<p>template may indicate how the information referred to in paragraph 1 shall be expressed. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2).</p>	<p>paragraph 1 by [OJ please insert: 6 months after the entry into force of this Regulation]. The template may indicate how the information referred to in paragraph 1 shall be expressed. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2). The single template shall provide for only information needed for assessing the application. The scope of information required to complete the single template shall be reasonable.</p>	<p>to in paragraph 1 shall be expressed. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2).</p>	<p>the proposal. SI: (Comments):</p> <p>AT: (Comments): We generally advocate maintaining the Council position in this case, but, also welcome the following additional wording proposed by the Rapporteur: 2. The Commission is empowered to adopt implementing acts establishing a template to be used by project promoters for the applications referred to in paragraph 1. The template may indicate how the information referred to in paragraph 1 shall be expressed. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2). The single template shall provide for only information needed for assessing the application. The scope of information required to complete the single template shall be reasonable.</p> <p>IT: (Comments): We are flexible with EP</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>IE: (Comments): Prefer Council Mandate PT: (Comments): We support the Council's mandate and the adding of the EP wording "single template to be used by project promoters for the applications referred to in paragraph 1 by [OJ please insert: 6 months after the entry into force of this Regulation]."</p> <p>NL: (Comments): Council mandate FR: (Comments): France can accept the EP proposal. SE: (Comments): SE can be flexible</p>
186	<p>3. Where the Commission considers that information provided in the application is incomplete, it shall give the applicant the opportunity to submit the additional information required to complete the application in a timely manner.</p>	<p>3. The Commission shall assess the completeness of the application within 14 days of receipt thereof and shall inform the project promoter whether it is complete, and of the timetable of its assessment. Where the Commission considers that information provided in the application is incomplete, it shall</p>	<p>3. Where the Commission 3. The Commission shall inform the applicant within 30 days after the submission of the application if it considers that the information provided in the application is incomplete, itand shall give the applicant the opportunity to submit the additional information required to complete the application in a timely</p>	<p>PL. (Comments): We support the Parliament's proposal . SI: (Comments): AT: (Comments): We generally advocate</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
		give the applicant the opportunity to submit the additional information required to complete the application in a timely manner.	manner.	<p>maintaining the Council position in this case, but, propose the following wording: 3. Where the Commission The Commission shall inform the applicant within 30 days after the submission of the application if it considers that the information provided in the application is incomplete, it and shall give the applicant the opportunity to submit the additional information required to complete the application in a timely manner. The Commission shall also inform the applicant of the timetable of its assessment.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>PT: (Comments): We support the Council's mandate.</p> <p>NL: (Comments): Council mandate</p> <p>BE: (Comments): Keep the Council's version</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>FR: (Comments): France strongly supports the Council proposal because 14 days are not enough to inform the applicant of the incompleteness of its application. France is strongly in favour of the delay of 30 days;</p> <p>SK: (Comments): The overall aim of the CRMA is to shorten and simplify procedures, therefore we support the ambition in the EP position.</p> <p>SE: (Comments): Support Council</p>
187	<p>4. The European Critical Raw Materials Board referred to in Article 34 ('the Board') shall, based on a fair and transparent process, discuss and issue an opinion on the completeness of the application and whether the proposed project fulfils the criteria set out in Article 5(1).</p>	<p>4. Where the Commission has informed the project promoter that the information provided in the application is complete in accordance with paragraph 3, it shall forward all the application documents to the European Critical Raw Materials Board referred to in Article 34 ('the Board'). Within 30 days of receipt of the application documents, the Board shall, based on a fair and transparent process, discuss and issue an opinion on the completeness of</p>	<p>4. The European Critical Raw Materials Board referred to in Article 34 ('the Board') shall, based on a fair and transparent process, discuss and issue an opinion on the completeness of the application and whether the proposed project fulfils the criteria set out in Article 5(1).</p>	<p>PL. (Comments): We support the Parliament's proposal .</p> <p>SI: (Comments):</p> <p>AT: (Comments): In terms of clarity of wording and procedures, we very much support the amendments made by the Rapporteur, however, suggest the following wording:4. Where the</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
		<p>the application and whether the proposed project fulfils the criteria set out in Article 5(1).</p>		<p>Commission has informed the project promoter that the information provided in the application is complete in accordance with paragraph 3, it shall forward all the application documents to the European Critical Raw Materials Board referred to in Article 34 ('the Board'). Within 30 days of receipt of the application documents, the Board shall, based on a fair and transparent process, discuss and issue an opinion on the completeness of the application and whether the proposed project fulfils the criteria set out in Article 5(1).</p> <p>IT: (Comments): We are flexible to introduce the EP's amendments in council's version</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>FI: (Comments): Not clear whether the EP mandate means infringements in administrative procedures and/or in criminal law?</p> <p>PT:</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>(Comments): We support the Council's mandate and the EP's mandate "Within 30 days of receipt of the application documents, the Board shall, based on a fair and transparent process". To streamline strategic raw materials projects, the Board should also have assessment deadlines.</p> <p>NL: (Comments): Council mandate</p> <p>SK: (Comments): Support the EP position – establishes clear timeline.</p>
187a		<p>4a. The Commission shall transmit the application to the Member State whose territory is concerned by a proposed project.</p>		<p>PL. (Comments): We support the Parliament's proposal .</p> <p>AT: (Comments): We very much support the addition proposed by the Rapporteur. This supports a clear and transparent process for strategic projects.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>Ireland provisionally supports the EP text</p> <p>PT:</p> <p>(Comments):</p> <p>We support the EP's amendment. Member States should be informed of strategic project applications in their territory.</p> <p>NL:</p> <p>(Comments):</p> <p>Council mandate</p> <p>DK:</p> <p>(Comments):</p> <p>The European Parliament text seems to suggest the member state would then process the application and not the Commission. And thereby assume responsibility for it. It is unhelpful and not in line with how the process is otherwise described in the article were it is established the Board is advisory.</p> <p>FR:</p> <p>(Comments):</p> <p>France could accept the EP proposal</p>
187b		<p>4b. The Commission, when assessing the application, shall take into account any proven track record in human rights or environmental infringements that took place</p>		<p>PL.</p> <p>(Comments):</p> <p>No remarks.</p> <p>AT:</p> <p>(Comments):</p> <p>From a legal perspective, this addition proposed by the</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
		in the 5 years prior to the application, and any mitigation measures taken.		<p>Rapporteur is rejected. The wording is vague. It is also a question of sufficient legal evidence.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Reject EP Mandate</p> <p>PT: (Comments): We support the EP's amendment.</p> <p>NL: (Comments): Council mandate</p> <p>DK: (Comments): We don't think it is appropriately to set a 5 year deadline and that any infringement before that deadline would then presumably not count.</p> <p>SE: (Comments): SE wants to ask how this information shall be collected, and who is going to make this judgement.</p>
188	5. Where the Member State whose territory is concerned by a proposed project objects to granting the proposed project	5. Where the Any Member State whose territory is concerned by a proposed project objects may oppose to granting the proposed	5. Where the Member State whose territory is concerned by a proposed project objects to granting the proposed project strategic status, if the	<p>PL. (Comments): We support the Parliament's proposal .</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	strategic status, it shall present substantiated reasons for doing so during the discussion referred to in paragraph 4. The Board shall discuss the substantiated reasons presented by a Member State for its objection. If, after the discussion, the Member State maintains its objection, the project shall not be considered for the status of Strategic Project.	project strategic status, it shall present substantiated reasons for doing so during the discussion referred to in paragraph 4. The Board shall discuss the substantiated reasons presented by a may invite the Member State for its objection. If, after the discussion, the Member State maintains concerned to present the substantiated reasons for its objection, the project shall not be considered for the status of Strategic Project so that the Board discusses them.	project shall present substantiated reasons for doing so during the discussion referred to in paragraph 4. The Board shall discuss the not be considered for the status of Strategic Project. The Member State concerned shall present substantiated reasons presented by a Member State for its objection. If, after for doing so during the discussion, the Member State maintains its objection, the project shall not be considered for the status of Strategic Project referred to in paragraph 4.	SI: (Comments): AT: (Comments): We advocate maintaining the Council position in this case. IT: (Comments): Retain Council's position IE: (Comments): Prefer Council Mandate PT: (Comments): We support the Council's mandate. NL: (Comments): Council mandate
189	For Strategic Projects in third countries, the Commission shall share the application received with the third country whose territory is concerned by the proposed project. The Commission shall not approve the application before receiving the explicit approval of the relevant third country.	For Strategic Projects in third countries, the Commission shall share the application received with the third country whose territory is concerned by the proposed project. The Commission shall not approve the application before receiving the explicit approval of the relevant third country, in accordance with the applicable international law and the national law of that third country.	For Strategic Projects in third countries, including OCTs , the Commission shall share the application received with the third country whose territory is concerned by the proposed project. The Commission shall not approve the application before receiving the explicit approval of the relevant third country.	PL. (Comments): No comments for each proposal. SI: (Comments): DE: (Comments): We support the EP addition. AT: (Comments): We generally advocate the Council position in this case,

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>but, also welcome the additional wording proposed by the Rapporteur: For Strategic Projects in third countries, including OCTs, the Commission shall share the application received with the third country whose territory is concerned by the proposed project. The Commission shall not approve the application before receiving the explicit approval of the relevant third country, in accordance with the applicable international law and the national law of that third country.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>PT: (Comments): We support the Council's mandate.</p> <p>NL: (Comments): Council mandate</p> <p>DK: (Comments): Important to keep the various references to OCTs in the text</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				FR: (Comments): France supports the Council proposal but would rather prefer the following writing: “ including or OCTs ” It is important to not consider an OCT as a third country. SE: (Comments): SE asks for clarification.
189a		5a. For Strategic Projects in third countries with which the Union has negotiated a Strategic Partnership Agreement, the Commission shall conduct consultations with the authorities of this country in order to guarantee swift implementation of the project.		PL. (Comments): No remarks. DE: (Comments): We support the EP addition AT: (Comments): We very much welcome this addition proposed by the Rapporteur. This is in line with our overall objectives and supports swift implementation of strategic projects not only within the Union but also in respective partner countries. IT: (Comments): We are flexible with EP IE: (Comments): Reject EP Mandate PT:

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>(Comments): We support the EP's amendment.</p> <p>NL: (Comments): EP Mandate</p> <p>SE: (Comments): SE sees a risk concerning corruption and bribes with this addition.</p>
190	<p>6. The Commission shall, taking account of the Board's opinion referred to in paragraph 4, adopt its decision on the recognition of the project as Strategic Project within 60 days and notify the applicant thereof.</p>	<p>6. The Commission shall, taking account of the Board's opinion referred to in paragraph 4, adopt its decision on the recognition of the project as Strategic Project within 60 days of acknowledging the completeness of the application in accordance with paragraph 3 and shalland notify the applicant thereof.</p>	<p>6. The Commission shall, taking account of the Board's opinion referred to in paragraph 4, adopt its decision on the recognition of the project as Strategic Project within 60 days from receiving the Board's opinion and notify the applicant and the Member State or third country whose territory is concerned thereof.</p>	<p>PL. (Comments): No comments for each proposal.</p> <p>SI: (Comments):</p> <p>AT: (Comments): We advocate maintaining the Council position in this case.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>PT: (Comments): We support the Council's mandate.</p> <p>DK: (Comments): Important to keep Council</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>textThe member states have an advisory role whilst the Commission has legal and formal responsibility. It is up to the Commission to establish that strategic projects live up to necessary criteria, including processing applications and deciding that additional information is required.</p> <p>FR: (Comments): France strongly supports the Council proposal.</p>
191	<p>The Commission's decision shall be reasoned, including, where applicable, where it is different from the Board's opinion. The Commission shall share its reasons with the Board as well as with the project promoter.</p>	<p>The Commission's decision shall be reasoned, including, where applicable, where it is different from the Board's opinion. The Commission shall share its reasons with the competent authorities in the Member State concerned, the Board and the European Parliament as well as with the project promoter.</p>	<p>The Commission's decision shall be reasoned, including, where applicable, where it is different from the Board's opinion and duly justified and shared with the Board as well as with the project promoter. The Commission shall share its reasons with the Board as well as with the inform the Board of all the projects that are applying for the status of Strategic Project promoter and of all its decisions concerning the granting of the status of Strategic Project.</p>	<p>PL. (Comments): We support the Parliament's proposal .</p> <p>SI: (Comments):</p> <p>AT: (Comments): We generally advocate maintaining the Council position in this case, but also agree that the European Parliament can be informed about the Commission's decisions. We therefore suggest the following wording: The Commission's decision shall be reasoned;</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>including, where applicable, where it is different from the Board's opinion and duly justified and shared with the Board, the competent authorities in the Member States concerned, as well as with the project promoter, as well as, if necessary, the European Parliament. The Commission shall share its reasons with the Board as well as with the inform the Board and the competent authorities in the Member States concerned of all the projects that are applying for the status of Strategic Project promoter and of all its decisions concerning the granting of the status of Strategic Project.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>PT: (Comments): We support the Council's mandate with the adding of "the Member State concerned": The Commission's decision shall be reasoned, including, where applicable, where it is</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>different from the Board's opinion and duly justified and shared with the Member State concerned, the Board as well as with the project promoter. The Commission shall share its reasons with the Board as well as with the inform the Board of all the projects that are applying for the status of Strategic Project promoter and of all its decisions concerning the granting of the status of Strategic Project.</p> <p>DK: (Comments): Important to keep Council textThe member states have an advisory role whilst the Commission has legal and formal responsibility. It is up to the Commission to establish that strategic projects live up to necessary criteria, including processing applications and deciding that additional information is required.</p> <p>FR: (Comments): France strongly supports the Council proposal.</p>
192	7. The Commission may	7. The Commission may	7. The Commission may prioritise the	<p>PL. (Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	prioritise the processing of applications for projects active on specific stages of the value chain in order to:	prioritise the processing of applications for projects active on specific stages of the value chain in order to:	processing of applications for projects active on specific stages of the value chain in order to:	No remarks. SI: (Comments):
193	(a) ensure a balanced representation of Strategic Projects for all strategic raw materials and in all stages of the value chain;	(a) ensure a balanced representation of Strategic Projects for all strategic raw materials and in all stages of the value chain;	(a) ensure a balanced representation of Strategic Projects for all strategic raw materials and in all stages of the value chain;	PL. (Comments): No remarks. SI: (Comments):
194	(b) ensure progress is achieved towards all the benchmarks set out in Article 1(2), points (a) and (b).	(b) ensure progress is achieved towards all the benchmarks set out in Article 1(2), points (a) and (b).	(b) ensure progress is achieved towards all the benchmarks set out in Article 1(2), points (a) and (b) 5(0) .	PL. (Comments): No comments for each proposal. SI: (Comments): IT: (Comments): Retain Council's position IE: (Comments): Prefer Council Mandate
194a		(ba) ensure that, in line with the benchmarks and the balanced representation in point (a), priority shall be given to projects in the area of material recovery, extractive waste and integrated recycling as well as applications		PL. (Comments): No support for Parliament's proposal. DE: (Comments): In principle support for EP addition, but why priority for

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
		submitted by SMEs.		<p>“projects in the area of extractive waste”? If this means material recovery from extractive waste, “extractive waste” could be deleted, because already covered.</p> <p>AT: (Comments): We reject this addition proposed by the Rapporteur. This narrows the range of possible projects to improve the security of supply and is thus not in line with our overall objectives.</p> <p>CZ: (Comments): CZ does not support the proposal of EP.</p> <p>IT: (Comments): Retain Council's position(the priority criterias are not clear and is not clear how they can be evaluated)</p> <p>IE: (Comments): Reject EP Mandate – Ireland would prefer Strategic Projects to be designated on the basis of meeting the objective criteria, rather than value chain activity.</p> <p>PT: (Comments): Although material recovery</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>and recycling should be emphasised over extraction, a balanced representation might not mean prioritisation.</p> <p>DK:</p> <p>(Comments):</p> <p>Difficult to assess whether these criteria will always be the most important. The crucial point is that the projects contribute to resilience, circular economy and resource-effective.</p> <p>BE:</p> <p>(Comments):</p> <p>OK with opening to SMEs proposed by EP</p> <p>SE:</p> <p>(Comments):</p> <p>SE does not support this. Is this really necessary? We believe that it can be included in (a) already and might have unwanted effects if changed. We don't have the technical ability to do a hard prioritisation of material recovery and recycling just yet. It's better with a balanced representation.</p>
194b		<p>The Commission shall prioritise the processing of applications pursuant to first subparagraph of this</p>		<p>PL.</p> <p>(Comments):</p> <p>No support for Parliament's proposal.</p> <p>AT:</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
		paragraph, provided that the Commission has complied with the timelines set in paragraph 6 for all applications.		<p>(Comments): (see line 194a) We reject this addition proposed by the Rapporteur.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Reject EP Mandate</p> <p>PT: (Comments): We do not agree with the EP's amendment.</p> <p>SE: (Comments): It would be easier to follow which subparagraph if it was written with number and letter. Should it not be "first come first served"? Or on a necessity level?</p>
195	8. Where the Commission finds that a Strategic Project no longer fulfils the criteria set out in Article 5(1) or where its recognition was based on an application containing incorrect information, it may, taking into account the opinion of the Board and the responsible project promoter, repeal the decision granting a project the status of Strategic Project.	8. Where the Commission finds that a Strategic Project no longer fulfils the criteria set out in Article 5(1) or where its recognition was based on an application containing incorrect fraudulent information, it may, taking into account the opinion of the Board and the responsible project promoter, repeal the decision granting a project the status of Strategic Project. Before adopting a	8. Where the Commission finds that a Strategic Project no longer fulfils the criteria set out in Article 5(1) or where its recognition was based on an application containing incorrect information, it may, taking into account the opinion of the Board and the responsible project promoter, repeal the decision granting a project the status of Strategic Project. The Commission shall provide justifications for its decision.	<p>PL. (Comments): No support for any proposal. In addition to the Commission, the Member States on which the strategic project is implemented should also have the opportunity to overrule the original decision.</p> <p>SI: (Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
		<p>decision to repeal that status, the Commission shall provide the project promoter with reasons for the decision to repeal, the project promoter shall be given the opportunity to reply to the Commission's position and the Commission shall take into account the project promoter's reply.</p>		<p>AT: (Comments): We very much support this amendment proposed by the Rapporteur since it supports a transparent process.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>FI: (Comments): FIN can be flexible here.</p> <p>PT: (Comments): We support the EP's amendment.</p> <p>BE: (Comments): Incorrect is broader than fraudulent. Can clarification be given about the juridical consequences?</p> <p>FR: (Comments): France can accept the EP proposal as it enshrines in the Regulation the adversarial principle.</p> <p>SE: (Comments): SE think that the EP suggestion will give the</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				project promoter a fair chance.
195a		Any Strategic Project that is no longer considered a Strategic Project solely as the result of an update of the list of strategic raw materials referred to in Article 3 shall still be considered a Strategic Project for two years following the decision to repeal referred to in first subparagraph of this paragraph.		<p>PL. (Comments): Once selected, a strategic project should retain its status until completion. What will be the impact of revoking strategic status for ongoing projects?</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Reject EP Mandate – as we prefer current text (<i>see Article 6 Application and recognition</i> 9a. Strategic Projects that no longer fulfil the criteria set out in Article 5(1) due to updates of Annex I shall maintain their status as Strategic Projects for 3 years.)</p> <p>FI: (Comments): This is basically identical with the council mandate on line 196a so FIN can be flexible</p> <p>PT: (Comments): We are flexible on the EP's amendment and the Council's mandate on 9a.</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				(line 196a) FR: (Comments): As France supports the amendment 9a of the Council proposal (line 196a), France opposes this EP proposal. SK: (Comments): Should be taken into account legal certainty and investment safety for project promoters. SE: (Comments): Support Council and their suggestion in 196a.
196	9. Projects which are no longer recognised as Strategic Projects shall lose all rights connected to that status under this Regulation.	9. Projects which are no longer recognised as Strategic Projects shall lose all rights connected to that status under this Regulation.	9. Projects which are no longer recognised as Strategic Projects shall lose all rights connected to that status under this Regulation.	PL. (Comments): No remarks. SI: (Comments): IT: (Comments): Retain Council's position
196a			9a. Strategic Projects that no longer fulfil the criteria set out in Article 5(1) due to updates of Annex I shall maintain their status as Strategic Projects for 3 years.	PL. (Comments): Once selected, a strategic project should retain its status until completion. What will be the impact of revoking strategic status for ongoing projects?

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>AT: (Comments): We advocate maintaining the Council position in this case (see line 195a).</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>PT: (Comments): We are flexible on the EP's amendment on line 195a (see comment above).</p> <p>FR: (Comments): France supports the Council proposal</p>
197	Article 7 Implementation of Strategic Projects	Article 7 Implementation of Strategic Projects	Article 7 Implementation of Reporting and information obligations for Strategic Projects	<p>PL. (Comments): Support for the Commission's proposal and Parliament.</p> <p>SI: (Comments):</p> <p>AT: (Comments): We generally advocate maintaining the Council position in this case (further comments see lines 202, 205a, 208, 210a, 211).</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				IT: (Comments): Retain Council's position IE: (Comments): Accept revised title in Council Mandate text
198	1. Strategic Projects shall be considered to contribute to the security of supply of strategic raw materials in the Union.	1. Strategic Projects shall be considered to contribute to the security of supply of strategic raw materials in the Union, in line with the objectives set out in article 1 of this Regulation.	1. Strategic Projects shall be considered to contribute to the security of supply of strategic raw materials in the Union.	PL. (Comments): Support for the Commission's proposal and Parliament. SI: (Comments): IT: (Comments): Retain Council's position IE: (Comments): Reject EP Mandate PT: (Comments): We agree with the Council's mandate in addressing this point in Article 9.
199	2. With regard to the environmental impacts addressed in Articles 6(4) and 16(1)(c) 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	2. With regard to the environmental impacts addressed in Articles 6(4) and 16(1)(c) 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	2. With regard to the environmental impacts addressed in Articles 6(4) and 16(1)(c) 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	PL. (Comments): Support for the Commission's proposal and Parliament. SI: (Comments):

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	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.	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.	and safety, and may be considered as having an overriding public interest provided that all the conditions set out in those Directives are fulfilled.	IT: (Comments): Retain Council's position PT: (Comments): We agree with the Council's mandate in addressing this point in Article 9.
200	3. The Member State whose territory is concerned by a Strategic Project shall take measures to contribute to its timely and effective implementation.	3. The Member State, together with regional and local authorities whose territory is concerned by a Strategic Project shall take measures to contribute to its timely and effective implementation.	3. The Member State whose territory is concerned by a Strategic Project shall take measures to contribute to its timely and effective implementation.	PL. (Comments): Support for the Commission's proposal and Parliament. SI: (Comments): HR: (Comments): We can support the proposal of the EP Mandate, which states that Local and regional authorities must be included. In the Republic of Croatia, in accordance with the Constitution of the Republic of Croatia, they independently plan and manage their territory. IT: (Comments): Retain Council's position IE: (Comments):

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				Reject EP Mandate SE: (Comments): What does this mean? Is there anything equivalent in any other area of law that you can compare it to? That the government cooperates with regional and local authorities? What does "shall take measures" imply? What steps and actions are required?
201	4. The Board shall periodically discuss the implementation of the Strategic Projects and, where necessary, measures that could be taken by the project promoter or the Member State whose territory is concerned by a Strategic Project to further facilitate the implementation of those Strategic Projects.	4. The Board shall periodically discuss the implementation of the Strategic Projects and, where necessary, measures that could be taken by the project promoter or the Member State whose territory is concerned by a Strategic Project to further facilitate the implementation and successful execution of the those Strategic Projects.	4. The Board shall periodically discuss the implementation of the Strategic Projects and, where necessary, measures that could be taken by the project promoter or the Member State whose territory is concerned by a Strategic Project to further facilitate the implementation of those Strategic Projects.	PL. (Comments): Support for the Commission's proposal and Parliament. SI: (Comments): IT: (Comments): Retain Council's position IE: (Comments): Reject EP Mandate SE: (Comments): The MS should not be part of this considering this might create problems regarding competition and impartiality.
202	5. The project promoter shall,	5. The project promoter shall,	5. The project promoter shall, every	PL. (Comments):

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	every two years after the date of recognition as a Strategic Project, submit a report to the Board containing information on at least:	every two years after the date of recognition as a Strategic Project, submit a report to the Board Commission containing information on at least:	two years after the date of recognition as a Strategic Project, submit a report to the Board containing information on at least:	<p>We support the Parliament's proposal SI: (Comments):</p> <p>SI supports the Council text. AT: (Comments): We support the amendment proposed by the Rapporteur. IT: (Comments): Retain Council's position IE: (Comments): Prefer Council Mandate PT: (Comments): We support the Council's mandate.</p>
203	(a) progress in the implementation of the project, in particular with regard to the permit granting process;	(a) progress in the implementation of the project, in particular with regard to the permit granting process;	(a) progress in the implementation of the project, in particular with regard to the permit granting process;	<p>PL. (Comments): No remarks. SI: (Comments):</p> <p>IT: (Comments): Retain Council's position</p>
204	(b) where relevant, reasons for delays compared to the timetable referred to in Article 6(1), point (c) and a plan to overcome such	(b) where relevant, reasons for delays compared to the timetable referred to in Article 6(1), point (c) and a plan to overcome such	(b) where relevant, reasons for delays compared to the timetable referred to in Article 6(1), point (c) and a plan to overcome such delays;	<p>PL. (Comments): No remarks. SI: (Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	delays;	delays;		IT: (Comments): Retain Council's position
205	(c) progress in financing the project, including information on public financial support.	(c) progress in financing the project, including information on public financial support.	(c) progress in financing the project, including information on public financial support.	PL. (Comments): No remarks. SI: (Comments): IT: (Comments): Retain Council's position
205a		The Commission shall submit a copy of the report to the Board, to facilitate the discussion referred to in paragraph 4.		PL. (Comments): We support the Parliament's proposal . AT: (Comments): We support the amendment made by the Rapporteur. IT: (Comments): Retain Council's position IE: (Comments): Reject EP Mandate PT: (Comments): We support the EP's amendment. SE: (Comments): Is the reference to paragraph

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				4 correct? Should it not be para 5, if that would be the case the change is ok.
206	6. The Board may request additional information from project promoters relevant to the implementation of the Strategic Project at any moment.	6. The Board may request additional information from project promoters relevant to the implementation of the Strategic Project at any moment.	6. The Board Commission may request additional information from project promoters relevant to the implementation of the Strategic Project at any moment where necessary to ascertain the continued fulfilment of the criteria set out in Article 5(1).	<p>PL. (Comments):</p> <p>The Board or Commission may request additional information from the project.</p> <p>SI: (Comments): SI supports the Council text. Request for information from project promoters should be competence of the Commission.</p> <p>AT: (Comments): In terms of clarity of procedures and wording, we suggest the following wording: 6. The Board and the Commission may request additional information from project promoters relevant to the implementation of the Strategic Project at any moment where necessary to ascertain the continued fulfilment of the criteria set out in Article 5(1).</p> <p>IT: (Comments): Retain Council's position</p> <p>IE:</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>(Comments): Prefer Council Mandate</p> <p>PT: (Comments): We support the Council's mandate.</p> <p>DK: (Comments): Important to keep Council text The member states have an advisory role whilst the Commission has legal and formal responsibility. It is up to the Commission to establish that strategic projects live up to necessary criteria, including processing applications and deciding that additional information is required.</p>
207	7. The project promoter shall notify the Commission of:	7. The project promoter shall notify the Commission of:	7. The project promoter shall notify the Commission of:	<p>PL. (Comments): No remarks.</p> <p>SI: (Comments):</p> <p>IT: (Comments): Retain Council's position</p>
208	(a) changes to the project affecting its fulfilment of the criteria set out in Article 5(1);	(a) changes that constitute hurdles to the project affecting its fulfilment of the criteria set out in Article 5(1);	(a) changes to the project affecting its fulfilment of the criteria set out in Article 5(1);	<p>PL. (Comments): We support the Parliament's proposal .</p> <p>SI:</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>(Comments):</p> <p>AT:</p> <p>(Comments):</p> <p>In terms of clarity of wording, we support the amendment proposed by the Rapporteur.</p> <p>IT:</p> <p>(Comments):</p> <p>Retain Council's position</p> <p>IE:</p> <p>(Comments):</p> <p>Reject EP Mandate</p> <p>PT:</p> <p>(Comments):</p> <p>Flexibility.</p> <p>SE:</p> <p>(Comments):</p> <p>SE think the EPs suggestion is good.</p>
209	(b) changes in control of the undertakings involved in the project on a lasting basis, compared to the information referred to in Article 6(1), point (e).	(b) changes in control of the undertakings involved in the project on a lasting basis, compared to the information referred to in Article 6(1), point (e).	(b) changes in control of the undertakings involved in the project on a lasting basis, compared to the information referred to in Article 6(1), point (e).	<p>PL.</p> <p>(Comments):</p> <p>No remarks.</p> <p>SI:</p> <p>(Comments):</p> <p>IT:</p> <p>(Comments):</p> <p>Retain Council's position</p>
210	8. The Commission is empowered to adopt implementing acts establishing a	8. The Commission is empowered to adopt implementing acts establishing a	8. The Commission is empowered to adopt implementing acts establishing a template to be used by project	<p>PL.</p> <p>(Comments):</p> <p>No remarks.</p> <p>SI:</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	template to be used by project promoters for the reports referred to in paragraph 5. The template may indicate how the information referred to in paragraph 5 shall be expressed. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2).	template to be used by project promoters for the reports referred to in paragraph 5. The template may indicate how the information referred to in paragraph 5 shall be expressed. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2).	promoters for the reports referred to in paragraph 5. The template may indicate how the information referred to in paragraph 5 shall be expressed. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2).	(Comments): IT: (Comments): Retain Council's position
210a		Those implementing acts shall provide for a single template to cover all information required for the report The scope of information required to complete the single template shall be reasonable.		PL. (Comments): No remarks. AT: (Comments): We very much support this amendment proposed by the Rapporteur as it provides additional administrative support for project promoters. IT: (Comments): Retain Council's position IE: (Comments): Reject EP Mandate PT: (Comments): We support the EP's amendment. BE: (Comments): EP proposal can be supported

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				SE: (Comments): SE think the EPs suggestion is good.
211	9. The project promoter shall establish and regularly update a dedicated project website with relevant information about the Strategic Project, including information on the environmental, social and economic impacts and benefits associated with the Strategic Project. The website shall be freely accessible to the public and shall be available in a language or languages that can be easily understood by the local population.	9. The project promoter shall establish and regularly update the company website or a dedicated project website with information relevant information to the local population and to foster public acceptance about the Strategic Project, including information on the environmental, and social and economic impacts and benefits associated with the Strategic Project. The website shall be freely accessible to the public and shall be available in a language or languages that can be easily understood by the local population.	9. The project promoter shall establish and regularly update a dedicated project website with relevant information about the Strategic Project, including at least information on the environmental, social and economic impacts and benefits associated with the Strategic Project. The website shall be freely accessible to the public and shall be available in a language or languages that can be easily understood by the local population.	PL. (Comments): We support the Parliament's proposal . SI: (Comments): AT: (Comments): We advocate maintaining the Council position in this case. IT: (Comments): Retain Council's position IE: (Comments): Prefer Council Mandate FI: (Comments): FIN Can support the EP mandate. PT: (Comments): We support the EP's amendment. SE: (Comments): Support Council. Might be a problem with Aarhus convention to just have information important to

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				local population.
227	Article 9 Priority status of Strategic Projects	Article 9 Priority status of Strategic Projects	Article 9 Priority status of Strategic Projects	<p>SI: (Comments): SI supports the Council text</p> <p>AT: (Comments): We generally advocate maintaining the Council position in this case (further comments see line 228).</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Prefer Council Mandate on all of Article 9</p>
227a			-1. Strategic Projects shall be considered to contribute to the security of supply of strategic raw materials in the Union.	<p>PL. (Comments): No support for the Council's proposal. Placing this provision in its original place i.e. in Article 7 is more appropriate.</p> <p>IT: (Comments): Retain Council's position</p> <p>PT: (Comments): We support the Council's mandate.</p> <p>NL: (Comments): Council Mandate</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
227b			<p>-1a. With regard to the environmental impacts or obligations addressed in Articles 6(4) and 16(1)(c) of Directive 92/43/EEC, Article 4(7) of Directive 2000/60/EC and Article 9(1)(a) of Directive 2009/147/EC or in Articles [4(8) and 4(8a)] of the Nature Restoration Regulation, 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 acts are fulfilled.</p>	<p>PL. (Comments): No support for the Council's proposal. Placing this provision in its original place i.e. in Article 7 is more appropriate. FI: (Comments): Are the references to the Articles in the Nature Restoration Regulation correct in the council mandate or should the article also include a reference to article 4(9) of the nature restoration regulation? FIN understands that the nature restoration regulation is still a work in progress, but it is a question that came up nationally. PT: (Comments): We support the Council's mandate. NL: (Comments): Council Mandate</p>
228	1. For the purpose of ensuring efficient administrative processing of the permitting processes related to Strategic Projects in the Union, project promoters and all authorities	1. For the purpose of ensuring efficient administrative processing of the permitting processes related to Strategic Projects in the Union, project promoters and all authorities	1. For the purpose of ensuring efficient administrative processing of the permitting processes related to Strategic Projects in the Union, project promoters and all authorities concerned shall ensure that those	<p>PL. (Comments): We support maintaining the Council's proposal. SI: (Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	concerned shall ensure that those processes are treated in the most rapid way possible in accordance with Union and national law.	concerned including national authorities referred to in Article 8(1) and (3) shall ensure that those processes, including contact between project promoter and any authority before the application is officially submitted and complete , are treated in the most rapid way possible in accordance with Union and national law.	processes are treated in the most rapid way possible in accordance with Union and national law.	<p>AT: (Comments): We generally advocate maintaining the Council position in this case. However, we suggest the following wording: 1. For the purpose of ensuring efficient administrative processing of the permitting processes related to Strategic Projects in the Union, project promoters and all authorities concerned shall ensure that those processes are treated in the most rapid way possible in accordance with Union and national law. This may include contact between project promoter and any authority before the application is officially submitted and complete.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>PT: (Comments): We support the Council's mandate. However, we are still concerned about how a MS will prioritise from renewable energy projects (Council Regulation (EU))</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>2022/2577), CRMA projects, and NZIA projects if the same licencing/permit-granting authorities are involved and the three have priority status /are of overriding public interest.</p> <p>BE: (Comments): Flexible towards EP postion, with the exception of the reference to 'national' authorities. 'National' must be deleted.</p> <p>SE: (Comments): Support Council.</p>
229	<p>2. Without prejudice to obligations provided for in Union law, Strategic Projects in the Union shall be granted the status of the highest national significance possible, where such a status exists in national law, and be treated accordingly in the permit granting processes.</p>	<p>2. Without prejudice to obligations provided for in Union law, Strategic Projects in the Union shall be granted the status of the highest national significance possible, where such a status exists in national law, and be treated accordingly in the permit granting processes, including building, chemical and grid connection permits and environmental assessments and authorisations where required, and encompassing all administrative applications and procedures.</p>	<p>2. Without prejudice to obligations provided for in Union law, Strategic Projects in the Union shall be granted the status of the highest national significance possible, where such a status exists in national law, and be treated accordingly in the permit granting processes.</p>	<p>PL. (Comments): We support the Council's proposal.</p> <p>SI: (Comments):</p> <p>IT: (Comments): We are flexible with</p> <p>EP .</p> <p>IE: (Comments): Reject EP Mandate</p> <p>PT: (Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>We support the Council's mandate.</p> <p>BE:</p> <p>(Comments):</p> <p>No support for EP position.</p> <p>Rationale: BE position regarding definition 'permit granting process'</p> <p>SE:</p> <p>(Comments):</p> <p>Support Council and it should not be a list of what is included or not.</p>
230	<p>3. All dispute resolution procedures, litigation, appeals and judicial remedies related to the permit-granting process and the issuance of permits for Strategic Projects in the Union in front of any national courts, tribunals, panels, including mediation or arbitration, where they exist in national law, shall be treated as urgent, if and to the extent to which national law provides for such urgency procedures and provided that the normally applicable rights of defence of individuals or of local communities would be respected. Project promoters of Strategic Projects shall participate in such urgency procedure, where applicable.</p>	<p>3. All dispute resolution procedures, litigation, appeals and judicial remedies related to the permit-granting process and the issuance of permits for Strategic Projects in the Union in front of any national courts, tribunals, panels, including mediation or arbitration, where they exist in national law, shall be treated as urgent, if and to the extent to which national law provides for such urgency procedures and provided that the normally applicable rights of defence of individuals or and of local communities would be strictly respected. Project promoters of Strategic Projects shall participate in such urgency procedure, where applicable.</p>	<p>3. All dispute resolution procedures, litigation, appeals and judicial remedies related to the permit-granting process and the issuance of permits for Strategic Projects in the Union in front of any national courts, tribunals, panels, including mediation or arbitration, where they exist in national law, shall be treated as urgent, if and to the extent to which national law provides for such urgency procedures and provided that the normally applicable rights of defence of individuals or of local communities would be respected. Project promoters of Strategic Projects shall participate in such urgency procedure, where applicable.</p>	<p>PL.</p> <p>(Comments):</p> <p>No comments for each proposal.</p> <p>SI:</p> <p>(Comments):</p> <p>IT:</p> <p>(Comments):</p> <p>Retain Council's position</p> <p>IE:</p> <p>(Comments):</p> <p>Prefer Council Mandate</p> <p>PT:</p> <p>(Comments):</p> <p>We support the EP's amendment.</p> <p>SE:</p> <p>(Comments):</p> <p>SE question the meaning of <i>strictly respected</i>. Is the changes from or to and in</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				accordance with Aarhus?
231	Article 10 Duration of the permit granting process	Article 10 Duration of the permit granting process	Article 10 Duration of the permit granting process	<p>PL. (Comments): No remarks.</p> <p>SI: (Comments):</p> <p>SI supports the Council text for the entire article. Permitting was a very sensitive area during negotiations in the Council, so we assess the Council text as a good and balanced compromise and would like to stick to it.</p> <p>HR: (Comments): We support it in principle, but we still believe that the proposed deadlines are difficult to implement in the Republic of Croatia.</p> <p>DE: (Comments): Regarding the wording concerning the “national authority”, we strongly support the council version, where “national authority” is replaced by “contact points”, see also GER comments in Batch I regarding Art. 8.</p> <p>CZ: (Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>CZ prefers maintaining the Council proposal that is in line with the role of “contact point” in the procedure as established in Article 8.</p> <p>SE: (Comments): Support CouncilSE does not want shorter time limits as suggested in EP mandate.</p>
232	<p>1. For Strategic Projects in the Union, the permit granting process shall not exceed:</p>	<p>1. For Strategic Projects in the Union, the permit granting process shall not exceed:</p>	<p>1. For Strategic Projects in the Union, the permit granting process shall not exceed:</p>	<p>PL. (Comments): No remarks.</p> <p>SI: (Comments):</p> <p>FR: (Comments): In France, for a same project, a project promoter may need several detached permits. Therefore, the completeness of its application can only be assessed once he applied for all the permits. To avoid that, it is necessary to apply the duration separately to each permit application and not only to the whole project. Apply the time limit fir each permit will guarantee a duration for 24 months for</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>projects promoters who applies to all the permits at the same time. And leave some flexibility to project promoters who want to Apply fir dufferent permits at diffèrent trimes. We suggest the following writing: “For a same project, if the project promoter wants to make several detached demands, the duration referred to in Article 10 paragraphs 1 and 2 applies to each demand.”</p>
233	(a) 24 months for Strategic Projects involving extraction;	(a) 24 months for Strategic Projects involving extraction except for Strategic Projects exclusively related to extractive waste, for which the permit granting process shall not exceed 18 months;	(a) 24 months for Strategic Projects involving extraction;	<p>PL. (Comments): No approval for any proposal. We stand by the comment that the current deadlines are too short to be achievable. In addition, the duration of such proceedings is influenced by many independent factors, including the type of mineral, the method of exploitation, the impact on the environment, as well as public favorability of such activities. Thus, the proposed rigid timeframe without taking into account the multifaceted nature of the permitting issue will not be</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>achievable.</p> <p>SI: (Comments):</p> <p>AT: (Comments): We advocate maintaining the Council position in this case. To ensure a swift and transparent process, the timeframes should be uniform for all strategic projects.</p> <p>CZ: (Comments): CZ is flexible towards EP amendment.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Reject EP Mandate</p> <p>FI: (Comments): For FIN it is unclear whether 18 months is a sufficient timeframe of the permit granting process for Strategic Projects exclusively related to extractive waste.</p> <p>PT: (Comments): We support the Council's mandate. The extractive waste projects may be more</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				complex and lengthier than a new mining project. It may have historic background, potentially negative, and it has to be fully addressed. BE: (Comments): Refusal to add exceptions, Council's approach must be maintained
234	(b) 12 months for Strategic Projects only involving processing or recycling.	(b) 12 months for Strategic Projects only involving processing or recycling.	(b) 12 months for Strategic Projects only involving processing or recycling.	PL. (Comments): As above. SI: (Comments):
235	2. For Strategic Projects in the Union that had entered in the permit granting process before being granted the status of Strategic Project, the duration of the remaining steps of the permit granting process after the project is granted strategic status shall, in derogation from paragraph 1, not exceed:	2. For Strategic Projects in the Union that had entered in the permit granting process before being granted the status of Strategic Project and for expansions of Strategic Projects already granted with a permit , the duration of the remaining steps of the permit granting process after the project is granted strategic status shall, in derogation from paragraph 1, not exceed:	2. For Strategic Projects in the Union that had entered in the permit granting process before being granted the status of Strategic Project, the duration of the remaining steps of the permit granting process after the project is granted strategic status shall, in derogation from paragraph 1, not exceed:	PL. (Comments): No remarks. SI: (Comments): IT: (Comments): We are flexible with EP IE: (Comments): Reject EP Mandate PT: (Comments): We support the EP's amendment. BE:

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>(Comments):</p> <p>No support for EP position, juridically unclear. An expansion of an initial project which has been granted the status of strategic project during the permit granting process for the initial project is not per se a strategic expansion project. If such expansion project in itself meets the criterions of strategic project prior to entering the permit granting process for the permitting of the expansion the term mentioned in paragraph 1 applies. The term mentioned in paragraph 2 applies to expansion projects if the project is granted the status of strategic expansion project after the expansion project has entered the permit granting process.</p>
236	(a) 21 months for Strategic Projects involving extraction;	(a) 21 months for Strategic Projects involving extraction, except for Strategic Projects exclusively related to extractive waste, for which the permit granting process shall not exceed 15 months;	(a) 21 months for Strategic Projects involving extraction;	<p>PL.</p> <p>(Comments):</p> <p>No approval for any proposal. We stand by the comment that the current deadlines are too short to be achievable.</p> <p>SI:</p> <p>(Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>AT: (Comments): (see line 233) We advocate maintaining the Council position in this case.</p> <p>CZ: (Comments): CZ is flexible towards EP amendment.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Reject EP Mandate</p> <p>FI: (Comments): For FIN it is unclear whether 15 months is a sufficient timeframe of the permit granting process for Strategic Projects exclusively related to extractive waste.</p> <p>PT: (Comments): We support the Council's mandate. The extractive waste projects may be more complex and lengthier than a new mining project. It may have historic background, potential and negative, and it has to be fully addressed.</p>
237	(b) 9 months for Strategic Projects only involving	(b) 9 months for Strategic Projects only involving	(b) 9 months for Strategic Projects only involving processing or	<p>PL. (Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	processing or recycling.	processing or recycling.	recycling.	<p>No approval for any proposal. We stand by the comment that the current deadlines are too short to be achievable.</p> <p>SI: (Comments):</p> <p>IT: (Comments): Retain Council's position</p>
237a			<p>2a. Where an environmental impact assessment is required pursuant to Directive 2011/92/EU, the steps of the assessment referred to in Article 1 (2)(g) (i and ii) of that Directive shall not be included in the duration for permit granting process referred to in paragraph 1 and 2.</p>	<p>PL. (Comments): We support maintaining the Council's proposal. This is a way out of our demands. However, the deadlines are still unrealistic. Also, there is no information on exceeding the deadlines in question.</p> <p>AT: (Comments): We advocate maintaining the Council position in this case.</p> <p>IT: (Comments): Retain Council's position. Possible Red line under scrutiny reservation.</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>FI: (Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>The Council mandate should be maintained. The environmental impact assessment procedure in Finland is free standing and as such it would not be possible to include it in the permitting timelines of the Act in its entirety as suggested by the EP. The proposed Art. 10(2a) in the council mandate would solve this issue. FIN strongly supports the council mandate.</p> <p>PT: (Comments): We support the Council's mandate.</p> <p>NL: (Comments): Council mandate</p> <p>BE: (Comments): BE request that the environmental assessments must not be included entirely in the permit granting process. The environmental assessment information including the environmental impact assessment report pursuant to article 5.1 of Directive 2011/92/EU must be part of the application for a</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>permit and is a matter of completeness of the application. It follows that the screening, the scoping and the preparation of the environmental impact assessment information must be kept out of the permit granting process and its time period. Those stages of the environmental assessment are predominantly performed by the project promoter and the pace of performance by project promoter may not impact on the term competent authorities have to carry out the permit process and take the decision. Keep the Council's compromise FR:</p> <p>(Comments):</p> <p>France supports the exclusion of only the first step of the impact assessment of the Directive 2011/92/EU. We suggest the following writing: "Where an environmental impact assessment is required pursuant to Directive 2011/92/EU, the steps of the assessment referred to in</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>Article 1 (2)(g) (i and ii) of that Directive shall not be included in the duration for permit granting process referred to in paragraph 1 and 2.</p> <p>SK:</p> <p>(Comments):</p> <p>The rational length of the EIA process should be paid attention as it is often one of the main de-motivating factor for many investors.</p>
238	<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>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>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) Member State may extend the time limits referred to in paragraph 1, point (a), and 2, point (a), by a maximum of 36 months and the time limits referred to in paragraph 1, point (b), and 2, point (b), by a maximum of 4-month 3 months, before their expiry and on a case-by-case basis. In that event, the national competent authority referred to in Article 8(1) designated contact point 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>PL.</p> <p>(Comments):</p> <p>We support the Council's proposal. However, the extension deadline should be longer due to unusual complications.</p> <p>SI:</p> <p>(Comments):</p> <p>AT:</p> <p>(Comments):</p> <p>In relation to our comments regarding national contact points throughout Batch I, we strongly advocate maintaining the Council position in this case.</p> <p>IT:</p> <p>(Comments):</p> <p>Retain Council's position</p> <p>IE:</p> <p>(Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>Prefer Council Mandate</p> <p>PT:</p> <p>(Comments):</p> <p>We support the Council's mandate.</p> <p>NL:</p> <p>(Comments):</p> <p>Add text in CMRA to meet NZIA:Where a Member State considers that the proposed Strategic Projects raises exceptional risks for the health and safety of workers or of the general population, and where additional time is necessary to establish that measures to address identifiable risks are put in place, it may extend those time limits by a further 6 months, before their expiry and on a case-by-case basis.</p> <p>BE:</p> <p>(Comments):</p> <p>No support for EP position where it refers to 'the national component authority'. Keep the Council's compromise</p> <p>FR:</p> <p>(Comments):</p> <p>France strongly supports the Council proposal.</p> <p>SK:</p> <p>(Comments):</p> <p>On Council wording on "designated contact point": we fail to see how such a</p>

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				<p>contact point would be able to provide information on the work of other, unrelated national agencies/authorities involved in the permit granting process if the contact would not be the same as the national competent authority, i.e., it would not actually provide information on the status of its own work, but rather information on the status of the work of other govt departments/agencies.</p> <p>SE: (Comments): SE opposes EP.</p>
239	<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</p>	<p>4. For Strategic Projects, not only involving processing or recycling mining, the lack of comprehensive decision by the national competent authority referred to in Article 8(1) of this Regulation within the applicable time limits referred to in paragraphs 1 and 2 of this Article 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</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</p>	<p>PL. (Comments): We support the Council's proposal. SI: (Comments): DE: (Comments): We reject the EP version AT: (Comments): We continue to strongly reject the "automatic approval" proposed in this paragraph. From a legal perspective, it remains very questionable and unclear</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	<p>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>Directives 2000/60/EC, 2008/98/EC, 2009/147/EC 2010/75/EU, 2011/92/EU or 2012/18/EU. By way of derogation from Article 4(6) of Directive 2011/92/EU, the or a determination of whether such environmental impact assessment is necessary and the relevant assessments have not yet been carried out shall be decided on and communicated to the project promoter within 30 days.</p>	<p>environmental impact assessment is necessary and the relevant assessments have not yet been carried out.</p>	<p>what exactly would be considered as approved in this respect. Furthermore, the last part of this paragraph and addition proposed by the Rapporteur is too vague and seems unrealistic. How is “and the relevant assessments” to be understood? Should any potentially required environmental impact assessment also be carried out within these 30 days?</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Strongly prefer Council Mandate especially in relation to the already deleted text on tacit approval.</p> <p>FI: (Comments): Should stick to the Council Mandate. This is a red line for Finland. Tacit approval of permits does not fit to the Finnish legislation and receiving a tacit approval without permit conditions would lead to very difficult/unclear situations. See also C-230/00, Commission v Belgium: <i>Directives [...] require the</i></p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p><i>Member States to take the necessary measures to ensure that the activities or industrial plants which they regulate are <u>subjected to prior autorisation</u> ; a system of tacit authorisation is incompatible with the requirements of Directive[...]</i> FI supports the Council's proposal and strongly opposes the EP's proposal. The proposed time limit of 30 days is not possible for both making the determination on whether or not to apply the EIA procedure as well as determining the scope and level of detail of the required assessments. FI assumes that this is what the EP intends with the phrasing: 'the determination of whether such environmental impact assessment is necessary and the relevant assessments shall be decided on and communicated to the project promoter within 30 days.'</p> <p>This would also be contradictory to Article 11(1) of this regulation.</p> <p>PT:</p> <p>(Comments):</p> <p>We support the Council's mandate. We don't accept</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>the COM and EP's proposal. As stated earlier, we do not support the automatic approval of projects when there is no decision within the applicable time limits.</p> <p>DK:</p> <p>(Comments):</p> <p>The Council text must be maintained. Unacceptable to have a provision that would have projects be automatically considered approved in case public authorities fail to reach a decision in time. This runs counter to fundamental principles of good public administrative practices, including that all decisions should be based on factual matters (not simply running out of time) and that the matter has been sufficiently assessed before a decision is made (not simply when time is up.). While we support ambitious (yet realistic) timeframes this is not the right way forward.</p> <p>BE:</p> <p>(Comments):</p> <p>Keep the wording of the Council's general approach</p> <p>FR:</p> <p>(Comments):</p> <p>France strongly supports</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>the Council proposal.</p> <p>SE:</p> <p>(Comments):</p> <p>SE strongly oppose. We think it's important that all Strategic Projects go through a proper permitting process.</p>
240	<p>5. No later than one month following the receipt of a permit granting application related to a Strategic Project, the national competent authority referred to in Article 8(1) shall validate the application or, if the project promoter has not sent all the information required to process an application, request the project promoter to submit a complete application within fourteen days from this request.</p>	<p>5. No later than one month following the receipt of a permit granting application related to a Strategic Project, the national competent authority referred to in Article 8(1) shall validate the application or, if the project promoter has not sent all the information required to process an application, request the project promoter to submit a complete application within fourteen30 days from this request, detailling which information is missing.</p>	<p>5. No later than one month45 days following the receipt of a permit granting application related to a Strategic Project, the national competent authoritydesignated contact point referred to in Article 8(1) shall validateacknowledge that the application is complete or, if the project promoter has not sent all the information required to process an application, request the project promoter to submit a complete application within fourteen days from this requestwithout undue delay.</p>	<p>PL.</p> <p>(Comments):</p> <p>We support the Council's proposal.</p> <p>SI:</p> <p>(Comments):</p> <p>AT:</p> <p>(Comments):</p> <p>(See line 238) We strongly advocate the Council position in this case.</p> <p>IT:</p> <p>(Comments):</p> <p>Retain Council's position. Flexilble to introduce response time of the promoter</p> <p>IE:</p> <p>(Comments):</p> <p>Prefer Council Mandate</p> <p>FI:</p> <p>(Comments):</p> <p>Should stick to the Council Mandate and refrain from precise deadlines for the project promoter. A precise deadline may lead to an</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>unnecessary rejection of the application if the project promoter is unable to deliver required information in time.</p> <p>PT:</p> <p>(Comments):</p> <p>We support the Council's mandate and the EP's "detailing which information is missing."</p> <p>BE:</p> <p>(Comments):</p> <p>No support for EP position where it refers to 'the national component authority', keep the Council's compromise.</p> <p>FR:</p> <p>(Comments):</p> <p>France strongly supports the Council proposal because 30 days, as proposed in the EP amendment, is a too short period.</p> <p>SE:</p> <p>(Comments):</p> <p>SE supports Council mandate.</p>
241	The date of the acknowledgement of the validity of the application by the national competent authority referred to in Article 8(1) shall serve as the start of the permit granting	The date of the acknowledgement of the validity of the application by the national competent authority referred to in Article 8(1) shall serve as the start of the permit granting	The date of the acknowledgement of the validity of the application by the national competent authority referred to in Article 8(1) shall serve as the start of the permit granting process.	<p>SI:</p> <p>(Comments):</p> <p>AT:</p> <p>(Comments):</p> <p>(See line 238) We strongly advocate maintaining the</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	process.	process.		Council position in this case. IT: (Comments): Retain Council's position IE: (Comments): Prefer Council Mandate PT: (Comments): We support the Council's mandate.
242	6. No later than one month following the date of the acknowledgement of the validity of the permit granting application, the national competent authority referred to in Article 8(1) shall draw up, in close cooperation with the project promoter and other authorities concerned, a detailed schedule for the permit granting process. The schedule shall be published by either the project promoter on the website referred to in Article 7(7) or by the national competent authority referred to in Article 8(1) on a free access website.	6. No later than one month following the date of the acknowledgement of the validity of the permit granting application, the national competent authority referred to in Article 8(1) shall draw up, in close cooperation with the project promoter and other authorities concerned, a detailed schedule for the permit granting process. The schedule shall be published by either the project promoter on the website referred to in Article 7(7) or by the national competent authority referred to in Article 8(1) on a free access website 7(9) .	6. No later than one month two months following the date of the acknowledgement of the validity of the permit granting application, the national competent authority , the designated contact point referred to in Article 8(1) shall draw up, in close cooperation with the project promoter and other authorities concerned, a detailed schedule for the permit granting process. The schedule shall be published by either the project promoter on the website referred to in Article 7(7) or by the national competent authority designated contact point referred to in Article 8(1) on a free access website.	PL. (Comments): We support the Council's proposal. SI: (Comments): AT: (Comments): (See lines 238) We strongly advocate maintaining the Council position in this case. IT: (Comments): Retain Council's position IE: (Comments): Prefer Council Mandate PT: (Comments): We support the Council's mandate. BE: (Comments):

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>No support for EP position where it refers to 'the national component authority', keep the Council's compromise.</p> <p>FR:</p> <p>(Comments):</p> <p>France strongly supports the Council proposal.</p>
243	<p>7. The time limits set in this Article shall be without prejudice to obligations arising from Union and international law, and without prejudice to administrative appeal procedures and judicial remedies before a court or tribunal.</p>	<p>7. The time limits set in this Article shall be without prejudice to obligations arising from Union and international law, and without prejudice to administrative appeal procedures and judicial remedies before a court or tribunal.</p>	<p>7. The time limits set in this Article shall be without prejudice to obligations arising from Union and international law, and without prejudice to administrative appeal procedures and judicial remedies before a court or tribunal.</p>	<p>PL.</p> <p>(Comments):</p> <p>No remarks.</p> <p>SI:</p> <p>(Comments):</p> <p>IT:</p> <p>(Comments):</p> <p>Retain Council's position</p>
244	<p>The time limits set in this Article for any of the permit granting procedures shall be without prejudice to any shorter time limits set by Member States.</p>	<p>The time limits set in this Article for any of the permit granting procedures shall be without prejudice to any shorter time limits set by Member States.</p>	<p>The time limits set in this Article for any of the permit granting procedures shall be without prejudice to any shorter time limits set by Member States.</p>	<p>PL.</p> <p>(Comments):</p> <p>No remarks.</p> <p>SI:</p> <p>(Comments):</p> <p>IT:</p> <p>(Comments):</p> <p>Retain Council's position</p>
245	<p>Article 11</p> <p>Environmental assessments and authorisations</p>	<p>Article 11</p> <p>Environmental assessments and authorisations</p>	<p>Article 11</p> <p>Environmental assessments and authorisations</p>	<p>PL.</p> <p>(Comments):</p> <p>No remarks.</p> <p>SI:</p> <p>(Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				SI supports the Council text. It is well balanced and a good compromise that was not easy to achieve.
246	<p>1. Where an environmental impact assessment must be carried out for a Strategic Project in accordance with Articles 5 to 9 of Directive 2011/92/EU, the relevant project promoter shall request an opinion to the national competent authority referred to in Article 8(1) on the scope and level of detail of the information to be included in the environmental impact assessment report under Article 5(1) of that Directive.</p>	<p>1. Where an environmental impact assessment must be carried out for a Strategic Project in accordance with Articles 5 to 9 of Directive 2011/92/EU, the relevant project promoter shall, no later than 30 days after the notification of the recognition as Strategic Project, request an opinion to the national competent authority referred to in Article 8(1) on the scope and level of detail of the information to be included in the environmental impact assessment report under Article 5(1) of that Directive.</p>	<p>1. Where an environmental impact assessment must be carried out is required for a Strategic Project in accordance with pursuant to Articles 5 to 9 of Directive 2011/92/EU, the relevant project promoter shall request, before submitting the application, an opinion to the designated contact point an opinion to the national competent authority referred to in Article 8(1) on the scope and level of detail of the information to be included in the environmental impact assessment report under Article 5(1) of that Directive.</p>	<p>PL. (Comments): We support the Council's proposal. SI: (Comments):</p> <p>HR: (Comments): During the implementation of the projects in question, all the actions that are prescribed must be carried out, among others, if the environmental impact study procedure is carried out - whether the project can be supported in advance, or how it will be reflected in the opinion of the public. AT: (Comments): We strongly advocate maintaining the Council position in this case (see line 238). IT: (Comments): Retain Council's position IE:</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>(Comments): Prefer Council Mandate FI:</p> <p>(Comments): With regard to the EP's proposal, FI would like to comment that the regulation should refrain from setting precise deadlines for the project promoter. PT:</p> <p>(Comments): We support the Council's mandate. NL:</p> <p>(Comments): New text suggestion: 1. Where an environmental impact assessment must be carried out is required for a Strategic Project in accordance with pursuant to Articles 5 to 9 of Directive 2011/92/EU, the relevant project promoter MAY request, before submitting the application, an opinion to the designated contact point an opinion to the national competent authority referred to in Article 8(1) on the scope and level of detail of the information to be included in the environmental impact assessment report under Article 5(1) of that Directive.</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>BE: (Comments): The environmental assessment information including the environmental impact assessment report pursuant to article 5.1 of Directive 2011/92/EU must be part of the application for a permit and is a matter of completeness of the permit application. This environmental assessment information is collected and the environmental impact assessment report is drafted in accordance with the scoping opinion. To be juridically more clear, positions of EP and Council should be amended to fully reflect this. No support for EP position where it refers to 'the national component authority', keep the Council's compromise.</p> <p>FR: (Comments): Some promoters already ask for the opinion of the competent authority. Mandatory scoping would not guarantee a</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p> faster permit-granting process which is the main goal of the text. It could even lead to legal uncertainty and weaken the projects if the project promoter, who is responsible for requesting a scoping, forgets this step before submitting an application. which is why we propose to make it optional. For the NZIA discussion, the scoping is also proposed as facultative. The two texts, which contain similar provisions, shall be drafted in a coherent manner in order inconsistencies. We suggest the following writing:“ Where an environmental impact assessment must be carried out for a Strategic Project in accordance with Articles 5 to 9 of Directive 2011/92/EU, the relevant project promoter may request an opinion to the national competent authority referred to in Article 8(1) on the scope </p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				and level of detail of the information to be included in the environmental impact assessment report under Article 5(1) of that Directive.
247	<p>The national competent authority referred to in Article 8(1) shall ensure that the opinion referred to in the first subparagraph is issued as soon as possible and within a period of time not exceeding 30 days from the date on which the project promoter submitted its request.</p>	<p>The national competent authority referred to in Article 8(1) shall ensure that the opinion referred to in the first subparagraph is issued as soon as possible and within a period of time not exceeding 3020 days from the date on which the project promoter submitted its request.</p> <p>The national competent authority shall aim to streamline the process and guide the project promoter through the process.</p>	<p>The national competent authority referred to in Article 8(1)designated contact point shall ensure that the opinion referred to in the first subparagraph is issued as soon as possible and within a period of time not exceeding 3045 days from the date on which the project promoter submitted its request.</p>	<p>PL. (Comments): We support the Council's proposal, however, it is not the contact point but the relevant national authority that issues the environmental opinion. The point of contact will provide support in circulating for further permits, but should not be responsible for coordinating the obtaining of all permits and forwarding the comprehensive decision to the project proponent.</p> <p>SI: (Comments):</p> <p>AT: (Comments): We strongly advocate maintaining the Council position in this case (see line 238).</p> <p>CZ: (Comments): CZ prefers the text of the Council Mandate.</p> <p>IT:</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>(Comments): Retain Council's position IE:</p> <p>(Comments): Prefer Council Mandate FI:</p> <p>(Comments): FI would like strongly to express that the regulation should not limit the possibility for public consultation. The proposed time limits in either of the mandates are not sufficient for public consultation on the scope and level of detail of the EIA procedure. FI proposes three alternative ways to allow for a public consultation. 1: FI primary proposal is that the time limit for the competent authority to give an opinion on the scope and level of detail of the EIA report should be extended to 90 days to allow for a public consultation on the information provided by the project developer. Public consultation on the scope and level of detail of the EIA procedure can last 30-60 days according to Finland's national legislation after which the competent authority has 30 days to issue an opinion. Allowing for a</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>public consultation would also be in line with Article 6 of the Aarhus Convention. 2: Alternatively to the proposal of extending the time limit, FI suggests a new paragraph stating the following:</p> <p>"Member states may allow for public consultation on the scope and level of detail of the information included in the environmental impact assessment if this is a requirement under national legislation pursuant to Article 5(2) of Directive 2011/92/EU, before the opinion referred to in the first subparagraph is issued. Public consultation may last up to 60 days after which the competent authority has 30 days to issue an opinion." 3:</p> <p>As a third alternative FI proposes that the time limit referred to in the article can start either at the date on which the project promoter submits its request or at the end of the public consultation on the scope and level of detail to be included in the EIA report, if such a consultation is mandatory due to national legislation: "a. The designated contact point shall ensure that the opinion</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>referred to in the first subparagraph is issued as soon as possible and within a period of time not exceeding 45 days from the date on which the project promoter sub-mitted its request or from the date on which the public consultation on the scope and level of detail of the information to be included in the environmental impact assessment report is concluded, if such a consultation is mandatory under national legislation pursuant to Article 5(2) of Directive 2011/92/EU.”</p> <p>PT: (Comments): We support the Council’s mandate.</p> <p>NL: (Comments): Council Mandate</p> <p>BE: (Comments): EP position of 20 days is unreasonably short. Expert authorities must be consulted by the scoping authority prior to the taking of the scoping opinion. The scoping opinion must take due account of the opinions of the expert authorities. The public may also be consulted about the</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>draft scoping opinion. 20 days is way too short to complete those stages of a scoping procedure.No support for EP position where it refers to ‘the national component authority’, keep the Council’s compromise</p> <p>FR:</p> <p>(Comments):</p> <p>Our main concern is that the scoping remains optional. The commission proposal can be accepted but the delay must be coherent with what is being negotiated for the NZIA.</p> <p>SE:</p> <p>(Comments):</p> <p>SE supports Council mandate. An authority should not act as an agent on behalf of an individual operator.</p>
247a		<p>The Commission shall publish common guidelines for national competent authorities pursuant to this paragraph.</p>		<p>PL.</p> <p>(Comments):</p> <p>No comments on Parliament's proposal.</p> <p>SI:</p> <p>(Comments):</p> <p>SI can support this amendment if it is feasible.</p> <p>AT:</p> <p>(Comments):</p> <p>In terms of transparency and clarity, we support this</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>amendment proposed by the Rapporteur.</p> <p>IT: (Comments): We are flexible with EP on Commission's general guidelines</p> <p>FI: (Comments): FI opposes the addition of this provision.</p> <p>PT: (Comments): We support the EP's amendment, as long as "national competent authority" is replaced by "designated contact point".</p> <p>SE: (Comments): Considering how differently permitting processes and interpretations regarding EIA is in EU it would be a problem for the Commissions to give guidelines that would be of use.</p>
248	2. In the case of Strategic Projects for which the obligation to carry out assessments of the effects on the environment arises simultaneously from Council Directive 92/43/EEC, Directives 2000/60/EC, 2008/98/EC,	2. In the case of Strategic Projects for which the obligation to carry out assessments of the effects on the environment arises simultaneously from Council Directive 92/43/EEC, Directives 2000/60/EC, 2008/98/EC,	2. In the case of Strategic Projects for which the obligation to carry out assessments of the effects on the environment arises simultaneously from Council Directive 92/43/EEC, Directives 2000/60/EC, 2008/98/EC, 2009/147/EC 2010/75/EU,	<p>PL. (Comments): We support the Council's proposal, however, the contact point will provide support in circulating for more permits, but should not be responsible for</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	<p>2009/147/EC 2010/75/EU, 2011/92/EU or 2012/18/EU of the European Parliament and the Council, the national competent authority referred to in Article 8(1) shall ensure that a coordinated or a joint procedure fulfilling the requirements of that Union legislation is applied.</p>	<p>2009/147/EC 2010/75/EU, 2011/92/EU or 2012/18/EU of the European Parliament and the Council, the national competent authority referred to in Article 8(1) shall ensure that a coordinated or a joint procedure fulfilling all the requirements of that Union legislation is applied, whichever procedure the project promoter chooses.</p>	<p>2011/92/EU, 2012/18/EU or [Nature Restoration Regulation COM (2022) 304 final] or 2012/18/EU of the European Parliament and the Council, the national competent authority referred to in Article 8(1) Member State shall ensure that a coordinated or a joint procedure fulfilling the requirements of that Union legislation is applied.</p>	<p>coordinating the acquisition of all permits and forwarding the comprehensive decision to the project proponent.</p> <p>SI: (Comments):</p> <p>AT: (Comments): The implementation of a permit procedure is to be handled by the MS not the project promoter. For this reason, we strongly advocate maintaining the Council position in this case.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>FI: (Comments): FI opposes the EP's proposal to allow the project promoter to choose the applied procedure. Member States should be able to determine whether a joint or a coordinated procedure is applied.</p> <p>PT: (Comments): We support the Council's mandate.</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>BE: (Comments): Para 2 must mention the relevant provisions of those directives so member states can know the extent of their obligation under para 2. If not mentioned paragraph 2 is not implementable. A provision in a regulation must be concrete and clear-cut.No support for EP position where it states ‘whichever procedure the project promoter chooses.’ The regulation may not oblige the member states to provide for a coordinated procedure as well as a joint procedure. Such obligation would make permit granting procedures unnecessary complicated. No support for EP position where it refers to ‘the national component authority’</p> <p>FR: (Comments): France strongly supports the Council proposal because the project promoter should not be able to choose whichever procedure he wants. At this effect, France do not accept</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting the EP proposal.
249	Under the coordinated procedure referred to in the first subparagraph, the national competent authority referred to in Article 8(1) shall coordinate the various individual assessments of the environmental impact of a particular project required by the relevant Union legislation.	Under the coordinated procedure referred to in the first subparagraph, the national competent authority referred to in Article 8(1) shall coordinate and streamline the various individual assessments of the environmental impact of a particular project required by the relevant Union legislation.	Under the coordinated procedure referred to in the first subparagraph, the national a competent authority referred to in Article 8(1) shall coordinate the various individual assessments of the environmental impact of a particular project required by the relevant Union legislation.	<p>PL. (Comments): We support the Council's proposal.</p> <p>SI: (Comments):</p> <p>DE: (Comments): In line with previous comments, we have the understanding, that "streamline" does not have an impact on the material standards. Only under this condition we can accept the addition.</p> <p>AT: (Comments): We strongly advocate maintaining the Council position in this case (see line 238).</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>FI: (Comments): FI would like to note that the term 'streamline', used in the EP's proposal, is unclear and</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				undefined throughout the regulation. PT: (Comments): We support the Council's mandate. BE: (Comments): No support for EP position where it refers to 'the national component authority'
250	Under the joint procedure referred to in the first subparagraph, the national competent authority referred to in Article 8(1) shall provide for a single assessment of the environmental impact of a particular project required by the relevant Union legislation.	Under the joint procedure referred to in the first subparagraph, the national competent authority referred to in Article 8(1) shall provide for a single assessment of the environmental impact of a particular project required by the relevant Union legislation.	Under the joint procedure referred to in the first subparagraph, the national competent authority referred to in Article 8(1) shall provide for a single assessment of the environmental impact of a particular project required by the relevant Union legislation.	PL. (Comments): We support the Council's proposal. SI: (Comments): AT: (Comments): We strongly advocate maintaining the Council position in this case (see line 238). IT: (Comments): Retain Council's position PT: (Comments): We support the Council's mandate. BE: (Comments): No support for EP position

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				where it refers to ‘the national component authority’
251	<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 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>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 80 days of receiving all necessary information gathered 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>3. The national competent authority referred to in Article 8(1) Member State 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 shall be issued within three months of receiving all necessary information gathered 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>PL. (Comments): We support maintaining the Council's proposal. In complex cases, deadlines may be extended SI: (Comments): DE: (Comments): We prefer Council version AT: (Comments): We strongly advocate maintaining the Council position in this case. IT: (Comments): Retain Council's position IE: (Comments): Prefer Council Mandate PT: (Comments): We support the Council's mandate. BE: (Comments): No support for EP position where it refers to ‘the national component</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				authority', keep the Council's compromise FR: (Comments): France strongly supports the Council proposal.
251a		3a. 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 limit referred to in paragraph 3 of this Article by a maximum of 30 days, before its 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 reasoned conclusion is expected in writing.		PL. (Comments): No support for Parliament's proposal. IT: (Comments): We are flexible with EP IE: (Comments): Ireland is open to further discussion on the proposed EP text – the proposed additional 30 days could prove to be a useful extension mechanism PT: (Comments): We support the EP's amendment, as long as "national competent authority" is replaced by "designated contact point". BE: (Comments): No support for EP position where it refers to 'the national component authority' FR:

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>(Comments): France opposes to the EP proposal. SE: (Comments): SE supports council's suggestion in 252 and especially the 45 days.</p>
252	<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>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 9080 days and not be shorter than 40 days in the case of Strategic Projects.</p>	<p>4. The time-frametimeframe for consulting the public concerned as referred to in Article 1(2)(e) of Directive 2011/92/EU and authorities referred to in Article 6(1) of that Directive on the environmental impact assessment report referred to in Article 5(1) of Directive 2011/92/EUthat Directive shall not be longer than 90 days in the case of Strategic Projects. In exceptional cases, where the nature, complexity, location or size of the proposed project so require, the Member State may extend the timeline by a maximum of 45 additional days. The designated contact point shall inform the project promoter of the reasons justifying the extension.</p>	<p>PL. (Comments): We support the Council's proposal. SI: (Comments): DE: (Comments): We prefer Council version AT: (Comments): We strongly advocate the Council position in this case as the timeframe proposed is more realistic and feasible. According to Directive 2011/92/EU, timeframe of at least 30 days. IT: (Comments): Retain Council's position IE: (Comments): Prefer Council Mandate PT: (Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>We support the Council's mandate.</p> <p>NL: (Comments): Commission proposal. In NL the time-frame is 6 weeks.</p> <p>BE: (Comments): Keep the Council's compromise</p> <p>FR: (Comments): France strongly supports the Council proposal and in particular the timeframe of 90 days for the public consultation. Indeed, this timeframe would be harmonized with the NZIA and it appears important to have harmonized regulations to ensure to industrials a consistent framework.</p>
252a		<p>4a. For Strategic Projects in the absence of a reasoned conclusion by the competent authority referred to in Article 8(1) within the applicable time limits referred to in paragraph 3 of this Article, the project promoter shall be able to lodge a complaint before the relevant court, leading to fines or an interim injunction.</p>		<p>PL. (Comments): No support for Parliament's proposal.</p> <p>AT: (Comments): An additional possibility of a complaint procedure is not in line with our overall objectives and hinders swift permitting procedures. We thus reject the addition</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>proposed by the Rapporteur.</p> <p>IT: (Comments): Retain Council's position(NO flexibility with EP)</p> <p>IE: (Comments): Reject EP Mandate</p> <p>FI: (Comments): FIN does not regard the EP mandate as a necessary addition.</p> <p>PT: (Comments): We cannot accept this EP's proposal as it goes beyond the aim of this Regulation. The inclusion of a specific procedure at national administrative law level seems to go significantly beyond what is necessary to achieve this Regulation's objective, not abiding by the Subsidiarity Principle.</p> <p>FR: (Comments): France strongly opposes to the EP proposal. The complaint procedure would create counterproductive effects that would extent the delays and would therefore slow the project promoter application.</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				SE: (Comments): SE strongly opposes. National competence?EP: Should an authority with a long processing time be taken to court by an individual operator and be fined?
253	5. Paragraph 1 of this Article shall not apply to the permit granting process for Strategic Projects that had entered in the permit granting process before the being granted the status of Strategic Project.	5. Paragraph 1 of this Article shall not apply to the permit granting process for Strategic Projects that had entered in the permit granting process before the being granted the status of Strategic Project.	5. Paragraph 1 of this Article shall not apply to the permit granting process for Strategic Projects that had entered in the permit granting process before the being granted the status of Strategic Project.	PL. (Comments): Support for the Commission's proposal and Parliament. SI: (Comments): AT: (Comments): We advocate maintaining the Council position. IT: (Comments): Retain Council's position
254	Paragraphs 2 to 4 of this Article shall apply to the permit granting process for Strategic Projects that had entered in the permit granting process before being granted the status of Strategic Project only to the extent that the steps addressed in those paragraphs have not yet been completed.	Paragraphs 2 to 4 of this Article shall apply to the permit granting process for Strategic Projects that had entered in the permit granting process before being granted the status of Strategic Project only to the extent that the steps addressed in those paragraphs have not yet been completed.	Paragraphs 2 to 4 of this Article shall apply to the permit granting process for Strategic Projects that had entered in the permit granting process before being granted the status of Strategic Project only to the extent that the steps addressed in those paragraphs have not yet been completed.	PL. (Comments): We support the Council's proposal. SI: (Comments): AT: (Comments): We advocate maintaining the

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				Council position. IT: (Comments): Retain Council's position
255	Article 12 Planning	Article 12 Planning	Article 12 Planning	SI: (Comments): AT: (Comments): We advocate maintaining the Council position in this case.
256	1. Member States shall ensure that national, regional and local authorities responsible for preparing plans, including zoning, spatial plans and land use plans, include in such plans, where appropriate, provisions for the development of critical raw materials projects. Priority shall be given to artificial and built surfaces, industrial sites, brownfield sites, and, where appropriate, greenfield sites not usable for agriculture and forestry.	1. Member States shall ensure that national, regional and local authorities responsible for preparing plans, including zoning, spatial plans and land use plans, include in such plans, where appropriate, provisions for the development of critical raw materials projects in close cooperation with each other . Priority shall be given to artificial and built surfaces, industrial sites, brownfield sites, active or abandoned mines and, where appropriate, greenfield sites not usable for agriculture and forestry mineral deposits verified by a Member State's geological survey .	1. Member States shall ensure that encourage national, regional and local authorities responsible for preparing plans, including zoning, spatial plans and land use plans, to include in such plans, where appropriate, provisions for the development of critical raw materials projects. Priority shall be given to artificial and built surfaces, industrial sites, brownfield sites, and, where appropriate, greenfield sites not usable for agriculture and forestry.	PL. (Comments): We support the Council's proposal. SI: (Comments): HR: (Comments): Local and regional authorities independently plan and manage their space in accordance with the Constitution of the Republic of Croatia. In the case of the potential need to conduct research and exploitation of strategic mineral resources, that is, critical mineral resources, the question arises of predicting space for such a

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>purpose, bearing in mind the procedures for adopting spatial plans, that is, the procedure for planning such territories.</p> <p>IT:</p> <p>(Comments):</p> <p>We are flexible with EP regarding the priority given to abandoned mines and mineral deposits</p> <p>IE:</p> <p>(Comments):</p> <p>Reject EP Mandate</p> <p>FI:</p> <p>(Comments):</p> <p>Finland prefers the council mandate and the term “encourage” in it. Finland objects the term “ensure” in the EP Mandate on the following grounds that Finland has presented before: Article 12 provides for land use planning which usually falls into the competence of the Member States due local and regional features. Finland finds it also important to carefully consider whether references to land use planning in Article 12 or elsewhere in the Act are in accordance with the proportionality principle. Finland also points out that</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>Article 12 is so unclear that it is difficult to evaluate the effects of the article. Finland also wants to ensure that land use planning is not included in the permit-granting process and that the time limits provided by the Act are not applied to land use planning. Finland finds it very important that land use planning is not included in the permit-granting process and that the time limits provided by the act are not applied to land use planning. The Council Legal Services gave their opinion on Article 12, which also applies to the EP mandate. This is a red line for FIN.</p> <p>PT:</p> <p>(Comments):</p> <p>The EP's proposal is clearer.</p> <p>NL:</p> <p>(Comments):</p> <p>Question: Why does the Council propose to delete the last sentence of Article 12? It is desirable to give preference to an existing industrial area, to cluster industrial activities as much as possible and to make the impact on the landscape as difficult as possible. Text suggestion: 1. Member States</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>shall ensure that encourage national, regional and local authorities responsible for preparing plans, including zoning, spatial plans and land use plans, to include in such plans, where appropriate, provisions for the development of critical raw materials projects. Priority shall be given to artificial and built surfaces, industrial sites, brownfield sites, and, where appropriate, greenfield sites not usable for agriculture and forestry. Priority shall be given to existing industrial areas.</p> <p>SE: (Comments): Support Council mandate SE strongly opposes EP version.</p>
257	<p>2. Where plans including provisions for the development of critical raw material projects are subject to an assessment pursuant to Directive 2001/42/EC and pursuant to Article 6 of Directive 92/43/EEC, those assessments shall be combined. Where relevant, this combined assessment shall also address the impact on potentially affected</p>	<p>2. Where plans including provisions for the development of critical raw material projects are subject to an assessment pursuant to Directive 2001/42/EC and pursuant to Article 6 of Directive 92/43/EEC, those assessments shall be combined. Where relevant applicable, this combined assessment shall also address the impact on potentially</p>	<p>2. Where plans including provisions for the development of critical raw material projects are subject to an assessment pursuant to Directive 2001/42/EC and pursuant to Article 6 of Directive 92/43/EEC, those assessments shall be combined. Where relevant, this combined assessment shall also address the impact on potentially affected water bodies and verify whether the plan would cause deterioration of the status or of the</p>	<p>PL. (Comments): We support the Council's proposal. SI: (Comments): CZ: (Comments): CZ prefers the Council Mandate which fully reflects previous CZ proposals. IT:</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	<p>water bodies and verify whether the plan would cause deterioration of the status or of the potential referred to in Article 4 of Directive 2000/60/EC or would potentially hamper that a water body achieves good status or good potential. Where relevant Member States are required to assess the impacts of existing and future activities on the marine environment, including land-sea interactions, as referred to in Article 4 of Directive 2014/89/EU, these impacts shall also be covered by the combined assessment.</p>	<p>affected water bodies and verify whether the plan would cause deterioration of the status or of the potential referred to in Article 4 of Directive 2000/60/EC or would potentially hamper that a water body achieves good status or good potential. Where relevant Member States are required to assess the impacts of existing and future activities on the marine environment, including land-sea interactions, as referred to in Article 4 of Directive 2014/89/EU, these impacts shall also be covered by the combined assessment while maintaining the same standard of quality. When there is a need for an assessment under Article 4 of Directive 2000/60/EC or Article 4 of Directive 2014/89/EU according to this Article, it shall be conducted in such a way that it does not lead to a prolongation of the time limits referred to in Article 10(1) and (2) and Article 11(3) if this Regulation.</p>	<p>potential referred to in Article 4 of Directive 2000/60/EC or would potentially hamper that a water body achieves good status or good potential. Where relevant Member States are required to assess the impacts of existing and future activities on the marine environment, including land-sea interactions, as referred to in Article 4 of Directive 2014/89/EU, these impacts shall also be covered by the combined assessment.</p>	<p>(Comments): Retain Council's position IE: (Comments): Prefer Council Mandate FI: (Comments): Finland prefers the Council Mandate but prefers the term "streamline" instead of "combine". However, using the term 'streamlined' should not lead to a situation where the requirements of directive 2001/42/EC are not fulfilled because of this requirement to streamline the assessments. PT: (Comments): We support the EP's amendment. BE: (Comments): This EP position is unclear: <i>'When there is a need for an assessment under Article 4 of Directive 2000/60/EC or Article 4 of Directive 2014/89/EU according to this Article, it shall be conducted in such a way that it does not lead to a prolongation of the time limits referred to in Article 10(1) and (2) and Article 11(3) if this Regulation.'</i></p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				Unclear, as planning may not be included in the permit granting process and the maximum term imposed on the permit granting process is not applicable to planning. SE: (Comments): SE does not support EP mandate since it may infer a lower standard to the EIA than established in union law.
258	Article 13 Applicability of UNECE conventions	Article 13 Applicability of UNECE conventions	Article 13 Applicability of UNECE conventions	SI: (Comments): IT: (Comments): Retain Council's position
259	1. The provisions set out in this Regulation are without prejudice to the obligations under Articles 6 and 7 of the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, signed at Aarhus on 25 June 1998, and under the UNECE Convention on environmental impact assessment in a transboundary context, signed at Espoo on 25	1. The provisions set out in this Regulation are without prejudice to the obligations under Articles 6 and 7 of the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, signed at Aarhus on 25 June 1998, and under the UNECE Convention on environmental impact assessment in a transboundary context, signed at Espoo on 25	1. The provisions set out in this Regulation are without prejudice to the obligations under Articles 6 and 7 of the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, signed at Aarhus on 25 June 1998, and under the UNECE Convention on environmental impact assessment in a transboundary context, signed at Espoo on 25 February 1991 and its Protocol on Strategic	PL. (Comments): No comments for each proposal. SI: (Comments): DE: (Comments): Support EP in deleting Art. 6 and 7 but also still ask for addition (Protocol on SEA) according to Council versionThe proposal for the Critical Raw Materials Act contains provisions for

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	February 1991.	February 1991.	Environmental Assessment, signed in Kyiv on 21 May 2003.	<p>access to justice (eg. Art. 9 (3)) and access to information (eg. Art. 44). It should be clear that the respective provisions of the UN ECE Aarhus Convention remain applicable to avoid uncertainties for the application of the CRMA. Therefore, the restricted mentioning of only articles 6 and 7 of the Aarhus Convention must be deleted.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>FI: (Comments): FI strongly supports the Council's proposal. This article needs to have a reference to the Protocol on Strategic Environmental Assessment.</p> <p>NL: (Comments): Council mandate</p> <p>BE: (Comments): The EP position contains all relevant articles of the Aarhus Convention, compared with two articles (6 and 7) in the Council</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				position. To clarify what most applicable is in this context.
260	2. All decisions adopted pursuant to this Section shall be made publicly available.	2. All decisions adopted pursuant to this Section shall be made publicly available in an easily understandable manner and all decisions concerning one project shall be available at the same website.	2. All decisions adopted pursuant to this Section shall be made publicly available.	<p>PL. (Comments): No comments for each proposal.</p> <p>SI: (Comments):</p> <p>SI open to EP amendment.</p> <p>AT: (Comments): We welcome the additional wording proposed by the Rapporteur since it supports transparency.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>FI: (Comments): FIN can support the EP mandate</p> <p>PT: (Comments): We support the Council's mandate.</p>
261	Section 3 Enabling conditions	Section 3 Enabling conditions	Section 3 Enabling conditions	<p>PL. (Comments): No remarks.</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				SI: (Comments):
262	Article 14 Accelerating implementation	Article 14 Accelerating implementation	Article 14 Accelerating implementation of Strategic Projects	PL. (Comments): No comments for each proposal. SI: (Comments):
263	1. The Commission and the Member States shall undertake activities to accelerate and crowd-in private investments in Strategic Projects. Such activities may, without prejudice to Article 107 and Article 108 of the TFEU, include providing and coordinating support to Strategic Projects facing difficulties in accessing finance.	1. The Commission and the Member States as well as the local and regional authorities concerned shall undertake activities to accelerate and crowd-in facilitate private investments in Strategic Projects. Such activities may, without prejudice to To secure consistent supply within the Union, Member States shall, in accordance with Article 107 and Article 108 of the TFEU, include consider providing and coordinating support to Strategic Projects facing difficulties in accessing finance, as well as to start-ups active on specific stages of the value chain in order to support development and promote an innovative ecosystem and the broadest	1. The Commission and the Member States shall may undertake activities to accelerate and crowd-in private investments in Strategic Projects. Such activities may, without prejudice to Article 107 and Article 108 of the TFEU, include providing and coordinating support to Strategic Projects facing difficulties in accessing finance.	PL. (Comments): We support the Council's proposal. SI: (Comments): "as well as the local and regional authorities" – SI prefers the Council text as it is clearer. If EP amendment is acceptable for other MS then we suggest the following re-wording: "The Commission and the Member States including the local and regional authorities concerned..." , as well as to start-ups active on specific stages of the value chain in order to

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
		spectrum of technologies in that area. The Commission and the Member States shall refrain from activities that crowd out private investments.		<p>support development and promote an innovative ecosystem and the broadest spectrum of technologies in that area. The Commission and the Member States shall refrain from activities that crowd out private investments.</p> <p>SI is positive towards this amendment.</p> <p>AT:</p> <p>(Comments):</p> <p>We advocate maintaining the Council position.</p> <p>IT:</p> <p>(Comments):</p> <p>Retain Council's position</p> <p>IE:</p> <p>(Comments):</p> <p>Prefer Council Mandate</p> <p>DK:</p> <p>(Comments):</p> <p>Important to keep Council text (may instead of shall)</p> <p>We cannot have an actual obligation on member states to undertake such activities or support. Moreover it is unclear what exactly the obligation would entail, which is also not helpful.</p> <p>BE:</p> <p>(Comments):</p> <p>OK with EP text</p> <p>SE:</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				(Comments): SE consider local and regional authorities being included in the concept of Member State. The CRMA is not designed for R&D, that fits better in the Research and innovation agenda.
264	2. Member States may provide administrative support to Strategic Projects to facilitate their rapid and effective implementation, including by providing:	2. The Commission and Member States, including regional and local authorities shall, where appropriate, may provide administrative support to Strategic Projects to facilitate their rapid and effective implementation, including by providing:	2. The Member States may provide administrative support to State whose territory is concerned by a Strategic Project shall take measures to contribute to its timely and effective implementation, including by providing. These measures may include assistance to ensure compliance with applicable administrative and reporting obligations.	PL. (Comments): We support the Council's proposal. SI: (Comments): SI supports the Council text. AT: (Comments): In terms of clarity of wording, we advocate maintaining the Council position. IT: (Comments): Retain Council's position IE: (Comments): Prefer Council Mandate PT: (Comments): We support the Council's mandate.
265	(a) assistance to ensure compliance with applicable	(a) assistance to ensure compliance with applicable	(a) assistance to ensure compliance with applicable administrative and	PL. (Comments):

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	administrative and reporting obligations;	administrative and reporting obligations;	reporting obligations;	<p>We support the Council's proposal.</p> <p>SI: (Comments):</p> <p>HR: (Comments): We can not support EP mandate and we call on the presidency to defend the text of general approach, the deletion of paragraphs 2a and 2b because we believe it is not the role of the MSs to assist on projects in fulfilling administrative obligations and reporting and to help further increase public support for the project. We believe that paragraph 2 already gives enough flexibility to Member States that want it and have the capacity to provide administrative support to strategic projects.</p> <p>AT: (Comments): We advocate maintaining the Council position in this case.</p> <p>IT: (Comments): Retain Council's position</p>
266	(b) assistance to project promoters to further increase the	(b) assistance to project promoters to further increase the	(b) assistance to project promoters to further increase the public acceptance	<p>PL. (Comments): We support the Council's</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	public acceptance of the project.	<p>timely public acceptance</p> <p>participation in and consultation of the project,</p> <p>including by following recommendations and best practices shared by the Board where necessary;</p>	of the project.	<p>proposal.</p> <p>SI:</p> <p>(Comments):</p> <p>HR:</p> <p>(Comments):</p> <p>We can not support EP mandate and we call on the presidency to defend the text of general approach, the deletion of paragraphs 2a and 2b because we believe it is not the role of the MSs to assist on projects in fulfilling administrative obligations and reporting and to help further increase public support for the project. We believe that paragraph 2 already gives enough flexibility to Member States that want it and have the capacity to provide administrative support to strategic projects.</p> <p>AT:</p> <p>(Comments):</p> <p>We advocate maintaining the Council position in this case.</p> <p>IT:</p> <p>(Comments):</p> <p>Retain Council's position</p> <p>IE:</p> <p>(Comments):</p> <p>Reject EP Mandate</p> <p>FI:</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>(Comments): EP mandate could mean more administrative burden for the member states. Probably not optimal.</p> <p>PT: (Comments): We support the COM's proposal. However, as we have mentioned before, this case-by-case approach and only for strategic projects does not address the underlying problem. Portugal considers social acceptance of mining one of our main concerns, that requires joint European efforts to be solved, and is not sufficiently addressed in the Act. Although the Communication states that "Continued efforts are needed to address concerns related to public awareness and acceptance." neither the Regulation Proposal nor the Communication include initiatives to inform EU citizens about the need to produce CRMs.</p> <p>SE: (Comments): Support Council mandate. Not up to the government (or commission) to support single projects, but to support</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				the general understanding for the need for sourcing.
266a		(ba) updates of predictable and ad hoc administrative delays of the project promoters with regard to the permitting process and the underlying reasoning while ensuring regular, timely and clear communication;		<p>PL. (Comments): No support for Parliament's proposal.</p> <p>AT: (Comments): We support this amendment by the Rapporteur since it supports a swift and transparent process.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Reject EP Mandate</p> <p>FI: (Comments): EP mandate could mean more administrative burden for the member states. Probably not optimal.</p> <p>FR: (Comments): France opposes to the EP proposal because it would extend the duration of the permit granting process as the designated contact point would lose time to make the updates.</p> <p>SE: (Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				SE wants to ask if this opens up for not keeping time lines set out in this regulation?
266b		(bb) the seed funding programmes specific to raw materials resulting from the Net Zero Industry Academies referred to in [OP: please insert here reference to Net Zero Industry Act].		<p>PL. (Comments): No support for Parliament's proposal.</p> <p>SI: (Comments): SI considers this amendment to detailed.</p> <p>AT: (Comments): We support this amendment by the Rapporteur</p> <p>IT: (Comments): We are flexible with EP</p> <p>IE: (Comments): Reject EP Mandate</p> <p>FI: (Comments): EP mandate could mean more administrative burden for the member states. Probably not optimal.</p> <p>BE: (Comments): Indeed seed funding is foreseen in NZIA for the academies which do include among their tasks (art 23 (1) (a) develop learning programmes, content and</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>learning and training materials for training and education on developing, producing, installing, commissioning, operating, maintaining and recycling net-zero technologies, on raw materials, as well as to support the capacities of public authorities competent to issue permits and authorisations referred to in Chapter II and contracting authorities referred to in Chapter IV of this Regulation; So amendment can be supported for coherence</p> <p>SE: (Comments): SE wants to ask if it works legally to refer to an act that is not in place yet.</p>
266c		<p>2a. The Commission may address an opinion to Member States on the alignment of the national implementation with the objectives laid down in Article 1(2).</p>		<p>PL. (Comments): No support for Parliament's proposal.</p> <p>AT: (Comments): We support this amendment by the Rapporteur</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				Reject EP Mandate SE: (Comments): SE sees difficulties since the indicative benchmarks are not broken down per MS. How shall it be done?
267	Article 15 Coordination of financing	Article 15 Coordination of financing	Article 15 Coordination of financing	SI: (Comments): AT: (Comments): We advocate maintaining the Council position in this case (further comments see line 269). PT: (Comments): Portugal considers the funding dimension of the CRMA and level playing field within the single market a key element. As we have commented before, the proposal lacks a solid EU-level funding instrument, this must not be forgotten and the discussion should take place timely in a proper forum.
268	1. The standing sub-group referred to in Article 35(6), point (a) shall , at the request of a project promoter of a Strategic Project, discuss and advise on	1. The standing sub-group referred to in Article 35(6), point (a), shall , at the request of a project promoter of a Strategic Project, discuss and advise on	1. The standing sub-group referred to in Article 35(6), point (a) shall-, at the request of a project promoter of a Strategic Project, discuss and advise on how the financing of its project can	PL. (Comments): No comments for each proposal. SI: (Comments):

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	how the financing of its project can be completed, taking into account the funding already secured and considering at least the following elements:	how the financing of its project can be completed and issue recommendations on future resources and funding instruments , taking into account the funding already secured and considering at least the following elements:	be completed, taking into account the funding already secured and considering at least the following elements:	<p>“and issue recommendations on future resources and funding instruments” – SI opened to the EP amendment</p> <p>IT:</p> <p>(Comments):</p> <p>We are flexible with EP</p> <p>IE:</p> <p>(Comments):</p> <p>Prefer Council Mandate</p> <p>PT:</p> <p>(Comments):</p> <p>We support the EP’s amendment: it is more detailed and ensures more information is provided to project promoters.</p> <p>SE:</p> <p>(Comments):</p> <p>SE can be flexible</p>
269	(a) additional private sources of financing;	(a) additional private sources of financing as well as support through resources from the European Investment Bank Group or other international financial institutions, including the European Bank for Reconstruction and Development, with a particular focus on the Global Gateway Initiative for Strategic Projects outside of the Union;	(a) additional private sources of financing;	<p>PL.</p> <p>(Comments):</p> <p>We support the Council’s proposal.</p> <p>SI:</p> <p>(Comments):</p> <p>SI considers EP amendment to detailed.</p> <p>AT:</p> <p>(Comments):</p> <p>We welcome the additional wording proposed by the Rapporteur.</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>IT: (Comments): We are flexible with EP</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>PT: (Comments): We support the EP's amendment.</p> <p>BE: (Comments): No support for EP amendment which is confusing: EIB support is not private source of financing so it should stay as a specific point</p> <p>SE: (Comments): SE can be flexible</p>
270	(b) support through resources from the European Investment Bank Group or other international financial institutions including the European Bank for Reconstruction and Development;	(b) support through resources from the European Investment Bank Group or other international financial institutions including the European Bank for Reconstruction and Development;	(b) support through– resources from the European Investment Bank Group or other international financial institutions including the European Bank for Reconstruction and Development;	<p>PL. (Comments): We support the Council's proposal.</p> <p>SI: (Comments):</p> <p>IT: (Comments): We are flexible with EP</p> <p>PT: (Comments): We support the EP's amendment.</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
271	(c) existing Member State instruments and programmes, including from national promotional banks and institutions;	(c) existing Member State instruments and programmes, including from export credit agencies , national promotional banks and institutions;	(c) existing Member State instruments and programmes, including from national promotional banks and institutions;	<p>PL. (Comments): We support the Parliament's proposal . SI: (Comments):</p> <p>IT: (Comments): We are flexible with EP IE: (Comments): Prefer Council Mandate PT: (Comments): We support the EP's amendment. SE: (Comments): SE can be flexible</p>
272	(d) relevant Union funding and financing programmes.	(d) relevant Union funding and financing programmes.	(d) relevant Union funding and financing programmes.	<p>PL. (Comments): We support the Council's proposal. SI: (Comments):</p>
272a		1a. By ... [18 months after entry into force of this Regulation] and every year thereafter, the Commission, assisted by the standing sub-	1a. The standing sub-group referred to in Article 35(6) shall 2 years after entry into force of this Regulation submit a report to the Board describing obstacles to access	<p>PL. (Comments): We support the Council's proposal. SI: (Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
		group referred to in Article 35(6), point (a), shall submit a report to the European Parliament, the Council and the Commission. The report shall describe obstacles to access finance, and recommendations to facilitate access to finance for Strategic Projects including the European Investment Bank and the European Bank for Reconstruction and Development.	to finance and recommendations to facilitate access to finance for Strategic Projects.	<p>SI supports the Council text.</p> <p>DE: (Comments): We support this EP addition, if the 1b Council addition is preserved.</p> <p>IT: (Comments): We are flexible with EP</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>PT: (Comments): We support the Council's mandate, but the timeframe of 2 years for the first report can be reduced and further reports should be submitted following this one.</p> <p>BE: (Comments): OK with EP addition</p>
272b			1b. Any advise provided by the standing sub-group referred to in Article 35(6)(a) to the project promotor shall be without prejudice to decisions of potential providers of finance.	<p>PL. (Comments): We support the Council's proposal.</p> <p>DE: (Comments): See above in line 272a.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				Prefer Council Mandate PT: (Comments): We support the Council's mandate. Correct "Any advise provided" by "Any advice provided"
273	Article 16 Facilitating off-take agreements	Article 16 Facilitating off-take agreements	Article 16 Facilitating off-take agreements	PL. (Comments): No remarks. SI: (Comments):
274	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.	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.	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.	PL. (Comments): No remarks. SI: (Comments):
275	2. The system referred to in paragraph 1 shall allow potential off-takers to make bids indicating:	2. The system referred to in paragraph 1 shall allow potential off-takers to make bids indicating:	2. The system referred to in paragraph 1 shall allow potential off-takers to make bids indicating:	PL. (Comments): No remarks. SI: (Comments):
276	(a) the volume and quality of strategic raw materials they intend to purchase;	(a) the volume and quality of strategic raw materials they intend to purchase;	(a) the volume and quality of strategic raw materials they intend to purchase;	PL. (Comments): No remarks. SI:

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				(Comments):
277	(b) the intended price or price range;	(b) the intended price or price range;	(b) the intended price or price range;	PL. (Comments): No remarks. SI: (Comments):
278	(c) the intended duration of the off-take agreement.	(c) the intended duration of the off-take agreement.	(c) the intended duration of the off-take agreement.	PL. (Comments): No remarks. SI: (Comments):
279	3. The system referred to in paragraph 1 shall allow project promoters of Strategic Projects to make offers indicating:	3. The system referred to in paragraph 1 shall allow project promoters of Strategic Projects to make offers indicating:	3. The system referred to in paragraph 1 shall allow project promoters of Strategic Projects to make offers indicating:	PL. (Comments): No remarks. SI: (Comments):
280	(a) the volume and quality of strategic raw materials for which they are seeking to conclude off-take agreements;	(a) the volume and quality of strategic raw materials for which they are seeking to conclude off-take agreements;	(a) the volume and quality of strategic raw materials for which they are seeking to conclude off-take agreements;	PL. (Comments): No remarks. SI: (Comments):
281				PL.

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	(b) the intended price or price range at which they are willing to sell;	(b) the intended price or price range at which they are willing to sell;	(b) the intended price or price range at which they are willing to sell;	(Comments): No remarks. SI: (Comments):
282	(c) the intended duration of the off-take agreement.	(c) the intended duration of the off-take agreement.	(c) the intended duration of the off-take agreement.	PL. (Comments): No remarks. SI: (Comments):
283	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.	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.	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.	PL. (Comments): No remarks. SI: (Comments):
283a		4a. The system shall be accessible to project promoters where a Strategic Project has not yet been granted but has reached an advanced level in applying for a permit by the national competent authority referred to in Article 8(1).		PL. (Comments): No remarks. AT: (Comments): We welcome this addition proposed by the Rapporteur. IT: (Comments): Retain Council's position IE: (Comments):

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				Reject EP Mandate PT: (Comments): We support the EP's amendment as long as "national competent authority" is replaced by "designated contact point". BE: (Comments): BE would like it to be clarified how sufficient legal certainty would be needed, to make this option possible.
284	Article 17 Online accessibility of administrative information	Article 17 Online accessibility of administrative information	Article 17 Online accessibility of administrative information	PL. (Comments): No remarks. SI: (Comments): IT: (Comments): Retain Council's position
285	Member States shall provide the following information on administrative processes relevant to critical raw material projects online, and in a centralised and easily accessible manner:	1. Member States shall provide the following information on administrative processes relevant to critical raw material projects online, and in a centralised and easily accessible manner:	Member States shall provide the following information on administrative processes relevant to critical raw material projects online, and in a centralised and easily accessible manner:	PL. (Comments): We support the Parliament's proposal . SI: (Comments): IT: (Comments): Retain Council's position PT:

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				(Comments): We support the Council's mandate.
285a			(-a) the contact points referred to in Article 8 paragraph 1;	PL. (Comments): We support the Council's proposal. AT: (Comments): With references to Article 8 in Batch I as well as several references throughout Batch II, we strongly advocate maintaining the Council position in this case. IT: (Comments): Retain Council's position IE: (Comments): Prefer Council Mandate PT: (Comments): We support the Council's mandate.
286	(a) the permit-granting process;	(a) the permit-granting process and related administrative processes required for obtaining the permit;	(a) the permit-granting process including information on dispute settlement;	PL. (Comments): We support the Parliament's proposal . SI: (Comments): AT: (Comments):

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>We support the amendment proposed by the Rapporteur because of important additional support for project promoters.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>PT: (Comments): We support the Council's mandate.</p> <p>FR: (Comments): France can accept a compromise of these two amendments.</p>
287	(b) financing and investment services;	(b) financing and investment services;	(b) financing and investment services;	<p>PL. (Comments): No remarks.</p> <p>SI: (Comments):</p>
288	(c) funding possibilities at Union or Member State level;	(c) funding possibilities at Union or Member State level;	(c) funding possibilities at Union or Member State level;	<p>PL. (Comments): No remarks.</p> <p>SI: (Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
289	(d) business support services, including but not limited to corporate tax declaration, local tax laws, labour law.	(d) business support services, including but not limited to corporate tax declaration, local tax laws, labour law.	(d) business support services, including but not limited to corporate tax declaration, local tax laws, labour law.	PL. (Comments): No remarks. SI: (Comments):
289a		1a. The Commission shall, in a centralised and easily accessible manner, provide information on administrative processes relevant to obtaining the status of Strategic Projects online.		PL. (Comments): We support the Parliament's proposal . SI: (Comments): SI would like to hear the opinion of the Commission on the EP amendment. AT: (Comments): We very much support this addition proposed by the Rapporteur. IT: (Comments): We are flexible IE: (Comments): Reject EP Mandate PT: (Comments): We support the EP's amendment. FR: (Comments): France can accept this EP proposal in a spirit of

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				compromise. SK: (Comments): Support the EP position.
670	Annex I	Annex I	Annex I	SI: (Comments): DE: (Comments): Regarding the whole Annex I, we support the Council version in all sub-points SE: (Comments): SE wants to stick with Council mandate. SE does not support inclusion of battery grade nor do we support metallurgy grade.
671	Strategic raw materials	Strategic raw materials	Strategic raw materials	SI: (Comments):
672	Section 1 List of strategic raw materials	Section 1 List of strategic raw materials	Section 1 List of strategic raw materials	SI: (Comments):
673	The following raw materials shall be considered strategic:	The following raw materials shall be considered strategic:	The following raw materials shall be considered strategic:	SI: (Comments): BE: (Comments): The Council's general

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				approach is preferred concerning the following list.
673a		(-a) Aluminium	(-a) Bauxite/Alumina/Aluminium	<p>PL. (Comments): Additional entry:(--A) Coking coalDefinitions: Mineral raw material - a commodity. E.g., aluminum is not a raw material - it is a product. SI: (Comments): SI supports the Council text. HR: (Comments): The mineral raw material is bauxite, from which aluminum is obtained as a finished product through further operations and processing. Consequently, aluminum cannot be considered a mineral raw material. AT: (Comments): We very much welcome and strongly support the inclusion of Aluminium here. However, we strongly advocate maintaining the Council position and thus classify bauxite, alumina and aluminium equally as strategic raw materials.</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>IT: (Comments): Retain Council's position. Given the possible difficulties in the supply of bauxite, the main source of aluminum, the Council's position is supported.</p> <p>IE: (Comments): Ireland strongly support the Council Mandate's text, especially on retention of full reference to Bauxite/Alumina/Aluminium</p> <p>FI: (Comments): Council mandate should be maintained – What probably is strategic is the entire value chain from bauxite to aluminium metal</p> <p>PT: (Comments): We support the Council's mandate.</p> <p>DK: (Comments): The majority in the Council and the European Parliament want to add in aluminium, but it is very important the list is not expanded further.</p> <p>FR: (Comments): France strongly supports</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>the Council proposal as Aluminium is made from Bauxite and Alumina. Therefore, to foster a strong European aluminium industry, bauxite and alumina must be included within the list of strategic raw materials.</p> <p>SE: (Comments): SE supports Council Mandate. It follows from the method on defining strategic raw materials that bauxite needs to be included.</p>
674	(a) Bismuth	(a) Bismuth	(a) Bismuth	<p>PL. (Comments): No remarks. SI: (Comments):</p>
675	(b) Boron - metallurgy grade	(b) Boron - metallurgy grade	(b) Boron—metallurgy grade	<p>PL. (Comments): No comments for each proposal. SI: (Comments):</p> <p>AT: (Comments): We advocate maintaining the Council position. IT:</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>(Comments): Retain Council's position IE: (Comments): Prefer Council Mandate PT: (Comments): We support the Council's mandate. FR: (Comments): France strongly supports the removal of the grades because a shortage on a strategic raw material would not exclusively concern this specific metallurgy grade. SK: (Comments): In principle, the inclusion of a battery grade specification should only be supported in cases where there is reasonable certainty that this will not have any perverse effects on the market with that given material and its other applications. Proposed wording:(b) Boron–metallurgy grade</p>
676	(c) Cobalt	(c) Cobalt	(c) Cobalt	<p>PL. (Comments): No remarks. SI:</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				(Comments):
677	(d) Copper	(d) Copper	(d) Copper	PL. (Comments): No remarks. SI: (Comments):
678	(e) Gallium	(e) Gallium	(e) Gallium	PL. (Comments): No remarks. SI: (Comments):
679	(f) Germanium	(f) Germanium	(f) Germanium	PL. (Comments): No remarks. SI: (Comments):
680	(g) Lithium - battery grade	(g) Lithium - battery grade	(g) Lithium—battery grade	PL. (Comments): No comments for each proposal. SI: (Comments): AT:

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				(Comments): We advocate maintaining the Council position in this case. IT: (Comments): Retain Council's position IE: (Comments): Prefer Council Mandate FR: (Comments): France strongly supports the removal of the grades because a shortage on a strategic raw material would not exclusively concern this specific metallurgy grade.
681	(h) Magnesium metal	(h) Magnesium metal	(h) Magnesium metal	PL. (Comments): No remarks. SI: (Comments):
682	(i) Manganese - battery grade	(i) Manganese - battery grade	(i) Manganese—battery grade	PL. (Comments): No comments for each proposal. SI: (Comments): AT: (Comments):

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>We advocate maintaining the Council position in this case.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>PT: (Comments): We support the Council's mandate.</p> <p>FR: (Comments): France strongly supports the removal of the grades because a shortage on a strategic raw material would not exclusively concern this specific metallurgy grade.</p> <p>SK: (Comments): In principle, the inclusion of a battery grade specification should only be supported in cases where there is reasonable certainty that this will not have any perverse effects on the market with that given material and its other applications.</p>
683	(j) Natural Graphite - battery grade	(j) Natural Graphite - battery grade	(j) Natural Graphite—battery grade	<p>PL. (Comments): No comments for each proposal.</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>SI: (Comments):</p> <p>AT: (Comments): We advocate maintaining the Council position in this case but repeat our demand to include synthetic graphite by following wording (see line 154):Graphite</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>PT: (Comments): We support the Council's mandate.</p> <p>FR: (Comments): France strongly supports the removal of the grades because a shortage on a strategic raw material would not exclusively concern this specific metallurgy grade.</p> <p>SK: (Comments): In principle, the inclusion of a battery grade specification should only be supported in cases where there is</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				reasonable certainty that this will not have any perverse effects on the market with that given material and its other applications. Proposed wording:(j) Natural Graphite –battery grade
684	(k) Nickel - battery grade	(k) Nickel - battery grade	(k) Nickel –battery grade	<p>PL. (Comments): No comments for each proposal. SI: (Comments):</p> <p>AT: (Comments): We advocate maintaining the Council position in this case. IE: (Comments): Prefer Council Mandate PT: (Comments): We support the Council's mandate. FR: (Comments): France strongly supports the removal of the grades because a shortage on a strategic raw material would not exclusively concern this specific metallurgy grade. SK:</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>(Comments):</p> <p>In principle, the inclusion of a battery grade specification should only be supported in cases where there is reasonable certainty that this will not have any perverse effects on the market with that given material and its other applications. Notably, stainless steel manufacturing consumed over 70% of primary nickel in 2020, with approx. the remaining 10% allocated to other steel and non-ferrous alloys production, and only approx. 6% was utilized in battery production and the rest in negligible quantities in planting or foundry. Therefore, we support the Council text.</p>
685	(l) Platinum Group Metals	(l) Platinum Group Metals	(l) Platinum Group Metals	<p>PL.</p> <p>(Comments):</p> <p>No remarks.</p> <p>SI:</p> <p>(Comments):</p>
686	(m) Rare Earth Elements for magnets (Nd, Pr, Tb, Dy, Gd, Sm, and Ce)	(m) Rare Earth Elements for magnets (Nd, Pr, Tb, Dy, Gd, Sm, and Ce)	(m) Rare Earth Elements for magnets (Nd, Pr, Tb, Dy, Gd, Sm, and Ce)	<p>PL.</p> <p>(Comments):</p> <p>No comments for each proposal.</p> <p>SI:</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>(Comments):</p> <p>AT: (Comments): We advocate maintaining the Council position in this case.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>PT: (Comments): We support the Council's mandate.</p> <p>FR: (Comments): France strongly supports the removal of the grades because a shortage on a strategic raw material would not exclusively concern this specific metallurgy grade.</p> <p>SK: (Comments): In principle, the inclusion of a magnet grade specification should only be supported in cases where there is reasonable certainty that this will not have any perverse effects on the market with that given material and its other applications. Proposed</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				wording:(m) Rare Earth Elements for magnets (Nd, Pr, Tb, Dy, Gd, Sm, and Ce)
687	(n) Silicon metal	(n) Silicon metal	(n) Silicon metal	PL. (Comments): No remarks. SI: (Comments):
688	(o) Titanium metal	(o) Titanium metal	(o) Titanium metal	PL. (Comments): No remarks. SI: (Comments):
689	(p) Tungsten	(p) Tungsten	(p) Tungsten	PL. (Comments): No remarks. SI: (Comments):
690	Section 2 Methodology to select strategic raw materials	Section 2 Methodology to select strategic raw materials	Section 2 Methodology to select strategic raw materials	PL. (Comments): No remarks. SI: (Comments):
691				PL.

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	1. The strategic importance shall be determined based on the relevance of a raw material for the green and digital transition as well as defence and space applications, taking into account:	1. The strategic importance shall be determined based on the relevance of a raw material for the green and digital transition as well as defence and space applications, taking into account:	1. The strategic importance shall be determined based on the relevance of a raw material for the green and digital transition as well as defence and space applications, taking into account according to the following criteria:	<p>(Comments): No comments for each proposal. SI: (Comments):</p> <p>AT: (Comments): In terms of clarity of wording, we advocate maintaining the Council position in this case. IT: (Comments): Retain Council's position IE: (Comments): Prefer Council Mandate DK: (Comments): “Taking into account” suggests there could be all sorts of other criteria and leaves it rather open ended how the list is drawn up. We need an evidencebased and unambiguous approach. Therefore we should keep the Council text</p>
692	(a) the amount of strategic technologies using a raw material as an input;	(a) the amount of strategic technologies using a raw material as an input;	(a) the amount of strategic technologies using a raw material as an input;	<p>PL. (Comments): No remarks. SI: (Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
693	(b) the amount of a raw material needed for manufacturing relevant strategic technologies;	(b) the amount of a raw material needed for manufacturing relevant strategic technologies;	(b) the amount of a raw material needed for manufacturing relevant strategic technologies;	PL. (Comments): No remarks. SI: (Comments):
694	(c) the expected global demand for relevant strategic technologies.	(c) the expected global demand for relevant strategic technologies.	(c) the expected global demand for relevant strategic technologies.	PL. (Comments): No remarks. SI: (Comments):
695	2. The forecasted demand growth ($D_{F/C}$) shall be calculated as follows:	2. The forecasted demand growth ($D_{F/C}$) shall be calculated as follows:	2. The forecasted demand growth ($D_{F/C}$) shall be calculated as follows:	PL. (Comments): No remarks. SI: (Comments):
696	The element is not present in the annex, as it is not supported. Please consult the original document	The element is not present in the annex, as it is not supported. Please consult the original document	The element is not present in the annex, as it is not supported. Please consult the original document	PL. (Comments): No remarks. SI: (Comments):
697	where:	where:	where:	PL. (Comments): No remarks.

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				SI: (Comments):
698	D _F is a demand forecast for a raw material for a reference year;	D _F is a demand forecast for a raw material for a reference year;	D _F is a demand forecast for a raw material for a reference year;	PL. (Comments): No remarks. SI: (Comments):
699	GS is the global annual production of a raw material for a reference period.	GS is the global annual production of a raw material for a reference period.	GS is the global annual production of a raw material for a reference period.	PL. (Comments): No remarks. SI: (Comments):
700	3. The difficulty of increasing production shall be determined taking into account at least:	3. The difficulty of increasing production shall be determined taking into account at least:	3. The difficulty of increasing production shall be determined taking into account at least:	PL. (Comments): No remarks. SI: (Comments):
701	the current production scale (PS) of a raw material for a reference period, calculated as follows:	(a) the current production scale (PS) of a raw material for a reference period, calculated as follows:	(a) the current production scale (PS) of a raw material for a reference period,— calculated as follows:	PL. (Comments): No remarks. SI: (Comments):

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
702	The element is not present in the annex, as it is not supported. Please consult the original document	The element is not present in the annex, as it is not supported. Please consult the original document	The element is not present in the annex, as it is not supported. Please consult the original document	PL. (Comments): No remarks. SI: (Comments):
703	where:	where:	where:	PL. (Comments): No remarks. SI: (Comments):
704	\log_{10} is a common logarithm;	\log_{10} is a common logarithm;	\log_{10} is a common logarithm;	PL. (Comments): No remarks. SI: (Comments):
705	GS is the global annual production of a raw material for a reference period;	GS is the global annual production of a raw material for a reference period;	GS is the global annual production of a raw material for a reference period;	PL. (Comments): No remarks. SI: (Comments):
706	the reserves-production ratio R/P of a raw material, calculated as follows:	the reserves-production ratio R/P of a raw material, calculated as follows:	(b) the reserves-production ratio R/P of a raw material, calculated as follows:	PL. (Comments): No remarks. SI:

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				(Comments):
707	The element is not present in the annex, as it is not supported. Please consult the original document	The element is not present in the annex, as it is not supported. Please consult the original document	The element is not present in the annex, as it is not supported. Please consult the original document	PL. (Comments): No remarks. SI: (Comments):
708	where:	where:	where:	PL. (Comments): No remarks. SI: (Comments):
709	R are known reserves of economically extractable geological resources of a raw material;	R are known reserves of economically extractable geological resources of a raw material;	R are known reserves of economically extractable geological resources of a raw material;	PL. (Comments): No remarks. SI: (Comments):
710	GS is the global annual production of a raw material for a reference period.	GS is the global annual production of a raw material for a reference period.	GS is the global annual production of a raw material for a reference period.	PL. (Comments): No remarks. SI: (Comments):
711				PL.

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	Annex II	Annex II	Annex II	(Comments): No remarks. SI: (Comments): DE: (Comments): Regarding the whole Annex II, we support the Council version in all sub-points
712	Critical raw materials	Critical raw materials	Critical raw materials	PL. (Comments): No remarks. SI: (Comments):
713	Section 1 List of critical raw materials	Section 1 List of critical raw materials	Section 1 List of critical raw materials	PL. (Comments): No remarks. SI: (Comments):
714	The following raw materials shall be considered critical:	The following raw materials shall be considered critical:	The following raw materials shall be considered critical:	PL. (Comments): No remarks. SI: (Comments): SE: (Comments): SE supports Council

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				mandate. SE does not support inclusion of battery grade nor do we support metallurgy grade.
715	(a) Antimony	(a) Antimony	(a) Antimony	PL. (Comments): No remarks. SI: (Comments):
716	(b) Arsenic	(b) Arsenic	(b) Arsenic	PL. (Comments): No remarks. SI: (Comments):
717	(c) Bauxite	(c) Bauxite	(c) Bauxite Bauxite/Alumina/Aluminium	PL. (Comments): No comments for each proposal. SI: (Comments): SI supports the Council text HR: (Comments): The mineral raw material is bauxite, from which aluminum is obtained as a finished product through further operations and processing. Consequently,

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>aluminum cannot be considered a mineral raw material.</p> <p>AT: (Comments): We advocate maintaining the Council position in this case (see line 673a).</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Ireland strongly support the Council Mandate's text, especially on retention of full reference to Bauxite/Alumina/Aluminium</p> <p>PT: (Comments): We support the Council's mandate.</p> <p>FR: (Comments): France strongly supports the Council proposal as Aluminium is made from Bauxite and Alumina. Therefore, to foster a European aluminium industry, bauxite and alumina must be included within the list of critical raw materials. Moreover, as all the strategic raw materials listed are critical, it is logical to add</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				bauxite/alumina/aluminium to the list of critical raw materials.
718	(d) Baryte	(d) Baryte	(d) Baryte	PL. (Comments): No remarks. SI: (Comments):
719	(e) Beryllium	(e) Beryllium	(e) Beryllium	PL. (Comments): No remarks. SI: (Comments):
720	(f) Bismuth	(f) Bismuth	(f) Bismuth	PL. (Comments): No remarks. SI: (Comments):
721	(g) Boron	(g) Boron	(g) Boron	PL. (Comments): No remarks. SI: (Comments):
722				PL.

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	(h) Cobalt	(h) Cobalt	(h) Cobalt	(Comments): No remarks. SI: (Comments):
723	(i) Coking Coal	(i) Coking Coal	(i) Coking Coal	PL. (Comments): No remarks. SI: (Comments):
724	(j) Copper	(j) Copper	(j) Copper	PL. (Comments): No remarks. SI: (Comments):
725	(k) Feldspar	(k) Feldspar	(k) Feldspar	PL. (Comments): No remarks. SI: (Comments):
726	(l) Fluorspar	(l) Fluorspar	(l) Fluorspar	PL. (Comments): No remarks. SI: (Comments):

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
727	(m) Gallium	(m) Gallium	(m) Gallium	PL. (Comments): No remarks. SI: (Comments):
728	(n) Germanium	(n) Germanium	(n) Germanium	PL. (Comments): No remarks. SI: (Comments):
729	(o) Hafnium	(o) Hafnium	(o) Hafnium	PL. (Comments): No remarks. SI: (Comments):
730	(p) Helium	(p) Helium	(p) Helium	PL. (Comments): No remarks. SI: (Comments):
731	(q) Heavy Rare Earth Elements	(q) Heavy Rare Earth Elements	(q) Heavy Rare Earth Elements	PL. (Comments):

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				No remarks. SI: (Comments):
732	(r) Light Rare Earth Elements	(r) Light Rare Earth Elements	(r) Light Rare Earth Elements	PL. (Comments): No remarks. SI: (Comments):
733	(s) Lithium	(s) Lithium	(s) Lithium	PL. (Comments): No remarks. SI: (Comments):
734	(t) Magnesium	(t) Magnesium	(t) Magnesium	PL. (Comments): No remarks. SI: (Comments):
735	(u) Manganese	(u) Manganese	(u) Manganese	PL. (Comments): No remarks. SI: (Comments):

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
736	(v) Natural Graphite	(v) Natural Graphite	(v) Natural Graphite	PL. (Comments): No remarks. SI: (Comments):
737	(w) Nickel – battery grade	(w) Nickel – battery grade	(w) Nickel – battery grade	PL. (Comments): No comments for each proposal. SI: (Comments): AT: (Comments): We advocate maintaining the Council position in this case. IT: (Comments): Retain Council's position IE: (Comments): Prefer Council Mandate PT: (Comments): We support the Council's mandate. FR: (Comments): France strongly supports the removal of the grades because a shortage on a strategic raw material would not exclusively

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>concern this specific metallurgy grade.</p> <p>SK:</p> <p>(Comments):</p> <p>In principle, the inclusion of a battery grade specification should only be supported in cases where there is reasonable certainty that this will not have any perverse effects on the market with that given material and its other applications. Notably, stainless steel manufacturing consumed over 70% of primary nickel in 2020, with approx. the remaining 10% allocated to other steel and non-ferrous alloys production, and only approx. 6% was utilized in battery production and the rest in negligible quantities in planting or foundry. Therefore we support the Council text.</p>
738	(x) Niobium	(x) Niobium	(x) Niobium	<p>PL.</p> <p>(Comments):</p> <p>No remarks.</p> <p>SI:</p> <p>(Comments):</p>
739	(y) Phosphate rock	(y) Phosphate rock	(y) Phosphate rock	<p>PL.</p> <p>(Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				No remarks. SI: (Comments):
740	(z) Phosphorus	(z) Phosphorus	(z) Phosphorus	PL. (Comments): No remarks. SI: (Comments):
741	(aa) Platinum Group Metals	(aa) Platinum Group Metals	(aa) Platinum Group Metals	PL. (Comments): No remarks. SI: (Comments):
742	(bb) Scandium	(bb) Scandium	(bb) Scandium	PL. (Comments): No remarks. SI: (Comments):
743	(cc) Silicon metal	(cc) Silicon metal	(cc) Silicon metal	PL. (Comments): No remarks. SI: (Comments):

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
744	(dd) Strontium	(dd) Strontium	(dd) Strontium	PL. (Comments): No remarks. SI: (Comments):
745	(ee) Tantalum	(ee) Tantalum	(ee) Tantalum	PL. (Comments): No remarks. SI: (Comments):
746	(ff) Titanium metal	(ff) Titanium metal	(ff) Titanium metal	PL. (Comments): No remarks. SI: (Comments):
747	(gg) Tungsten	(gg) Tungsten	(gg) Tungsten	PL. (Comments): No remarks. SI: (Comments):
748	(hh) Vanadium	(hh) Vanadium	(hh) Vanadium	PL. (Comments): No remarks. SI:

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				(Comments):
749	Section 2 Calculation of economic importance and supply risk	Section 2 Calculation of economic importance and supply risk	Section 2 Calculation of economic importance and supply risk	PL. (Comments): No remarks. SI: (Comments):
750	1. The economic importance (EI) of a raw material is calculated as follows:	1. The economic importance (EI) of a raw material is calculated as follows:	1. The economic importance (EI) of a raw material is calculated as follows:	PL. (Comments): No remarks. SI: (Comments):
751	The element is not present in the annex, as it is not supported. Please consult the original document	The element is not present in the annex, as it is not supported. Please consult the original document	The element is not present in the annex, as it is not supported. Please consult the original document	PL. (Comments): No remarks. SI: (Comments):
752	where:	where:	where:	PL. (Comments): No remarks. SI: (Comments):
753				PL.

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	A_s is the share of end use of the raw material in a NACE (2-digit level) sector;	A_s is the share of end use of the raw material in a NACE (2-digit level) sector;	A_s is the share of end use of the raw material in a NACE (2-digit level) sector;	(Comments): No remarks. SI: (Comments):
754	Q_s is the value added of the relevant sector at the NACE (2-digit level);	Q_s is the value added of the relevant sector at the NACE (2-digit level);	Q_s is the value added of the relevant sector at the NACE (2-digit level);	PL. (Comments): No remarks. SI: (Comments):
755	SI_{EI} is the substitution index related to economic importance.	SI_{EI} is the substitution index related to economic importance.	SI_{EI} is the substitution index related to economic importance.	PL. (Comments): No remarks. SI: (Comments):
756	2. The substitution index of a raw material related to economic importance (SI_{EI}) is calculated as follows:	2. The substitution index of a raw material related to economic importance (SI_{EI}) is calculated as follows:	2. The substitution index of a raw material related to economic importance (SI_{EI}) is calculated as follows:	PL. (Comments): No remarks. SI: (Comments):
757	The element is not present in the annex, as it is not supported. Please consult the original document	The element is not present in the annex, as it is not supported. Please consult the original document	The element is not present in the annex, as it is not supported. Please consult the original document	PL. (Comments): No remarks. SI: (Comments):

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
758	where:	where:	where:	PL. (Comments): No remarks. SI: (Comments):
759	i denotes an individual substitute material;	i denotes an individual substitute material;	i denotes an individual substitute material;	PL. (Comments): No remarks. SI: (Comments):
760	a denotes an individual application of the raw material;	a denotes an individual application of the raw material;	a denotes an individual application of the raw material;	PL. (Comments): No remarks. SI: (Comments):
761	SCP is the substitute cost performance parameter;	SCP is the substitute cost performance parameter;	SCP is the substitute cost performance parameter;	PL. (Comments): No remarks. SI: (Comments):
762	Share is the share of the raw	Share is the share of the raw	Share is the share of the raw materials	PL. (Comments):

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	materials in an end-use application;	materials in an end-use application;	in an end-use application;	No remarks. SI: (Comments):
763	Sub-share is the sub-share of each substitute within each application.	Sub-share Sub--share is the sub-share of each substitute within each application.	Sub-share is the sub-share of each substitute within each application.	PL. (Comments): No remarks. SI: (Comments):
764	3. The supply risk (SR) of a raw material is calculated as follows:	3. The supply risk (SR) of a raw material is calculated as follows:	3. The supply risk (SR) of a raw material is calculated as follows:	PL. (Comments): No remarks. SI: (Comments):
765	The element is not present in the annex, as it is not supported. Please consult the original document	The element is not present in the annex, as it is not supported. Please consult the original document	The element is not present in the annex, as it is not supported. Please consult the original document	PL. (Comments): No remarks. SI: (Comments):
766	where:	where:	where:	PL. (Comments): No remarks. SI: (Comments):

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
767	GS is the global annual production of a raw material for a reference period;	GS is the global annual production of a raw material for a reference period;	GS is the global annual production of a raw material for a reference period;	PL. (Comments): No remarks. SI: (Comments):
768	EU sourcing is the actual sourcing of the supply to the EU, i.e. EU domestic production plus other countries importing to the EU;	EU sourcing is the actual sourcing of the supply to the EU, i.e. EU domestic production plus other countries importing to the EU;	EU sourcing is the actual sourcing of the supply to the EU, i.e. EU domestic production plus other countries importing exporting to the EU;	PL. (Comments): No comments for each proposal. SI: (Comments): AT: (Comments): We advocate maintaining the Council position in this case. IT: (Comments): Retain Council's position IE: (Comments): Prefer Council Mandate FI: (Comments): FIN can be flexible here PT: (Comments): We support the Council's mandate.
769	HHI is the Herfindahl-Hirschman Index (used as a proxy for	HHI is the Herfindahl-Hirschman Index (used as a proxy for	HHI is the Herfindahl-Hirschman Index (used as a proxy for country	PL. (Comments): No remarks.

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	country concentration);	country concentration);	concentration);	SI: (Comments):
770	WGI is the scaled World Governance Index (used as a proxy for country governance);	WGI is the scaled World Governance Index (used as a proxy for country governance);	WGI is the scaled World Governance Index (used as a proxy for country governance);	PL. (Comments): No remarks. SI: (Comments):
771	t is the trade parameter adjusting WGI, which shall be determined taking into account potential export taxes (possibly mitigated by a trade agreement in force), physical export quotas or export prohibitions imposed by a country.	t is the trade parameter adjusting WGI, which shall be determined taking into account potential export taxes (possibly mitigated by a trade agreement in force), physical export quotas or export prohibitions imposed by a country.	t is the trade parameter adjusting WGI, which shall be determined taking into account potential export taxes (possibly mitigated by a trade agreement in force), physical export quotas or export prohibitions imposed by a country.	PL. (Comments): No remarks. SI: (Comments):
772	IR is import reliance;	IR is import reliance;	IR is import reliance;	PL. (Comments): No remarks. SI: (Comments):
773	EoL _{RIR} is the end-of-life recycling input rate, meaning the ratio of secondary material inputs (recycled from old scrap) to all	EoL _{RIR} is the end-of-life recycling input rate, meaning the ratio of secondary material inputs (recycled from old scrap) to all	EoL _{RIR} is the end-of-life recycling input rate, meaning the ratio of secondary material inputs (recycled from old scrap) to all inputs of a raw	PL. (Comments): No remarks. SI: (Comments):

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	inputs of a raw material (primary and secondary);	inputs of a raw material (primary and secondary);	material (primary and secondary);	
774	SI _{SR} is the substitution index related to supply risk.	SI _{SR} is the substitution index related to supply risk.	SI _{SR} is the substitution index related to supply risk.	PL. (Comments): No remarks. SI: (Comments):
775	4. The import reliance of raw materials is calculated as follows:	4. The import reliance of raw materials is calculated as follows:	4. The import reliance of raw materials is calculated as follows:	PL. (Comments): No remarks. SI: (Comments):
776	The element is not present in the annex, as it is not supported. Please consult the original document	The element is not present in the annex, as it is not supported. Please consult the original document	The element is not present in the annex, as it is not supported. Please consult the original document	PL. (Comments): No remarks. SI: (Comments):
777	5. The Herfindahl-Hirschman Index (HHI _{WGI}) of a raw material is calculated as follows:	5. The Herfindahl-Hirschman Index (HHI _{WGI}) of a raw material is calculated as follows:	5. The Herfindahl-Hirschman Index (HHI _{WGI}) of a raw material is calculated as follows:	PL. (Comments): No remarks. SI: (Comments):
778				PL.

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	The element is not present in the annex, as it is not supported. Please consult the original document	The element is not present in the annex, as it is not supported. Please consult the original document	The element is not present in the annex, as it is not supported. Please consult the original document	(Comments): No remarks. SI: (Comments):
779	where:	where:	where:	PL. (Comments): No remarks. SI: (Comments):
780	S_c is the share of country c in the global supply (or EU sourcing) of the raw material;	S_c is the share of country c in the global supply (or EU sourcing) of the raw material;	S_c is the share of country c in the global supply (or EU sourcing) of the raw material;	PL. (Comments): No remarks. SI: (Comments):
781	WGI_c is the scaled World Governance Index of country c ;	WGI_c is the scaled World Governance Index of country c ;	WGI_c is the scaled World Governance Index of country c ;	PL. (Comments): No remarks. SI: (Comments):
782	t_c is the trade parameter of a country adjusting the WGI, which shall be determined taking into account potential export taxes (possibly mitigated by a	t_c is the trade parameter of a country adjusting the WGI, which shall be determined taking into account potential export taxes (possibly mitigated by a	t_c is the trade parameter of a country adjusting the WGI, which shall be determined taking into account potential export taxes (possibly mitigated by a trade agreement in	PL. (Comments): No remarks. SI: (Comments):

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	trade agreement in force), physical export quotas or export prohibitions imposed by a country.	trade agreement in force), physical export quotas or export prohibitions imposed by a country.	force), physical export quotas or export prohibitions imposed by a country.	
783	6. The substitution index of a raw material related to supply risk (SI _{SR}) is calculated as follows:	6. The substitution index of a raw material related to supply risk (SI _{SR}) is calculated as follows:	6. The substitution index of a raw material related to supply risk (SI _{SR}) is calculated as follows:	PL. (Comments): No remarks. SI: (Comments):
784	The element is not present in the annex, as it is not supported. Please consult the original document	The element is not present in the annex, as it is not supported. Please consult the original document	The element is not present in the annex, as it is not supported. Please consult the original document	PL. (Comments): No remarks. SI: (Comments):
785	where:	where:	where:	PL. (Comments): No remarks. SI: (Comments):
786	i denotes an individual substitute material;	i denotes an individual substitute material;	i denotes an individual substitute material;	PL. (Comments): No remarks. SI: (Comments):

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
787	a denotes an individual application of the candidate material;	a denotes an individual application of the candidate material;	a denotes an individual application of the candidate material;	PL. (Comments): No remarks. SI: (Comments):
788	SP is the substitute production, reflecting global production of the substitute and the material;	SP is the substitute production, reflecting global production of the substitute and the material;	SP is the substitute production, reflecting global production of the substitute and the material;	PL. (Comments): No remarks. SI: (Comments):
789	SCr is the substitute criticality, taking into account whether the substitute is itself a critical raw material;	SCr is the substitute criticality, taking into account whether the substitute is itself a critical raw material;	SCr is the substitute criticality, taking into account whether the substitute is itself a critical raw material;	PL. (Comments): No remarks. SI: (Comments):
790	SCo is the substitute co-production, taking into account whether the substitute is a primary product or mined as a co- or by-product;	SCo is the substitute co-production, taking into account whether the substitute is a primary product or mined as a co- or by-product;	SCo is the substitute co-production, taking into account whether the substitute is a primary product or mined as a co- or by-product;	PL. (Comments): No remarks. SI: (Comments):
791	Share is the share of the candidate materials in an end-use application;	Share is the share of the candidate materials in an end-use application;	Share is the share of the candidate materials in an end-use application;	PL. (Comments): No remarks. SI:

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				(Comments):
792	Sub-share is the sub-share of each substitute within each application.	Sub-share is the sub-share of each substitute within each application.	Sub-share is the sub-share of each substitute within each application.	PL. (Comments): No remarks. SI: (Comments):
793	7. Where structural or statistical changes affect the measurement of economic importance and supply risk horizontally for all assessed materials, the corresponding values shall be corrected to offset such changes.	7. Where structural or statistical changes affect the measurement of economic importance and supply risk horizontally for all assessed materials, the corresponding values shall be corrected to offset such changes.	7. Where structural or statistical changes affect the measurement of economic importance and supply risk horizontally for all assessed materials, the corresponding values shall be corrected to offset such changes.	PL. (Comments): No remarks. SI: (Comments):
794	Calculations shall be based on an average of the last 5 years for which data is available. The priority, quality and availability of data shall be taken into account.	Calculations shall be based on an average of the last 5 years for which data is available. The priority, quality and availability of data shall be taken into account.	Calculations shall be based on an average of the last 5 years for which data is available. The priority, quality and availability of data shall be taken into account.	PL. (Comments): No remarks. SI: (Comments):
795	Annex III	Annex III	Annex III	PL. (Comments): No remarks. SI: (Comments):

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
796	Assessment of the recognition criteria for Strategic Projects	Assessment of the recognition criteria for Strategic Projects	Assessment of the recognition criteria for Strategic Projects	PL. (Comments): No remarks. SI: (Comments):
797	1. Whether a project in the Union fulfils the criterion referred to in Article 5(1), point (a) shall be assessed taking into account:	1. Whether a project in the Union fulfils the criterion referred to in Article 5(1), point (a) shall be assessed taking into account:	1. Whether a project in the Union fulfils the criterion referred to in Article 5(1), point (a) shall be assessed taking into account:	PL. (Comments): No remarks. SI: (Comments):
798	(a) whether the project contributes towards the benchmarks set out in Article 1(2), point (a);	(a) whether the project contributes towards the benchmarks set out in Article 1(2), point (a) or to substituting strategic raw materials in the value chains of strategic technologies while taking measures to achieve a similar or lower environmental footprint than the material that is substituted;	(a) whether the project contributes towards the benchmarks set out in Article 1(2), point (a);	PL. (Comments): Support for the proposal of the Commission's and the Council. SI: (Comments): SI is positive towards the EP amendment, but would like to hear the opinion of the Commission. DE: (Comments): See comment to Art 5, lines 166 et sqq. AT: (Comments): We advocate maintaining the

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>Council position in this case. IT: (Comments): We are flexible with EP IE: (Comments): Reject EP Mandate PT: (Comments): The Council's mandate should be amended "(a) whether the project contributes towards the benchmarks set out in Article 5(0), point (a);" BE: (Comments): Support for EP SE: (Comments): See comment under art. 5, para 1 (ii).</p>
799	(b) whether the project contributes to maintaining or strengthening Union capacities as a share of the Union's annual consumption of strategic raw material, taking into account the expected increase in Union consumption;	(b) in the event that the project contributes towards the benchmarks set out in Article 1(2), point (a) , whether the project contributes to maintaining or strengthening Union capacities as a share of the Union's annual consumption of strategic raw material, taking into account the expected increase in Union consumption;	(b) whether the project contributes to maintaining or strengthening Union capacities as a share of the Union's annual consumption of strategic raw material, taking into account the expected increase in Union consumption;	<p>PL. (Comments): Support for the proposal of the Commission's and the Council. SI: (Comments): SI is positive towards the EP amendment. AT: (Comments): We advocate maintaining the</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>Council position in this case.</p> <p>IT:</p> <p>(Comments):</p> <p>Retain Council's position</p> <p>IE:</p> <p>(Comments):</p> <p>Prefer Council Mandate</p> <p>SE:</p> <p>(Comments):</p> <p>SE wants to point out that the whole idea with strategic projects is that they should contribute to the benchmarks.</p>
799a		<p>(ba) whether the project does not present an obstacle to the achievement of the Union's 2030 and 2050 climate objectives.</p>		<p>PL.</p> <p>(Comments):</p> <p>No support. Overly general question.</p> <p>IT:</p> <p>(Comments):</p> <p>Retain Council's position(the evaluation proposed by EP very hard to apply)</p> <p>IE:</p> <p>(Comments):</p> <p>Reject EP Mandate</p> <p>PT:</p> <p>(Comments):</p> <p>We question how this assessment is to be made.</p> <p>BE:</p> <p>(Comments):</p> <p>Clarification asked to what this could apply.</p>
800				PL.

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	A project's contribution to the relevant capacity benchmark shall be assessed taking into account the project's business plan and supporting technical information included in the application and the project's estimated time-to-market.	A project's contribution to the relevant capacity benchmark shall be assessed taking into account the project's business plan and supporting technical information included in the application and the project's estimated time-to-market.	A project's contribution to the relevant capacity benchmark shall be assessed taking into account the project's business plan and supporting technical information included in the application and the project's estimated time-to-market.	(Comments): No remarks. SI: (Comments):
801	2. Whether a project in a third country fulfils the criterion referred to in Article 5(1), point (a) shall be assessed taking into account:	2. Whether a project in a third country fulfils the criterion referred to in Article 5(1), point (a) shall be assessed taking into account:	2. Whether a project in a third country, including OCT , fulfils the criterion referred to in Article 5(1), point (a) shall be assessed taking into account:	PL. (Comments): No comments for each proposal. SI: (Comments): AT: (Comments): We advocate maintaining the Council position in this case. IT: (Comments): Retain Council's position IE: (Comments): Prefer Council Mandate PT: (Comments): We support the Council's mandate. DK: (Comments): As mentioned elsewhere OCT references should be maintained

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				FR: (Comments): France would rather prefer the following writing: “ including or OCTs”
802	(a) whether the project contributes to the benchmarks set out in Article 1(2), point (b) or contributes to maintaining the resilience of the Union's supply of strategic raw materials;	(a) whether the project contributes to the benchmarks set out in Article 1(2), point (b) or contributes to maintaining the resilience of the Union's supply of strategic raw materials or to the Union's supply of strategic technologies through the substitution of strategic raw materials in the value chains of strategic technologies ;	(a) whether the project contributes to the benchmarks set out in Article 1(2), point (b) or contributes to maintaining the resilience of the Union's supply of strategic raw materials;	PL. (Comments): We support the Parliament's proposal . SI: (Comments): SI is positive toward the EP amendment. DE: (Comments): See comment to Art 5, lines 166 et sqq. AT: (Comments): We advocate maintaining the Council position in this case. IT: (Comments): We are flexible with EP IE: (Comments): Prefer Council Mandate FI: (Comments): FIN can be flexible here PT: (Comments): The Council's mandate should be amended: (a)

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>whether the project contributes to the benchmarks set out in Article 5(0), point (b) or contributes to maintaining the resilience of the Union's supply of strategic raw materials;</p> <p>SE: (Comments): See comment under art. 5, para 1 (ii).</p>
803	<p>(b) whether the applicable legal framework or other conditions provide assurance that trade and investment related to the project will not be distorted, taking into account notably whether the Union has concluded a Strategic Partnership referred to in Article 33 or a trade agreement containing a chapter on raw materials with the relevant third country, and is consistent with the Union's common commercial policy;</p>	<p>(b) whether the applicable legal framework or other conditions provide assurance that trade and investment related to the project will not be distorted, taking into account notably whether the Union has concluded a Strategic Partnership referred to in Article 33 or a trade agreement containing a chapter on raw materials with the relevant third country, and is consistent with the Union's common commercial policy;</p>	<p>(b) whether the applicable legal framework or other conditions provide assurance that trade and investment related to the project will not be distorted, taking into account notably whether the Union has concluded a Strategic Partnership referred to in Article 33 or a trade agreement containing a chapter on raw materials with the relevant third country, including OCT, and is consistent with the Union's common commercial policy;</p>	<p>PL. (Comments): No comments for each proposal.</p> <p>SI: (Comments):</p> <p>AT: (Comments): We advocate maintaining the Council position in this case.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>PT: (Comments): We support the Council's mandate.</p> <p>DK: (Comments):</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				As mentioned elsewhere OCT references should be maintained FR: (Comments): France would rather prefer the following writing: “ including or OCTs”
804	(c) the extent to which there are companies that have or are willing to conclude off-take agreements with the project promoter with a view to using or processing the strategic raw materials produced by the relevant projects in the Union;	(c) the extent to which there are companies that have or are willing to conclude off-take agreements with the project promoter with a view to using or processing the strategic raw materials produced by the relevant projects in the Union;	(c) the extent to which there are companies that have or are willing to conclude off-take agreements with the project promoter with a view to using or processing the strategic raw materials produced by the relevant projects in the Union;	PL. (Comments): No remarks. SI: (Comments):
805	(d) whether the project is in line with the Union’s development cooperation and foreign policy objectives.	(d) whether the project is in line with the Union’s development cooperation and foreign policy objectives.	(d) whether the project is in line with the Union’s development cooperation and foreign policy objectives.	PL. (Comments): No remarks. SI: (Comments):
806	A project's contribution to the benchmarks referred to in point (a) shall be assessed taking into account the project's business plan and supporting technical information included in the application, the project's estimated time-to-market as well	A project's contribution to the benchmarks referred to in point (a) shall be assessed taking into account the project's business plan and supporting technical information included in the application, the project's estimated time-to-market as well	A project's contribution to the benchmarks referred to in point (a) shall be assessed taking into account the project's business plan and supporting technical information included in the application, the project's estimated time-to-market as well as the share of the project's	PL. (Comments): No remarks. SI: (Comments):

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	as the share of the project's output that is covered by existing or potential off-take agreements referred to in point (c). Evidence related to point (c) may include contractual agreements, letters of intent or memoranda of understanding.	as the share of the project's output that is covered by existing or potential off-take agreements referred to in point (c). Evidence related to point (c) may include contractual agreements, letters of intent or memoranda of understanding.	output that is covered by existing or potential off-take agreements referred to in point (c). Evidence related to point (c) may include contractual agreements, letters of intent or memoranda of understanding.	
807	3. Whether a project fulfils the criterion referred to in Article 5(1), point (b), shall be assessed taking into account:	3. Whether a project fulfils the criterion referred to in Article 5(1), point (b), shall be assessed taking into account:	3. Whether a project fulfils the criterion referred to in Article 5(1), point (b), shall be assessed taking into account:	PL. (Comments): No remarks. SI: (Comments):
808	(a) the quality of the feasibility studies performed on the potential of development of the project;	(a) the quality of the feasibility studies performed on the potential of development of the project;	(a) the quality of the feasibility studies performed on the potential of development of the project;	PL. (Comments): No remarks. SI: (Comments):
809	(b) whether the technology intended to be used has been demonstrated in the relevant environment.	(b) whether the technology intended to be used has been demonstrated in the relevant environment.	(b) whether the technology intended to be used has been demonstrated in the relevant environment.	PL. (Comments): No remarks. SI: (Comments):
810	The feasibility studies referred to in point (a) shall be designed to:	The feasibility studies referred to in point (a) shall be designed to:	The feasibility studies referred to in point (a) shall be designed to:	PL. (Comments): No remarks.

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				SI: (Comments):
811	(a) assess whether or not a proposed project is likely to be successful by analysing technological and environmental considerations;	(a) assess whether or not a proposed project is likely to be successful by analysing technological and environmental considerations;	(a) assess whether or not a proposed project is likely to be successful by analysing technological and environmental considerations;	PL. (Comments): No remarks. SI: (Comments):
812	(b) identify potential technical issues and problems that could arise while pursuing the project.	(b) identify potential technical issues and problems that could arise while pursuing the project.	(b) identify potential technical issues and problems that could arise while pursuing the project.	PL. (Comments): No remarks. SI: (Comments):
813	Further studies may be required to confirm the feasibility of the project.	Further studies may be required to confirm the feasibility of the project.	Further studies may be required to confirm the feasibility of the project.	PL. (Comments): No remarks. SI: (Comments):
814	4. Whether a project fulfils the criterion referred to in Article 5(1), point (c), shall be assessed taking into account a project's compliance with the following Union legislation or international instruments:	4. Whether a project fulfils the criterion referred to in Article 5(1), point (c), shall be assessed taking into account, where applicable , a project's compliance with the following Union legislation or international	4. Whether a project fulfils projects fulfil the criterion referred to in Article 5(1), point (c), shall be assessed taking into account a project's compliance with the following Union legislation or international instruments. Those	PL. (Comments): We support the Council's proposal. SI: (Comments): SI supports the Council text.

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
		instruments:	international instruments may include in particular:	<p>AT: (Comments): We advocate maintaining the Council position in this case.</p> <p>IT: (Comments): Retain Council's position</p> <p>IE: (Comments): Prefer Council Mandate</p> <p>FR: (Comments): France supports the Council proposal. Compliance with the Union legislation or international instruments should be always applicable. Moreover, it is important to mention that the list of international instruments is not exhaustive.</p> <p>SE: (Comments): SE points out that all the documents listed in lines 817-823a are not legally binding documents. SE recommends that these points are deleted, as guidelines do not belong in a legislative act in this context. The criteria are already defined in Article 5.</p>
815	(a) [OP please insert: reference to the Corporate Sustainability	(a) [OP please insert: reference to the Corporate Sustainability	(a) [OP please insert: reference to the Corporate Sustainability Due	<p>PL. (Comments): We support the Council's</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	Due Diligence Directive], in so far as it applies to the project promoter;	Due Diligence Directive], in so far as it applies to the project promoter;	Diligence Directive], in so far as it applies to the project promoter;	proposal. SI: (Comments): AT: (Comments): We advocate maintaining the Council position in this case. IT: (Comments): Retain Council's position FI: (Comments): FIN can be flexible towards the EP mandate
816	(b) [OP please insert: reference to Corporate Sustainability Reporting Directive], in so far as it applies to the project promoter;	(b) [OP please insert: reference to Corporate Sustainability Reporting Directive], in so far as it applies to the project promoter;	(b) [OP please insert: reference to Corporate Sustainability Reporting Directive], in so far as it applies to the project promoter;	PL. (Comments): We support the Council's proposal. SI: (Comments): AT: (Comments): We advocate maintaining the Council position in this case. IT: (Comments): Retain Council's position FI: (Comments): FIN can be flexible towards the EP mandate
817				PL.

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	(c) ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;	(c) ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;	(c) ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;	(Comments): We support the Council's proposal. SI: (Comments):
818	(d) OECD Due Diligence Guidance for Responsible Business Conduct, in particular the guidelines related to combatting corruption;	(d) OECD Due Diligence Guidance for Responsible Business Conduct, in particular the guidelines related to combatting corruption;	(d) OECD Due Diligence Guidance for Responsible Business Conduct, in particular the guidelines related to combatting corruption;	PL. (Comments): We support the Council's proposal. SI: (Comments):
819	(e) OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas;	(e) OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas;	(e) OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas;	PL. (Comments): We support the Council's proposal. SI: (Comments):
820	(f) OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector;	(f) OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector;	(f) OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector;	PL. (Comments): We support the Council's proposal. SI: (Comments):
821	(g) OECD Principles of	(g) OECD Principles of	(g) OECD Principles of Corporate	PL. (Comments):

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	Corporate Governance;	Corporate Governance;	Governance;	We support the Council's proposal. SI: (Comments):
822	(h) OECD Guidelines for Multinational Enterprises;	(h) OECD Guidelines for Multinational Enterprises;	(h) OECD Guidelines for Multinational Enterprises on Responsible Business Conduct ;	PL. (Comments): We support the Council's proposal. SI: (Comments): SI supports the Council text. AT: (Comments): We advocate maintaining the Council position in this case. IT: (Comments): Retain Council's position IE: (Comments): Prefer Council Mandate
823	(i) UN Guiding Principles on Business and Human Rights.	(i) UN Guiding Principles on Business and Human Rights.	(i) UN Guiding Principles on Business and Human Rights.	PL. (Comments): We support the Council's proposal. SI: (Comments):
823a		(ia) the principles of Free,		PL.

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
		<p>Prior and Informed Consent (FPIC) as established in the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the UN General Assembly in 2007;</p>		<p>(Comments): No remarks. DE: (Comments): Support Ep addition, also in line with ILO 169 <u>Rationale</u>: As a member of the UN, the EU should not fall short of its adopted treaties. IT: (Comments): We are flexible FI: (Comments): The Sámi people in Finland are considered indigenous peoples. The Sámi homeland covers a significant land area in the northernmost part of Finland. It would be very important for FIN to get clarification on what the obligation proposed by the EP would mean as in our view it could be interpreted in different ways. According to the EP mandate when evaluating the sustainability of a project applying for strategic status, consideration would be given to how a project complies with the FPIC principle. It is not quite clear whether this would mean that a project complies with the FPIC principle if national authorities will take</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>into account the FPIC principle in the permit granting process or if it would place an obligation on private operators to negotiate with the indigenous peoples directly. The Finnish Act on the Sami Parliament (974/1995) places an obligation to negotiate with the Sámi Parliament in all far reaching and important measures which may directly and in a specific way affect the status of the Sámi as indigenous people and which concern, for example, applications for licences to stake mineral mine claims or file mining patents in the Sámi homeland. The requirement of the Act on the Sami parliament is written so that it is meant to take into account the principles of Free, Prior and Informed Consent in the authorities' measures such as permit granting processes. The Act 974/1995 places a negotiating requirement on <i>the authorities</i> in the permit granting process. An obligation for private operators applying for strategic status to negotiate directly with the indigenous</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>peoples would however be something that the current Finnish legislation does not cover. It is important to note that Finland is planning to negotiate with the Sami Parliament before taking any stances on the addition by the EP. Section 9 of the Act on the Sami Parliament places an obligation on the Authorities to negotiate with the Sami parliament on such legislative issues. In general and for purposes of the upcoming Finnish negotiations with the Sami parliament the nature of the obligation and its implications need to be clarified.</p> <p>DK:</p> <p>(Comments):</p> <p>We have noted the Swedish concerns that the assessment of the recognition criteria for strategic projects shall take into account the principles of free, prior and informed consent of Indigenous Peoples. We would very much appreciate an assessment by the CLS concerning the consequences of this line</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>proposed by EP, and in particular if such language on consent could in practise lead to a de facto veto right of indigenous people concerning strategic mining projects in the EU or third countries</p> <p>FR: (Comments): France can accept the EP proposal, since Free, Prior and Informed Consent is an important aspect of a responsible mining. Strategic Projects should enable indigenous peoples to engage in negotiations to shape the design, implementation, monitoring, and evaluation of strategic projects.</p> <p>SE: (Comments): RED LINEIt is not legally possible to have FPIC as a criterion whether a project fulfils the criterion referred to in Article 5(1), point (c). The underlying normative grounding is the duty of the state to consult with indigenous peoples in decision affecting them. There is no specific</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>formula for carrying out consultations with indigenous peoples and that applies to all countries and in all circumstances. In performing the duty to consult FPIC can be an important tool to ensure the full and effective participation of indigenous peoples in matters that concern them. However it is neither a stand-alone right nor a right to veto under international law. This has been explained by the Special Rapporteur on Indigenous Peoples Rights in the report to the human rights council (A/HRC/12/34 para 46). FPIC is thus linked to states' methods of consultation that neither can be applied nor fulfilled by an individual operator or by the Commission in a process where the Commission considers whether a project should be recognized as strategic or not. SE notes that consultations are dealt with already in para 20,</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>and then in a broader scope – “local communities, including indigenous peoples.” UN Guiding Principles on Business and Human Rights is therefore more adequate in this context as UNDRIP, apart from the previously mentioned reasons, does not cover local communities. We also question the reason of this consultation at this stage as it is a part of the later EIA (how and what will be assessed). Also, see proposed Article 6(1), point (d). It is far too early in the process to start consulting about land use, precautionary measures, and other aspects of importance to the indigenous people. In addition, there may be a risk that the principle is used too early and thereby undermines the chances of an affected indigenous people to enter the consultation at a later stage, where they have an honest opportunity to raise</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				more relevant questions and objections.
824	Project promoters may also attest compliance with the criterion referred to in Article 5(1), point (c) by:	Project promoters may also attest compliance with the criterion referred to in Article 5(1), point (c) by:	Project promoters may also attest compliance with the criterion referred to in Article 5(1), point (c) by:	PL. (Comments): No remarks. SI: (Comments):
825	(a) providing evidence that the project concerned is individually certified as part of a recognised scheme referred to in Article 29; or	(a) providing evidence that the project concerned is individually certified as part of a recognised scheme referred to in Article 29; or	(a) providing evidence that the project concerned is individually certified as part of a recognised scheme referred to in Article 29; or	PL. (Comments): No remarks. SI: (Comments):
826	(b) committing to obtain certification for the project concerned as part of a recognised scheme referred to in Article 29 and providing sufficient evidence that when implemented the project concerned will be able to meet the criteria for such certification.	(b) committing to obtain certification for the project concerned as part of a recognised scheme referred to in Article 29 and providing sufficient evidence that when implemented the project concerned will be able to meet the criteria for such certification.	(b) committing to obtain certification for the project concerned as part of a recognised scheme referred to in Article 29 and providing sufficient evidence that when implemented the project concerned will be able to meet the criteria for such certification.	PL. (Comments): No remarks. SI: (Comments):
826a		(ba) for projects in the Union, committing that when implemented, the project concerned will comply with relevant Union law.		PL. (Comments): No remarks. IT: (Comments): Retain Council's positionIt

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
				<p>seems to be pleonastic</p> <p>IE:</p> <p>(Comments):</p> <p>Reject EP Mandate</p> <p>FI:</p> <p>(Comments):</p> <p>FIN considers this addition redundant.</p> <p>BE:</p> <p>(Comments):</p> <p>A project has to comply any way with relevant Union law so rather against</p> <p>FR:</p> <p>(Comments):</p> <p>France can support the EP proposal even though commitment to respect the EU law is already a prerequisite for project located in the Union. Projects located in the Union must comply with the Union law whether they are strategic or not.</p>
827	5. Whether a project in the Union fulfils the criterion referred to in Article 5(1), point (d), shall be assessed taking into account:	5. Whether a project in the Union fulfils the criterion referred to in Article 5(1), point (d), shall be assessed taking into account:	5. Whether a project in the Union fulfils the criterion referred to in Article 5(1), point (d), shall be assessed taking into account:	<p>PL.</p> <p>(Comments):</p> <p>No remarks.</p> <p>SI:</p> <p>(Comments):</p>
828	(a) whether companies from different Member States	(a) whether companies from different Member States	(a) whether companies from different Member States participate in the	<p>PL.</p> <p>(Comments):</p> <p>No remarks.</p>

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
	participate in the project;	participate in the project;	project;	SI: (Comments):
829	(b) whether potential off-takers are located also in more than one Member State;	(b) whether potential off-takers are located also in more than one Member State;	(b) whether potential off-takers are located also in more than one Member State;	PL. (Comments): No remarks. SI: (Comments):
830	(c) effects on the availability of strategic raw materials for downstream users in more than one Member State.	(c) effects on the availability of strategic raw materials for downstream users in more than one Member State.	(c) effects on the availability of strategic raw materials for downstream users in more than one Member State.	PL. (Comments): No remarks. SI: (Comments):
831	6. Whether a project in a third country fulfils the criterion referred to in Article 5(1), point (e), shall be assessed taking into account the extent to which the project contributes, in the relevant third country:	6. Whether a project in a third country fulfils the criterion referred to in Article 5(1), point (e), shall be assessed taking into account the extent to which the project contributes, in the relevant third country:	6. Whether a project in a third country fulfils the criterion referred to in Article 5(1), point (e), shall be assessed taking into account the extent to which the project contributes, in the relevant third country:	PL. (Comments): No remarks. SI: (Comments):
832	(a) to strengthening more than one stage of the raw materials value chain in that country or its wider region;	(a) to strengthening more than one stage of the raw materials value chain in that country or its wider region;	(a) to strengthening more than one stage of the raw materials value chain in that country or its wider region;	PL. (Comments): No remarks. SI: (Comments):

	Commission Proposal	EP Mandate	Council Mandate	MS comments/drafting
833	(b) to fostering private investment in the domestic raw materials value chain;	(b) to fostering private investment in the domestic raw materials value chain;	(b) to fostering private investment in the domestic raw materials value chain;	PL. (Comments): No remarks. SI: (Comments):
834	(c) to the creation of wider economic or social benefits, including the creation of employment.	(c) to the creation of wider economic or social benefits, including the creation of employment.	(c) to the creation of wider economic or social benefits, including the creation of employment.	PL. (Comments): No remarks. SI: (Comments):