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WORKING PAPER

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From: Presidency
To: Working Party on Competitiveness and Growth (Industry)

Subject: CRMA: Presidency non-paper for Industry Working Party on 16/10/2023

Presidency Non-paper on CRMA

1. With the feedback from the discussions held in the Industry Working Party of October 9th 2023, after several interinstitutional technical meetings, the European Parliament has presented a new potential compromise proposal as a possible way forward for Article 1/5(0). **Delegations will find the proposal in Annex I to this note.**
2. In return, the Presidency sees the need to make a few steps towards an agreement on Article 8, One Stop Shop/Point of Single Contact. The European Parliament has made a suggestion for new wording. **Delegations will find the proposal in Annex II to this note.**
3. In view of the second trilogue scheduled for October 24th 2023, the Presidency invites delegations in the Industry Working Party of 16th October to give guidance on the above-mentioned proposals. Furthermore, the Presidency calls on delegations to inform the Presidency in case they cannot accept the lines marked in green in the last 4-column-table issued (WK 13125 2023).

ANNEX I – NEW ARTICLE ON EXTRACTION, PROCESSING, RECYCLING AND DIVERSIFICATION BENCHMARKS

Article 4a- Benchmarks

The Commission and Member States shall strengthen the different stages of the value chain of strategic raw materials through the measures within this Chapter in order to:

(a) ensure that, by 2030, Union capacities for each strategic raw material have significantly increased so that, overall, Union capacity approaches or reaches the following benchmarks:

(i) Union extraction capacity is able to extract the ores, minerals or concentrates needed to produce at least 10% of the Union's annual consumption of strategic raw materials, to the extent that the Union's reserves allow for this;

(ii) Union processing capacity, including for all intermediate processing steps, is able to produce at least 40% of the Union's annual consumption of strategic raw materials.

(iii) Union recycling capacity, including for all intermediate recycling steps, is able to recycle at least 45% of each strategic raw material contained in the Union's waste taking into account technical and economic feasibility.

(b) diversify the Union's imports of strategic raw materials with a view to ensure that, by 2030, the Union's annual consumption of each strategic raw material at any relevant stage of processing can rely on imports from several third countries, none of which provide more than 65% of the Union's annual consumption.

ANNEX II – NEW WORDING SUGGESTION ON THE ONE STOP SHOP/POINTS OF SINGLE CONTACT

L214- Article 8 (1)

*By [OP please insert: [3/9] months after the date of entry into force of this Regulation], Member States shall set up or designate **one or more authorities as One Stop Shops/Points of Single Contact. In case a Member State sets up or designates multiple One Stop Shops/Points of Single Contact, it shall ensure that there is only one One Stop Shop/Point of Single Contact per relevant administrative level and stage of the critical raw materials value chain.***

Please note that the Commission will prepare an additional recital interpreting that “relevant administrative level” refers to the designated point of contact according to the Member States’ vertical distribution of competences.

L214a- Article 8 (1a)

*In case of multiple **One Stop Shops/Points of Single Contact, Member States shall provide a simple, accessible website on which all One Stop Shops/Points of Single Contact, including their address and electronic means of communication, are clearly listed and categorized per relevant administrative level as well as stage of the critical raw materials value chain. The website may also contain content provided in accordance with Article 17.***

L215- Article 8 (2)

The **One Stop Shops/Points of Single Contact referred to in paragraph 1** shall be responsible for facilitating and coordinating the permit-granting process for critical raw material projects and providing information on the elements referred to in Article 17, including information on when an application is considered to be completed according to Article 10(5). **They shall coordinate and facilitate the submission of any relevant documents and information.**

L215- Article 8 (2a)

*The **One Stop Shop/Points of Single Contact** shall [assign a case officer to each **critical raw materials** Project. The assigned case officer shall] be the **sole point of contact** for the project promoter and assist the project promoter in understanding any administrative matter **relevant to the permit granting process**.*

Please note that the Commission will prepare a recital interpreting L215.

L220- Article 8 (4)

Project promoters shall be allowed to submit all documents relevant to the permit granting process in electronic form.

L221- Article 8 (5)

*The **Member States** shall **ensure that** any valid studies, permits or authorisations issued **or conducted** for a given critical raw material project **are taken into account and that no duplicate studies, permits or authorisations are required**, unless otherwise required under **national or** Union law.*

L222- Article 8 (6)

***Member States** shall ensure that applicants have easy access to information on and procedures for the settlement of disputes concerning the permit granting process for critical raw materials projects, including, where applicable, alternative dispute resolution mechanisms.*

L223- Article 8 (7)

*Member States shall ensure that the **One Stop Shops referred to in paragraph 1** have a sufficient number of qualified staff and sufficient financial, technical and technological resources necessary for the effective performance of its tasks under this Regulation.*

Please note that L216, L217, L218 and L219 have not been included in this proposal.

