



Council of the European Union
General Secretariat

**Interinstitutional files:
2023/0079 (COD)**

Brussels, 15 November 2023

WK 14917/2023 INIT

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WORKING PAPER

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From:	Presidency
To:	Working Party on Competitiveness and Growth (Industry)
Subject:	Critical Raw Materials Act : 4-Column-Table resulting from technical meetings held until 15/11/2023 (morning)

Delegations will find attached the 4-Column-Table resulting from technical meetings held until 15/11/2023 (morning).

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)

DRAFT [4CT after ITM 15/11 (am)]

15-11-2023 at 14h42

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2023/0079 (COD)	2023/0079 (COD)	2023/0079 (COD)	2023/0079 (COD) Trilogue 24/10/2023 Text Origin: Commission Proposal
Proposal Title				
2	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)	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)	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)	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) Trilogue 24/10/2023 Text Origin: Commission Proposal

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	Formula			
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Trilogue 24/10/2023 Text Origin: Commission Proposal
	Citation 1			
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof, Trilogue 24/10/2023 Text Origin: Commission Proposal
	Citation 2			
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission, Trilogue 24/10/2023 Text Origin: Commission Proposal
	Citation 3			
6				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments, Trilogue 24/10/2023 Text Origin: Commission Proposal
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. [1] OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. . Trilogue 24/10/2023 Text Origin: Commission Proposal
Citation 5				
8	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure, Trilogue 24/10/2023 Text Origin: Commission Proposal
Formula				
9	Whereas:	Whereas:	Whereas:	Whereas:

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				Trilogue 24/10/2023 Text Origin: Commission Proposal
Recital 1				
10	(1) Access to raw materials is essential for the Union economy and the functioning of the internal market. There is a set of non-energy, non-agricultural raw materials that, due to their high economic importance and their exposure to high supply risk, often caused by a high concentration of supply from a few third countries, are considered critical. Given the key role of many such critical raw materials in realising the green and digital transitions, and in light of their use for defence and space applications, demand will increase exponentially in the coming decades. At the same time, the risk of supply disruptions is increasing against the background of rising geopolitical tensions and resource competition. Furthermore, if not managed properly, increased demand for critical raw materials could lead to negative environmental and social impacts. Considering these trends, it is necessary to take measures to ensure access to a secure and sustainable supply of critical raw materials to safeguard	(1) Access to raw materials is essential for the Union economy, digital and green transition, security and defence and the functioning of the internal market. There is a set of non-energy, non-agricultural raw materials that, due to their high economic importance and their exposure to high supply risk, often caused by a high concentration of supply from a few third countries, are considered critical. Given the key role of many such critical raw materials in realising the green and digital transitions, in line with the European Green Deal, and in light of their use for defence and ~~space~~aerospace applications, demand will increase exponentially in the coming decades, and it is therefore necessary to implement measures to mitigate it and protect the Union from the rising gap between supply and demand at global level. Further raw materials used in other sectors such as agriculture, health or construction, might be exposed to	(1) Access to raw materials is essential for the Union economy and the functioning of the internal market. There is a set of non-energy, non-agricultural raw materials that, due to their high economic importance and their exposure to high supply risk, often caused by a high concentration of supply from a few third countries, are considered critical. Given the key role of many such critical raw materials in realising the green and digital transitions, and in light of their use for defence and space applications, demand will increase exponentially in the coming decades. At the same time, the risk of supply disruptions is increasing against the background of rising geopolitical tensions and resource competition. Furthermore, if not managed properly, increased demand for critical raw materials could lead to negative environmental and social impacts. ~~Considering these trends, it is necessary to take measures to ensure access to a secure and sustainable supply of critical raw materials to safeguard~~	

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	the Union's economic resilience and open strategic autonomy.	high supply risks in the future. At the same time, the risk of supply disruptions is increasing against the background of rising geopolitical tensions and resource competition. Furthermore, if not managed properly, increased demand for critical raw materials could lead to negative environmental and social impacts. Considering these trends, it is necessary to take measures to ensure access to a secure and sustainable supply of critical raw materials through mitigating the increase in demand, fostering substitution and increases in efficiency to reduce the criticality of the expected exponential growth in demand in the Union, in order to safeguard the Union's economic resilience and open strategic autonomy.	~~the Union's economic resilience and open strategic autonomy.~~	
Recital 1a				
10a		(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		

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		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.		
Recital 1b				
10b		(1b) The security situation in Europe and around the globe requires urgent reflection on how to strengthen supply chain resilience, including in the defence sector.		
Recital 1a				
10c			(1a) Given the complexity and the transnational character of critical raw material value chains, uncoordinated national measures to ensure a secure and sustainable supply of critical raw materials risk undermining the functioning of the internal market. Critical raw materials are often extracted in specific countries or regions, depending on the geographical distribution of relevant reserves, transported for further processing elsewhere and then sold across the	

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			internal market for use in relevant products. At the processing stage in particular, critical raw materials are often imported and exported several times within the internal market before use in a final application. Similarly, recycling of relevant products at end of life with a view to the recovery of critical raw materials may take place in a different country or region than where relevant waste is collected, and the resulting secondary materials are likely to be further transported for further processing and use. In addition, critical raw materials are needed at the beginning of many industrial value chains and are often indispensable inputs for a wide set of strategic sectors including renewable energy, the digital industry, and the space and defence sectors. They therefore play an essential role in underpinning economic activities in the internal market and disruptions in their supply could have a significant cross-border impact between Member States.	
Recital 1b				
10d			(1b) Against this background, uncoordinated actions by Member States risks distorting competition	

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			and fragmenting the internal market, for example by imposing diverging regulation for market operators, providing different levels of access to supply risk monitoring, providing different levels of support to national projects, or by creating obstacles to cross-border trade between Member States in critical raw materials or related goods thus creating obstacles to the proper functioning of the internal market. In addition, individual actions of Member States may not be sufficient to effectively prevent supply disruptions of critical raw materials from taking place or may be less efficient in achieving that aim.	
Recital 2				
11	(2) Given the complexity and the transnational character of critical raw material value chains, uncoordinated national measures to ensure a secure and sustainable supply of critical raw materials have a high potential of distorting competition and fragmenting the internal market. Therefore, to safeguard the functioning of the internal market, a common Union framework should be created to collectively address this central	(2) Given the complexity and the transnational character of critical raw material value chains, uncoordinated national measures to ensure a secure and sustainable supply of critical raw materials have a high potential of distorting competition and fragmenting the internal market. Therefore, to safeguard the functioning of the internal market, a common Union framework should be created to collectively address this central	(2) ~~Given the complexity and the transnational character of critical raw material value chains, uncoordinated national measures~~ Therefore, to safeguard the functioning of the internal market, a common Union framework should be created to ensure access to a secure and sustainable supply of critical raw materials ~~have a high potential of distorting competition and fragmenting the internal market.~~	

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	challenge.	challenge in a fair and equitable manner, in full compliance with applicable Union competition and State aid rules.	Therefore, to safeguard the functioning of the internal market, a common Union framework should be created to collectively address this central challenge's economic resilience and open strategic autonomy.	
Recital 3				
12	(3) Firstly, in order to effectively ensure the Union's access to a secure and sustainable supply of critical raw materials, that framework should include measures to decrease the Union's growing supply risks by strengthening Union capacities along all stages of the strategic raw materials value chain, including extraction, processing and recycling, towards benchmarks defined for each strategic raw material. Secondly, as the Union will continue to rely on imports, the framework should include measures to increase the diversification of external supplies of strategic raw materials. Thirdly, is necessary to provide measures to reinforce the Union's ability to monitor and mitigate existing and future supply risks. Fourthly, the framework should contain measures to increase the circularity and sustainability of the critical raw materials consumed in the Union.	(3) Firstly, in order to effectively ensure the Union's access to a secure and sustainable supply of critical raw materials, that framework should include measures to decrease the Union's growing supply risks by strengthening Union capacities along all stages of the strategic raw materials value chain, including extraction, processing and recycling, towards benchmarks defined for each strategic raw material. As regards recycling, the aim should be to improve the recycling capacity of each strategic raw material while taking into account technical and economic feasibility. Secondly, as the Union will continue to rely on imports, the framework should include measures to increase the diversification of externalthe Unions' supplies of strategic raw materials, in particular aiming to decrease direct and indirect dependencies on non-reliable partners while at the same time	(3) Firstly, ~~in order to effectively ensure the Union's access to a secure and sustainable supply of critical~~ framework should define those raw materials, ~~that framework should include measures to decrease~~ that are considered strategic and critical in the Union's growing supply risks by strengthening Union capacities along all stages of the strategic raw materials value chain and strengthen the resilience of supply chains for those materials in the Union, including extraction, processing and recycling, towards benchmarks defined for eachby identifying and supporting Strategic raw materialProjects. Secondly, ~~as the Union will continue to rely on imports, the framework should include measures to increase the diversification of external~~ supplies of strategic raw materials. ~~Thirdly, is necessary to provide measures to reinforce the Union's ability to monitor and mitigate~~	

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		fostering use of alternatives and substitutions to these critical raw materials, aiming to achieve a lower environmental footprint, to reduce or mitigate the demand for them. Thirdly, it is necessary to provide measures to reinforce the Union's ability to identify, monitor and mitigate existing and future supply risks and rapidly act accordingly. Fourthly, the framework should contain measures to increase the optimised circularity and sustainability of the critical raw materials consumed in the Union and foster research and development of alternative innovative materials and production methods to substitute raw materials consumed in the Union. Lastly, measures should be taken to limit the increasing demand for critical raw materials by increasing efficiency and the uptake of materials substitution in the whole value chain.	existing and future supply risks. ~~Fourthly~~Thirdly, the framework should contain measures to increase the circularity and sustainability of the critical raw materials consumed in the Union, including measures to improve resource efficiency and substitution in order to mitigate the expected increased demand for critical raw materials in the Union.	
Recital 4				
13	(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	(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	(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	

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	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 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.	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~~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 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.	Member States' efforts to contribute to the realisation of the ~~aims~~aim 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 most needed, ~~the~~certain 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	

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			national level.	
Recital 5				
14	(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 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	(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 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	(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 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	

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	sustainability should apply to all critical raw materials.	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 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.	Regulation related to ~~one-stop-shop~~ for permitting, planning, exploration, monitoring, circularity, and sustainability should apply to all critical raw materials.	
Recital 5a				
14a			(5a) It is necessary to put in place appropriate measures to define a common approach to Strategic Projects in the Union active in the extraction, processing or recycling of strategic raw materials. These projects should, together with Member State efforts, contribute	

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			to increasing capacities to ensure the supply of strategic raw materials. Other measures, notably on exploration or circularity, should also contribute to the reinforcement of different stages of the value chain.	
Recital 6				
15	(6) To strengthen Union capacities along the strategic raw materials value chain, benchmarks should be set to guide efforts and track progress. The aim should be to increase capacities for each strategic raw material at each stage of the value chain, while aiming to achieve overall capacity benchmarks for extraction, processing and recycling of strategic raw materials. Firstly, the Union should increase the use of its own geological resources of strategic raw materials and build up capacity to allow it to extract the materials needed to produce at least 10 % of the Union's consumption of strategic raw materials. Keeping in mind that extraction capacity is highly dependent on the availability of Union geological resources, the achievement of this benchmark is dependent on such availability. Secondly, in order to build a full value chain and prevent any bottlenecks at intermediate stages,	(6) To strengthen Union capacities along the strategic raw materials value chain, benchmarks should be set to guide efforts and track progress. The aim should be to increase capacities for each strategic raw material at each stage of the value chain, while aiming to achieve overall capacity benchmarks for extraction, processing and recycling of strategic raw materials. Firstly, the Union should increase the use of its own geological resources of strategic raw materials and build up capacity to allow it to extract the materials needed to produce at least 10 % of the Union's consumption of strategic raw materials. Keeping in mind that extraction capacity is highly dependent on the availability of Union geological resources, the achievement of this benchmark is dependent on such availability. Secondly, in order to build a full value chain and prevent any bottlenecks at intermediate stages,	(6) To decrease the Union's growing risk of supply disruptions likely to distort competition and fragment the internal market, Strategic Projects should contribute to achieving benchmarks related to Union's capacities and diversification of supply. Such benchmarks should help to guide efforts to strengthen Union capacities along all stages of the strategic raw materials value chain, ~~benchmarks should be set to guide efforts and track progress~~ including extraction, processing and recycling, and increase the diversification of external supplies of strategic raw materials. The aim should be to increase capacities for each strategic raw material at each stage of the value chain, while aiming to achieve overall capacity benchmarks at Union level for extraction, processing and recycling of strategic raw materials. Firstly, the Union	

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	the Union should in addition increase its processing capacity along the value chain and be able to produce at least 40 % of its annual consumption of strategic raw materials. Thirdly, it is expected that in the coming decades a growing share of the Union's consumption of strategic raw materials can be covered by secondary raw materials, which would improve both the security and the sustainability of the Union's raw materials supply. Therefore, Union recycling capacity should be able to produce at least 15 % of the Union's annual consumption of strategic raw materials. These benchmarks refer to the 2030 time horizon, in alignment with the Union's climate and energy targets set under Regulation (EU) 2021/1119 of the European Parliament and of the Council¹ and the digital targets under the Digital Decade², which they underpin. Furthermore, quality jobs, including skills development and job-to-job transitions, will address risks in the sectoral labour market and help ensure the EU's competitiveness. ¹. Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (OJ L 243, 9.7.2021, p. 1). ². Decision (EU) 2022/2481 of the European	the Union should in addition increase its processing capacity along the value chain and be able to produce at least 40 % of its annual consumption of strategic raw materials. Furthermore, a part of the Union's new processing capacity might be developed under strategic partnerships in the Union lead strategic projects of mutual benefit in third countries, in particular in developing countries and emerging markets. Thirdly, it is expected that in the coming decades a growing share of the Union's consumption of strategic raw materials can be covered by secondary raw materials, which would improve both the security and the sustainability of the Union's raw materials supply. Therefore, Union recycling capacity should be able to produce at least ~~15 % of the Union's annual consumption of~~ +10% volume of recycling capacity based on the 2020-2022 baseline for each strategic raw material to at least collect, sort and process 45% of each strategic raw materials material contained in the Union's waste taking into account technical and economic feasibility. These benchmarks refer to the 2030 time horizon, in alignment with the Union's climate and energy targets set under Regulation (EU) 2021/1119 of the European	should increase the use of its own geological resources of strategic raw materials and build up capacity to allow it to extract the materials needed to produce at least 10 % of the Union's consumption of strategic raw materials. Keeping in mind that extraction capacity is highly dependent on the availability of Union geological resources, the achievement of this benchmark is dependent on such availability. Secondly, in order to build a full value chain and prevent any bottlenecks at intermediate stages, the Union should in addition increase its processing capacity along the value chain and be able to produce at least ~~40 %~~50% of its annual consumption of strategic raw materials. Thirdly, it is expected that in the coming decades a growing share of the Union's consumption of strategic raw materials can be covered by secondary raw materials, which would improve both the security and the sustainability of the Union's raw materials supply. Therefore, Union recycling capacity should be able to produce at least ~~15 %~~20% of the Union's annual consumption of strategic raw materials. Accompanying efforts to improve resource efficiency through research and innovation, substitution, awareness-raising and other relevant measures will	

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	Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJL 323, 19.12.2022, p. 4–26)	Parliament and of the Council¹– and the digital targets under the Digital Decade², which they underpin. Furthermore, quality jobs, including skills development and job-to-job transitions, will address risks in the sectoral labour market and help ensure the EU’s competitiveness. Within that assessment, flexibility is needed to consider the unique specifications of the raw material in question, including material properties and challenges along the value chain. It should also aim to support existing capacities. 1. [1] Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (OJ L 243, 9.7.2021, p. 1). 2. [2] Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJ L 323, 19.12.2022, p. 4–26)	also facilitate the attainment of these benchmarks. These benchmarks refer to the 2030 time horizon, in alignment with the Union's climate and energy targets set under Regulation (EU) 2021/1119 of the European Parliament and of the Council¹– and the digital targets under the Digital Decade², which they underpin. Furthermore, quality jobs, including skills development and job-to-job transitions, will address risks in the sectoral labour market and help ensure the EU’s competitiveness. Pursuant to [Article 5(4)(a)(i) of the Ecodesign For Sustainable Products Regulation] the Commission has to take into account inter alia Union climate, environmental and energy efficiency priorities and other related Union priorities when preparing ecodesign requirements. The latter may include the objectives and benchmarks set out in this Regulation for some of the product aspects. 1. [1] Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (OJ L 243, 9.7.2021, p. 1). 2. [2] Decision (EU) 2022/2481 of the European Parliament and of the Council of	

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			14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJL 323, 19.12.2022, p. 4-26-)	
Recital 7				
16	(7) For some raw materials, the Union is almost fully dependent on a single country for its supply. Such dependencies entail a high risk of supply disruptions. To limit such potential risk and increase the Union's economic resilience, efforts should be undertaken to ensure that, by 2030, it is not dependent on a single third country for more than 65% of its supply of any strategic raw material, unprocessed and at any stage of processing, giving however special consideration to countries with whom the Union has established a Strategic Partnership on raw materials giving rise to greater assurances regarding supply risks.	(7) For some raw materials, the Union is almost fully dependent on a single country for its supply. Such dependencies ~~entail~~ create a high risk of supply disruptions, and, in the case of the People's Republic of China, increases the Union's vulnerability and security risks. To limit such potential risk and increase the Union's economic resilience, efforts should be undertaken to ensure that, by 2030, it is not dependent on a single third country for more than 65% of its supply of any strategic raw material, unprocessed and at any stage of processing, giving however special consideration to countries with whom the Union has established a Strategic Partnership on raw materials giving rise to greater assurances regarding supply risks.	(7) For some raw materials, the Union is almost fully dependent on a single country for its supply. Such dependencies entail a high risk of supply disruptions likely to distort competition and fragment the internal market. To limit such potential risk and increase the Union's economic resilience, efforts should be undertaken to ensure that, by 2030, it is not dependent on a single third country for more than 65% of its supply of any strategic raw material, unprocessed and at any stage of processing, giving however special consideration to countries with whom the Union has established a Strategic Partnership or has other forms of cooperation on raw materials or free trade agreements giving rise to greater assurances regarding supply risks.	
Recital 8				
17	(8) It is necessary to put in place appropriate measures to support Strategic Projects aimed at the extraction, processing or recycling	(8) It is necessary to put in place appropriate measures to support Strategic Projects aimed at the extraction, processing or recycling	(8) ~~It is necessary to put in place appropriate measures to support Strategic Projects aimed at the extraction, processing or recycling~~	

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	of strategic raw materials in the Union that should, together with Member State efforts, contribute to increasing capacities towards the benchmarks. Other measures, notably on exploration or circularity, should also contribute to the reinforcement of different stages of the value chain and thereby contribute to the achievement of the benchmarks. To ensure that the benchmarks are met in time, the Commission, with the help of the European Critical Raw Materials Board ('the Board') should track and report progress towards the benchmarks. In case the reported progress towards the benchmarks is generally insufficient, the Commission should assess the feasibility and proportionality of additional measures. A lack of progress only on a single or small set of strategic raw material should in principle not trigger the need for additional Union efforts.	of strategic raw materials in the Union that should, together with Member State efforts, contribute to increasing capacities towards the benchmarks. Other measures, notably on exploration or circularity, ~~should also contribute~~ are equally important to the reinforcement of different stages of the value chain and thereby contribute to the achievement of the benchmarks. To ensure that the benchmarks are met in time, the Commission, with the help of the European Critical Raw Materials Board ('the Board') should track and report progress towards the benchmarks. In case the reported progress towards the benchmarks is generally insufficient, the Commission should assess the feasibility and proportionality of additional measures. A lack of progress only on a single or small set of strategic raw material should in principle not trigger the need for additional Union efforts.	~~of strategic raw materials in the Union that should, together with Member State efforts, contribute to increasing capacities towards the benchmarks. Other measures, notably on exploration or circularity, should also contribute to the reinforcement of different stages of the value chain and thereby contribute to the achievement of the benchmarks.~~ To ensure that the benchmarks are met in time, the Commission, with the help of the European Critical Raw Materials Board ('the Board') should track and report progress towards the benchmarks. In case the reported progress towards the benchmarks is generally insufficient, the Commission should assess the feasibility and proportionality of additional measures. A lack of progress only on a single or small set of strategic raw material should in principle not trigger the need for additional Union efforts.	
Recital 9				
18	(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	(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	~~(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.	

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	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 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.	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 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	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, 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,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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 monitor the evolution of the level of criticality and material efficiency of intermediate and final products containing critical raw materials.	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.	
Recital 10				
19	(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	(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.	(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,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 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.	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 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,	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 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.	

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		good governance capacity and transparency in the raw materials sector with the aim of making the raw material partnership a mutually beneficial situation, including 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.		
Recital 11				
20				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(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 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. 1. European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, EU principles for sustainable raw materials, Publications Office, 2021,	(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 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 ~~aan~~ environmental certification scheme recognised under this Regulation should be considered sufficient. Furthermore, the Commission should further engage, in close dialogue with Member States,	(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 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. 1. [1] European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, EU	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	https://data.europa.eu/doi/10.2873/27875	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 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	principles for sustainable raw materials, Publications Office, 2021, https://data.europa.eu/doi/10.2873/27875	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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. 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	PUBLIC	

Recital 12

21	(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	(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 evidence.— A timetable	(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	(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 evidence.— <u>A</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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 workforce, including upskilling and reskilling, and the initiatives envisaged to improve participation of women as well as the overall	with relevant 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. 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.	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. <u>This is also valid for projects in third countries.</u> 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, <u>This information shall include the ownership structure, in order to ensure that project funding does not contradict the aim of ensuring secure and resilient supplies of critical raw materials, . given that funding dependencies can be as equally vulnerable as can supply chain dependencies. Furthermore, information should be provided on</u> ~~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, <u>and the initiatives envisaged to improve participation</u>

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		working conditions.		<u><i>of women as well as the overall working conditions.</i></u> ITM 24 October 2023 Text Origin: EP Mandate
Recital 13				
22	(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.	(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. 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.	
Recital 14				
23	(14) As the cooperation of the	(14) As the cooperation of the	(14) As the cooperation of the	

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	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.	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.	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.	
Recital 15				
24	(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	(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	

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		entirely liable for any deliberate deceit, and can be subject to potential corresponding judicial proceedings.	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.	
Recital 16				
25	(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.	
Recital 17				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
26	(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 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. 1. Directive 2011/92/EU of the European Parliament and of the Council of 13	(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 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. 1. Directive 2011/92/EU of the European Parliament and of the Council of 13	(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 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. 1. [1] Directive 2011/92/EU of the European Parliament and of the Council of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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. 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. 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. 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] 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. 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. 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).	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. 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. 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. 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] 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. 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. 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).	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. ^[4][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 Directive 2004/35/EC - Statement by the European Parliament, the Council and the Commission (OJ L 102, 11.4.2006, p. 15-34).	
Recital 18				
27	(18) At the same time, the unpredictability, complexity and, at times, excessive length of national	(18) At the same time, the unpredictability, complexity and, at times, excessive length of national	(18) At the same time, the unpredictability, complexity and, at times, excessive length of national	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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.	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 ~~procedure~~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.	
Recital 19				
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 strategic autonomy and the green and digital transition, Strategic	(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 autonomy and the green and digital transition, Strategic	(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 autonomy and the green and digital transition, Strategic	

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	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. 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).	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. 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).	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 ~~Directives~~acts are met. Where relevant, the case-by-case assessment should take into account the geological specificity of extraction sites, which constrains decisions on location. 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).	
Recital 20				
29	(20) In order to reduce complexity and increase efficiency and transparency in permitting process, project promoters of critical raw	(20) In order to reduce complexity and increase efficiency and transparency in permitting process, project promoters of critical raw	(20) In order to reduce complexity and increase efficiency and transparency in permitting process, project promoters of critical raw	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	materials projects should be able to interact with a single national authority, which is responsible for facilitating and coordinating the entire permit granting process and in the case of Strategic Projects shall issue a comprehensive decision within the applicable time limit. To that end, Member States should designate a single national competent authority. Where needed in light of a Member State's internal organisation, the tasks of the national competent authority should be able to be delegated to a different authority, subject to the same conditions. To ensure the effective implementation of its responsibilities, Member States should provide their national competent authority, or any authority acting on its behalf, with sufficient personnel and resources.	materials projects should be able to interact with a single national authority, which is responsible for facilitating, coordinating and streamlining and coordinating the entire permit granting process and in the case of Strategic Projects shall issue a comprehensive decision within the applicable time limit. To that end, Member States should designate a single national competent authority. A case officer providing an easy point of contact should be assigned. That appointed case officer could also be part of another authority with respect to the different national structures of the one stop shop. Where needed in light of a Member State's internal organisation, the tasks of the national competent authority should be able to be delegated to a different authority, subject to the same conditions. Without affecting the speed of the proceedings, the designated competent authority should be able to request the opinion and involvement of other competent ministries. To ensure the effective implementation of its responsibilities, Member States should provide their national competent authority, or any authority acting on its behalf, with sufficient personnel and resources.	materials projects should be able to interact with a ~~single national authority~~ designated contact point, which is responsible for facilitating and coordinating the entire permit granting process and in the case of Strategic Projects shall ~~issue~~ facilitate the issuance of a comprehensive decision within the applicable time limit. To that end, Member States should designate ~~a one or more single national competent authority~~. Where needed in light of a Member State's internal organisation, the tasks of the national competent authority points of contact. If a Member State decides to designate more than one contact point it should provide clear information to the project promoters on which contact point is responsible for their project. It should be able to be delegated to a different authority, subject to the same conditions. To ensure the effective implementation of its responsibilities, Member States for the Member State to decide whether the contact point should also be an authority taking permitting decisions or not. The contact point should at least notify project promoters of the comprehensive decision. Where needed in light of a Member State's internal organisation, the tasks of the designated contact	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			point should provide their national competent authorities the ability to be delegated to a different authority, or any authority acting on its behalf, with sufficient personnel and resources either at local, regional or national level, subject to the same conditions.	
Recital 21				
30	(21) In order to ensure clarity 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.	(21) In order to ensure clarity 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.	(21) In order to ensure clarity 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~~ 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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 22				
31	(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 permit granting process fully online, in line with Article 6(1) of and Annex II to Regulation (EU) 2018/1724. 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).	(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 permit granting process fully online, in line with Article 6(1) of and Annex II to Regulation (EU) 2018/1724. 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).	(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 permit granting process fully online, in line with Article 6(1) of and Annex II to Regulation (EU) 2018/1724. 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).	
Recital 23				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
32	(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 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.	(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 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.	(23) In order to provide project promoters and other investors with the security and clarity needed to increase development of Strategic ~~Project~~Projects, 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. 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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. 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 ~~support~~ should support Member States, upon their request, in designing, developing and implementing reforms including the strengthening the administrative capacity related to national permitting, such as the designated contact point.	

Recital 24

33	(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	(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	(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	(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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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.	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.	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 <u>or the quality of the assessments</u> should be realised. ~~In that regard~~ <u>To that end</u>, it should be ensured that the necessary ~~assessment~~ assessments are bundled <u>through a joint or coordinated procedure</u> to prevent unnecessary overlap. ~~In addition, 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. <u>Lastly, it should be ensured that for the purposes of these procedures project promoters interact with a single authority.</u> ITM 9 November 2023
Recital 25				
34	(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	(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	(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	(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~~ <u>Responsible national, regional and local authorities</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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 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.	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.	<u><i>should therefore consider including provisions for raw materials 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.~~ when developing relevant plans, without prejudice to existing requirements to assess the potential environmental impacts of such plans and to the required quality of such assessments.</i></u> <u><i>[First part of the recital to be discussed]</i></u> ITM 15 November 2023
Recital 26				
35	(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	(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	(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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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 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	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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		raw materials industry's sufficient access to finance and investment.		
Recital 27				
36	(27) A strong value chain in Europe can be built only with 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. 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)	(27) A strong value chain in Europe can be built only with 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. 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)	(27) A strong European value chain ~~in Europe can be built only~~ is 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			~~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. 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)	
Recital 27a				
36a		(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. 1. Regulation (EU) 2021/695 of the European Parliament and of the Council		

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		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 (OJL 170, 12.5.2021, p. 1). 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).		
Recital 28				
37	(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	(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	(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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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. 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).	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 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, 4}. 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).	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.~~ ~~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).~~	
Recital 28a				
37a		(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.		

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Recital 28b				
37b		(28b) Specific financial and support instruments and targeted R&I funds to improve efficiency, substitution, recycling processes and closed material cycles are needed at Union and national level via R&I programmes and other instruments to boost innovation, particularly on waste processing, advanced materials and substitution, and for the development of new and innovative technologies in the field of sustainable mining of critical raw materials in the Union.	PUBLIC	
Recital 29				
38	(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 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	(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 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	(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 ~~must~~ should have an incentive effect and be necessary, appropriate and proportionate. The existing State aid guidelines, which have recently undergone an in-depth revision in	

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	line with twin transition objectives, provide ample possibilities to support investments along the critical raw materials value chain subject to certain conditions.	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 materials projects should be used in that context.	line with twin transition objectives, provide ample possibilities to support investments along the critical raw materials value chain subject to certain conditions.	
Recital 30				
39	(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.	(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	(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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		value for the Union.		
Recital 31				
40	(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.	
Recital 31a				
40a		(31a) The European Investment		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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 invest in projects that contribute to achieving the targets set in this Regulation.		
Recital 32				
41	(32) The existing knowledge and mapping of the Union's raw materials occurrences were developed at a time when ensuring the supply of critical raw materials for the development of strategic technologies was not a priority. To acquire and update information on the critical raw material occurrences, Member States should draw up national programmes for the general exploration of critical raw materials, which should include measure such as mineral mapping, geochemical campaigns, geoscientific surveys as well as the reprocessing of existing geoscientific datasets. The identification of mineral occurrences and the assessment of the technical and economic viability to extract them involves high financial. To lower that risk and facilitate the development of extraction projects, Member States should make publicly available the information acquired	(32) The existing knowledge and mapping of the Union's raw materials occurrences were developed at a time when ensuring the supply of critical raw materials for the development of strategic technologies was not a priority. To acquire and update information on the critical raw material occurrences including the potential of geothermal extraction , Member States should draw up national programmes for the general exploration of critical raw materials and carrier metals which may contain critical raw materials , which should include measure such as mineral mapping, geochemical campaigns, geoscientific surveys as well as the reprocessing of existing geoscientific datasets. The identification of mineral occurrences and the assessment of the technical and economic viability to extract them involves high financial risk .	(32) The existing knowledge and mapping of the Union's raw materials occurrences were developed at a time when ensuring the supply of critical raw materials for the development of strategic technologies was not a priority. A lack of up-to-date geological information on critical raw materials in the Union can undermine the development of extraction projects, thereby weakening efforts to decrease supply risk and safeguard the functioning of the internal market. To acquire and update information on the critical raw material occurrences, Member States should, where relevant given the geological conditions , draw up national mapping programmes for the general exploration of critical raw materials, ~~which~~ and the main minerals that they are extracted together with. This should include	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	during their respective national exploration programme, where appropriate using the framework of the Infrastructure for Spatial Information established by Directive 2007/2/EC of the European Parliament and the Council¹. 1. Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1-14).	To lower that risk and facilitate the development of extraction projects, Member States should make publicly available the information acquired during their respective national exploration programme, where appropriate using the framework of the Infrastructure for Spatial Information established by Directive 2007/2/EC of the European Parliament and the Council¹. 1. [1] Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1-14).	~~measure~~measures such as ~~mineral~~geological mapping, geochemical campaigns, geoscientific surveys as well as the reprocessing of existing geoscientific datasets. The ~~identification of mineral occurrences and the assessment of the technical and economic viability to extract them involves high financial. To lower that risk and~~ This increases the probability of locating new deposits which in turn should stimulate investments in exploration. To facilitate the development of extraction projects, Member States should, upon request, make publicly available the information acquired during their respective national exploration programme, where appropriate using the framework of the Infrastructure for Spatial Information established by Directive 2007/2/EC of the European Parliament and the Council¹. 1. [1] Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1-14).	
Recital 32a				
41a		(32a) In order to enable the		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		extraction, processing, and recycling goals, Member States should promote actions to face the Union shortage of geoscientist students and graduates.		
Recital 33				
42	(33) Space data and services derived from earth observation can support the efforts towards sustainable critical raw materials value chains by providing a continuous flow of information, which could be useful for activities such as monitoring and management of mining areas, the environmental and socio-economic impact assessment, or mineral resource exploration. As earth observation is also able to provide data about remote and inaccessible areas, it should be considered by Member States when drawing up and implementing their national exploration programmes to the extent possible.	(33) Space data and services derived from earth observation ~~and~~ GNSS systems, in particular the ones derived from EU Space Programme, Copernicus, Galileo and EGNOS, should be used to the extent possible to support the efforts towards sustainable critical raw materials value chains by providing a continuous flow of information, which could be useful for activities such as monitoring and management of mining areas, the environmental and socio-economic impact assessment, or mineral resource exploration. As ~~earth observation~~ space data and services is also able to provide data about remote and inaccessible areas, it should be considered by Member States when drawing up and implementing their national exploration programmes to the extent possible.	(33) Space data and services derived from earth observation can support the efforts towards sustainable critical raw materials value chains by providing a continuous flow of information, which could be useful for activities such as monitoring and management of mining areas, the environmental and socio-economic impact assessment, or mineral resource exploration. As earth observation is also able to provide data about remote and inaccessible areas, it should be considered by Member States when drawing up and implementing their national exploration programmes to the extent possible.	
Recital 34				
43				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(34) Although the reinforcement of the Union's critical raw materials value chain is necessary to ensure increased security of supply, the supply chains of critical raw materials will remain global and exposed to external factors. Recent or ongoing events ranging from the COVID-19 crisis to the unprovoked and unjustified military aggression against Ukraine underlined the vulnerability of some of the Union's supply chains to disruptions. In order to ensure that Member States and European industries are able to anticipate supply disruption and prepared to withstand their consequences, measures should be developed to increase monitoring capacity, coordinate strategic stocks and reinforce the preparedness of companies.	(34) Although the reinforcement of the Union's critical raw materials value chain is necessary to ensure increased security of supply, the supply chains of critical raw materials will remain global and exposed to external factors. Recent or ongoing events ranging from the COVID-19 crisis to the unprovoked and unjustified military aggression against Ukraine as well as the impact of the Chinese Belt and Road Initiative on third countries underlined the vulnerability of some of the Union's supply chains to disruptions and the urgency to identify levers to mitigate the demand, in particular of strategic raw materials . In order to ensure that Member States and European industries are able to anticipate supply disruption and prepared to withstand their consequences, measures should be developed to increase monitoring capacity, including the exchange of information to coordinate strategic stocks where necessary , and reinforce the preparedness of companies.	(34) Although the reinforcement of the Union's critical raw materials value chain is necessary to ensure increased security of supply, the supply chains of critical raw materials will remain global and exposed to external factors. Recent or ongoing events ranging from the COVID-19 crisis to the unprovoked and unjustified military aggression against Ukraine underlined the vulnerability of some of the Union's supply chains to disruptions. In order to ensure that Member States and European industries are able to anticipate supply disruption and prepared to withstand their consequences, measures should be developed to ~~increase~~ strengthen monitoring capacity, coordinate strategic stocks and reinforce the preparedness of companies.	
Recital 35				
44	(35) Member States do not have the same capacity when it comes to risk-awareness and anticipation, and not	(35) Member States do not have the same capacity when it comes to risk-awareness and anticipation, and not	(35) Member States do not have the same capacity when it comes to risk-awareness and anticipation, and not	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	all Member States have developed dedicated structures that monitor the supply chains of critical raw materials and can inform companies about potential risks of supply disruptions. Similarly, although some companies have invested in the monitoring of their supply chains, others lack the capacity to do so. Therefore, in light of the global dimension of critical raw materials supply chains as well as their complexity, the Commission should develop a dedicated monitoring dashboard assessing critical raw materials' supply risks and ensure the availability of the information gathered for public authorities and private actors, thereby increasing synergies amongst Member States. In order to ensure that Union value chains are sufficiently prepared against potential supply disruptions, the Commission should conduct stress tests assessing the vulnerability of the strategic raw materials supply chains and their exposure to supply risks. Member States should contribute to this exercise by, when possible conducting such stress tests through their national supply and information agencies covering critical raw materials. The Board should ensure the coordination of the implementation of the stress tests by the Commission and Member States.	all Member States have developed dedicated structures that monitor the supply chains of critical raw materials and can inform companies about potential risks of supply disruptions. Similarly, although some companies have invested in the monitoring of their supply chains, others lack the capacity to do so. Therefore, in light of the global dimension of critical raw materials supply chains as well as their complexity, the Commission should develop a dedicated monitoring dashboard assessing critical raw materials' supply risks and ensure the availability of the information gathered for public authorities and private actors, thereby increasing synergies amongst Member States. In order to ensure that Union value chains are sufficiently prepared against potential supply disruptions, the Commission should conduct stress tests assessing the vulnerability of the strategic raw materials supply chains and their exposure to supply risks. Member States should contribute to this exercise by, when possible conducting such stress tests through their national supply and information agencies covering critical raw materials. The Board should ensure the coordination of the implementation of the stress tests by the Commission and Member States.	all Member States have developed dedicated structures that monitor the supply chains of critical raw materials and can inform companies about potential risks of supply disruptions. Similarly, although some companies have invested in the monitoring of their supply chains, others lack the capacity to do so. Therefore, in light of the global dimension of critical raw materials supply chains as well as their complexity, the Commission should develop a dedicated monitoring dashboard assessing critical raw materials' supply risks and ensure the availability of the information gathered for public authorities and private actors, thereby increasing synergies amongst Member States. In order to ensure that Union value chains are sufficiently prepared against potential supply disruptions likely to distort competition and fragment the internal market, such as those caused by geopolitical conflicts, the Commission should conduct stress tests assessing the vulnerability of the strategic raw materials supply chains and their exposure to supply risks. Member States should contribute to this exercise by, when possible, conducting such stress tests through their national supply and information agencies covering critical raw materials. The Board	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	When no Member State has the capacity to perform a required stress test on a given strategic raw material, the Commission should conduct it itself. When making the results of such stress tests publicly available, the Commission should also suggest potential strategies that can be adopted by the public authorities and private actors to mitigate supply risks, such as building strategic stocks or further diversifying their supply. For the purpose of gathering the information necessary to conduct the monitoring and stress tests measures, the Commission should coordinate with the relevant standing subgroup of the Board and Member States should identify and monitor key market operators that are important to the functioning of the value chain. When no member of the standing subgroup has the capacity to perform a required stress test on a given strategic raw material, the Commission should conduct it itself.	When no Member State has the capacity to perform a required stress test on a given strategic raw material, the Commission should conduct it itself. ~~When making the results of such stress tests publicly available,~~ The Commission should also suggest potential strategies that can be adopted by the public authorities and private actors to mitigate supply risks in the short and medium term, such as implementing additional policy measures to reduce the need of strategic raw materials building strategic stocks or further diversifying their supply. For the purpose of gathering the information necessary to conduct the monitoring and stress tests measures, the Commission should coordinate with the relevant standing subgroup of the Board and Member States should identify and monitor ~~key market operators~~ large companies that are important to the functioning of the value chain. When no member of the standing subgroup has the capacity to perform a required stress test on a given strategic raw material, the Commission should conduct it itself.	should ensure the coordination of the implementation of the stress tests by the Commission and Member States. When no Member State has the capacity to perform a required stress test on a given strategic raw material, the Commission should conduct it itself. ~~When making the results of such stress tests publicly available,~~ The Commission should also suggest potential strategies that can be adopted by the public authorities and private actors to mitigate supply risks, such as building strategic stocks or further diversifying their supply. For the purpose of gathering the information necessary to conduct the monitoring and stress tests measures, the Commission should coordinate with the relevant standing subgroup of the Board and Member States should identify and monitor key market operators that are important to the functioning of the value chain. When no member of the standing subgroup has the capacity to perform a required stress test on a given strategic raw material, the Commission should conduct it itself.	
Recital 36				
45	(36) Strategic stocks are an important tool to mitigate supply	(36) Strategic stocks are an important tool to mitigate supply	(36) Strategic stocks are an important tool to mitigate supply	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	disruptions, notably for raw materials. Although the proposed Single Market Emergency Instrument allows for the possible development of such stocks in the event of the activation of the Single Market vigilance mode, Member States and companies do not have obligations to build up or coordinate their strategic stocks ahead of a supply disruption. In addition, there is no coordination mechanism across the European Union that allows for the development of a common assessment and of an analysis of potential overlaps and synergies. Therefore, as a first step, and taking account of the present lack of relevant information, Member States should provide to the Commission information about their strategic stocks, whether they are operated by public authorities or by economic operators on the behalf of the Member States. Such information should include the level of stock available per strategic raw material, the outlook of stock levels, and the rules and procedures applicable to these stocks. Any request should be proportionate, have regard for the cost and effort required to make the data available as well as for its impact on national security, and set out appropriate time limits for providing the requested information. Information on the stocks of	disruptions, notably for raw materials. Although the proposed Single Market Emergency Instrument allows for the possible development of such ~~such~~strategic stocks in the event of the activation of the Single Market vigilance mode, Member States and companies do not have obligations to build up or coordinate their strategic stocks ahead of a supply disruption. In addition, there is no coordination mechanism across the European Union that allows for the development of a common assessment and of an analysis of potential overlaps and synergies. Therefore, as a first step, and taking account of the present lack of relevant information, Member States should provide to the Commission information about their strategic stocks, whether they are operated by public authorities or by economic operators on the behalf of the Member States. Such information should include the level of stock available per strategic raw material, the outlook of stock levels, and the rules and procedures applicable to these stocks. Any request should be proportionate, have regard for the cost and effort required to make the data available as well as for its impact on national security, and set out appropriate time limits for providing the requested information.	disruptions, notably for raw materials. Although the proposed Single Market Emergency Instrument allows for the possible development of such stocks in the event of the activation of the Single Market vigilance mode, Member States and companies do not have obligations to build up ~~or coordinate~~ their strategic stocks ahead of a supply disruption. In addition, there is no coordination mechanism across the European Union that allows for the development of a common assessment and of an analysis of potential overlaps and synergies. Therefore, as a first step, and taking account of the present lack of relevant information, Member States should provide to the Commission information ~~about their~~on potential strategic stocks, and if any, whether they are operated by public authorities or by economic operators on the behalf of the Member States. Such information should include the level of stock available per strategic raw material on an aggregated level, the outlook of stock levels, and the rules and procedures applicable to these stocks. Any request should be proportionate, have regard for the cost and effort required to make the data available as well as for its impact on national security, and set out appropriate time limits for providing the requested	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	economic operators may be added to the analysis, albeit this does not constitute a request for information on them. The Commission should handle the data in a secure manner, and only publish information on an aggregate level. As a second step, based on the information acquired, the Commission should develop a draft benchmark for what should be considered a safe level of Union stocks, taking into account the total annual Union consumption of the concerned strategic raw materials. Based on a comparison between existing stocks and the overall levels of strategic stocks for strategic raw materials across the Union, the Board, acting in agreement with the Commission, should then be able to issue non-binding opinions to Member States on how to increase convergences and to encourage them in building up their strategies stocks. In doing so, the Board should consider the need to maintain incentives for the development of strategic stocks by private operators using strategic raw materials.	Information on the stocks of economic operators may be added to the analysis, albeit this does not constitute a request for information on them. The Commission should handle the data in a secure manner, and only publish information on an aggregate level. As a second step, based on the information acquired, the Commission should develop a draft benchmark for what should be considered a safe level of Union stocks, taking into account the total annual Union consumption of the concerned strategic raw materials. Based on a comparison between existing stocks and the overall levels of strategic stocks for strategic raw materials across the Union, the Board, acting in agreement with the Commission, should then be able to issue non-binding opinions to Member States on how to increase convergences and to encourage them in building up their strategies stocks, while avoiding distortion of the market including at the expense of emerging markets and developing countries. In doing so, the Board should consider the need to maintain incentives for the development of strategic stocks by private operators using strategic raw materials.	information. Information on the stocks of economic operators may be added to the analysis, albeit this does not constitute a request for information on them. The Commission should handle the data in a secure manner, and only publish information on an aggregate level. As a second step, based on the information acquired, the Commission should develop a draft benchmark for what should be considered a safe level of Union stocks, taking into account the total annual Union consumption of the concerned strategic raw materials. Based on a comparison between existing stocks and the overall levels of strategic stocks for strategic raw materials across the Union, the Board, acting in agreement with the Commission, should then be able to issue non-binding opinions to Member States on how to increase convergences, and to encourage them in building up their strategies ~~strategic~~ stocks. In doing so, the Board should consider the need to maintain incentives for the development of strategic stocks by private or public operators using strategic raw materials.	
Recital 37				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
46	(37) So as to ensure further coordination, the Commission should ensure necessary consultation ahead of Member States' participation in international fora where such strategic stocks may be discussed, notably via the dedicated standing sub-group of the Board. Similarly, in order to increase complementarity between the present proposal and other horizontal or subject-specific instruments, the Commission should ensure that the gathered and aggregated information are passed to vigilance or crisis governance mechanisms, such as the proposed Single Market Emergency Instrument's advisory group, the proposed Chips Act's European Semiconductor Board, the HERA Board or the Health Crisis Board.	(37) So as to ensure further coordination, the Commission should ensure necessary consultation ahead of Member States' participation in international fora where such strategic stocks may be discussed, notably via the dedicated standing sub-group of the Board. Similarly, in order to increase complementarity between the present proposal and other horizontal or subject-specific instruments, the Commission should ensure that the gathered and aggregated information are passed to vigilance or crisis governance mechanisms, such as the proposed Single Market Emergency Instrument's advisory group, the proposed Chips Act's European Semiconductor Board, the HERA Board or the Health Crisis Board.	~~(37) So as to ensure further coordination,~~ The Commission should ensure necessary consultation ahead of Member States' participation in international fora where such strategic stocks may be discussed, notably via the dedicated standing sub-group of the Board. Similarly, in order to increase complementarity between the present proposal and other horizontal or subject-specific instruments, the Commission should ensure that the gathered and aggregated information are passed to vigilance or crisis governance mechanisms, such as the proposed Single Market Emergency Instrument's advisory group, the proposed Chips Act's European Semiconductor Board, the HERA Board or the Health Crisis Board.	
Recital 38				
47	(38) In order to ensure that they are sufficiently prepared to face supply disruptions, large companies manufacturing strategic technologies in the Union using strategic raw materials should audit their supply chains and report accordingly to their board of directors. This will ensure that they take into account the supply risks of strategic raw materials and develop appropriate	(38) In order to ensure that they are sufficiently prepared to face supply disruptions, large companies manufacturing strategic technologies in the Union using strategic raw materials ~~should audit their supply chains and report accordingly to their board of directors~~ should ensure an appropriate internal risk management. This will ensure that they take into account the	(38) In order to ensure that they are sufficiently prepared to face supply disruptions, large companies manufacturing strategic technologies in the Union using strategic raw materials– should audit their supply chains. To take into account the need to protect trade and business secrets and to limit the exposure of companies' vulnerabilities, the voluntary reporting to the and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	mitigation strategies to be better prepared in the event of a supply disruption. Similarly, the large companies falling within this scope should run regular stress tests of their strategic raw materials supply chains to ensure that they consider all different scenarios that may affect their supply in the event of a disruption. These measures will lead to additional considerations being given to the costs of potential supply risks.	supply risks of strategic raw materials and develop appropriate mitigation strategies to be better prepared in the event of a supply disruption. Similarly, the large companies falling within this scope should run regular stress tests of their strategic raw materials supply chains to ensure that they consider all different scenarios that may affect their supply in the event of a disruption. These measures will lead to additional considerations being given to the costs of potential supply risks.	~~report accordingly to their board of directors~~ should not be public. This will ensure that they take into account the supply risks of strategic raw materials and, where necessary, develop appropriate mitigation strategies to be better prepared in the event of a supply disruption. ~~Similarly, the large companies falling within this scope should~~ Such large companies should, as part of that audit, map their dependencies and run regular stress tests of their strategic raw materials supply chains to ensure that they consider all different scenarios that may affect their supply in the event of a disruption. These measures ~~will~~ should lead to additional ~~considerations~~ consideration being given to the costs of potential supply ~~risks~~ disruptions, without prescribing defined mitigation strategies.	
Recital 39				
48	(39) Many markets for strategic raw materials are not fully transparent and are concentrated on the supply side, which increases the negotiating power of sellers and increases prices for buyers. To help lower prices for undertaking established in the Union, the Commission should set up a system that is able to aggregate	(39) Many markets for strategic raw materials are not fully transparent and are concentrated on the supply side, which increases the negotiating power of sellers and increases prices for buyers, posing a challenge to the market. To help ~~lower prices~~ ensure the availability of raw materials for undertaking	(39) Many markets for strategic raw materials are not fully transparent and are concentrated on the supply side, which increases the negotiating power of sellers and increases prices for buyers. To help lower prices for undertaking established in the Union, the Commission should set up a system that is able to aggregate	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the demand of interested buyers. In developing such a system, the Commission should take into account experience gained in similar endeavours, in particular regarding the joint purchasing of gas as established under Council Regulation 2022/2576¹. Member State authorities should also be able to participate in this system in order to build up their strategic stocks. All measures under this mechanism should be compatible with Union competition law. ¹. Council Regulation (EU) 2022/2576 of 19 December 2022 enhancing solidarity through better coordination of gas purchases, reliable price benchmarks and exchanges of gas across borders (OJ 335, 29.12.2022, p. 1-35)	established in the Union, the Commission should set up a system that is able to aggregate the demand of interested buyers. In developing such a system, the Commission should take into account experience gained in similar endeavours, in particular regarding the joint purchasing of gas as previously established in response to the gas crisis under Council Regulation 2022/2576¹. Member State authorities should also be able to participate in this system in order to build up their strategic stocks. All measures adopted as part of that under this mechanism should be compatible with Union competition and national law. law. ¹. [1] Council Regulation (EU) 2022/2576 of 19 December 2022 enhancing solidarity through better coordination of gas purchases, reliable price benchmarks and exchanges of gas across borders (OJ 335, 29.12.2022, p. 1-35)	the demand of interested buyers. In order to avoid a disproportionate impact on competition in the internal market, the Commission, in consultation with the European Critical Raw Materials Board, should carry out an assessment on the impact of the system on the market for each strategic raw material added to the system. In developing such a system, the Commission should take into account experience gained in similar endeavours, in particular regarding the joint purchasing of gas as established under Council Regulation 2022/2576¹. ~~Member State authorities should also be able to participate in this system in order to build up their strategic stocks.~~ All measures under this mechanism should be compatible with Union competition law. ¹. [1] Council Regulation (EU) 2022/2576 of 19 December 2022 enhancing solidarity through better coordination of gas purchases, reliable price benchmarks and exchanges of gas across borders (OJ 335, 29.12.2022, p. 1-35)	
Recital 39a				
48a		(39a) A resilient and competitive raw material sector is of great economic and strategic importance for the Union. Given		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		the objectives of this Regulation, namely to strengthen the Union's capacity in extraction, processing, and recycling of strategic raw materials, it is important to ensure a fair and predictable market environment for undertakings across the full raw materials value chain. Any system intended to aggregate demand in order to strengthen the market position of Union undertakings on the demand side must therefore also carefully consider the market effects on Union undertakings on the supply side.		
Recital 40				
49	(40) The provisions on monitoring and strategic stocks included in this Regulation do not entail the harmonisation of national laws and regulations and do not replace existing mechanisms. Monitoring and risk preparedness incentives should be in line with European instruments. Therefore, instruments such as the Single Market Emergency Instrument proposal aiming to anticipate, mitigate and respond to crisis affecting the functioning of the Single Market or the Council Regulation (EU) 2022/2372¹ on a framework of measures for ensuring the supply of	(40) The provisions on monitoring and strategic stocks included in this Regulation do not entail the harmonisation of national laws and regulations and do not replace existing mechanisms. Monitoring and risk preparedness incentives should be in line with European instruments. Therefore, instruments such as the Single Market Emergency Instrument proposal aiming to anticipate, mitigate and respond to crisis affecting the functioning of the Single Market or the Council Regulation (EU) 2022/2372¹ on a framework of measures for ensuring the supply of	(40) The provisions on monitoring and strategic stocks included in this Regulation do not entail the harmonisation of national laws and regulations and do not replace existing mechanisms. Monitoring and risk preparedness incentives should be in line with European instruments. Therefore, instruments such as ~~the Single Market Emergency Instrument proposal aiming to anticipate, mitigate and respond to crisis affecting the functioning of the Single Market or the Council Regulation (EU) 2022/2372¹ on a framework of measures for ensuring the supply of~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	crisis-relevant medical countermeasures in the event of a public health emergency at Union level, could still apply to critical and strategic raw materials in the event of a crisis or a threat to the extent that those materials fall within the scope of such instruments. Complementarity and coherence between this Regulation and crisis instruments should be ensured through exchange of information. 1. Council Regulation (EU) 2022/2372 of 24 October 2022 on a framework of measures for ensuring the supply of crisis-relevant medical countermeasures in the event of a public health emergency at Union level (OJ 314, 6.12.2022, p.64-78)	crisis-relevant medical countermeasures in the event of a public health emergency at Union level, could still apply to critical and strategic raw materials in the event of a crisis or a threat to the extent that those materials fall within the scope of such instruments. Complementarity and coherence between this Regulation and crisis instruments should be ensured by the Commission through attentive exchange of information between the respective advisory and governance bodies established by these crisis instruments. 1. [1] Council Regulation (EU) 2022/2372 of 24 October 2022 on a framework of measures for ensuring the supply of crisis-relevant medical countermeasures in the event of a public health emergency at Union level (OJ 314, 6.12.2022, p.64-78)	crisis-relevant medical countermeasures in the event of a public health emergency at Union level, could still apply to critical and strategic raw materials in the event of a crisis or a threat to the extent that those materials fall within the scope of such instruments. Complementarity and coherence between this Regulation and crisis instruments should be ensured through exchange of information. 1. [1] Council Regulation (EU) 2022/2372 of 24 October 2022 on a framework of measures for ensuring the supply of crisis-relevant medical countermeasures in the event of a public health emergency at Union level (OJ 314, 6.12.2022, p.64-78)	
Recital 41				
50	(41) Most critical raw materials are metals, which can be in principle endlessly recycled, albeit with sometimes deteriorating qualities. This offers the potential to move to a truly circular economy in the context of the green transition. After an initial phase of rapid growth of demand for critical raw material for new technologies, where primary	(41) Most critical raw materials are metals, which can be in principle endlessly recycled, albeit with sometimes deteriorating qualities. This offers the potential to move to a truly circular economy in the context of the green transition. After an initial phase of rapid growth of demand for critical raw material for new technologies, where primary	(41) Most critical raw materials are metals, which can be in principle endlessly recycled, albeit with sometimes deteriorating qualities. This offers the potential to move to a truly circular economy in the context of the green transition while increasing the availability of critical raw materials and thereby contributing to ensure security of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	extraction and processing will still constitute the predominant source, recycling should become increasingly important and reduce the need for primary extraction and its associated impacts. Today, however, recycling rates of most critical raw materials are low, and recycling systems and technologies are often not adapted to the specificities of these raw materials. Action addressing the different factors holding back the circularity potential is thus required.	extraction and processing will still constitute the predominant source, recycling and re-use, should become increasingly important and reduce the need for primary extraction and its associated impacts. Today, however, recycling and re-use rates of most critical raw materials are low, including due to a lack of consideration of recyclability at the design phase of products, and recycling systems and technologies are often not adapted to the specificities of these raw materials. Action addressing the different factors holding back the circularity potential is thus required. Regardless of the amount of strategic raw materials consumed in 2030, the Union should aim at the circularity of those raw materials.	supply. After an initial phase of rapid growth of demand for critical raw material for new technologies, where primary extraction and processing will still constitute the predominant source, countered with measures to reduce the need for critical raw materials by promoting resource efficiency, recycling should become increasingly important and reduce the need for primary extraction and its associated impacts. This should be done while maintaining a high level of recycling capacity in the Union via a strong market for secondary critical raw materials. Today, however, recycling rates of most critical raw materials are low, with end-of-life products such as batteries, electrical and electronic equipment, vehicles and semi-conductors being shipped outside of the Union for recycling, and Recycling systems and technologies are often not adapted to the specificities of these raw materials, and a number of products that contain critical raw material can therefore not be recycled. Innovation plays an important role in reducing the need for critical raw materials, reducing the risks of shortage of supply and for the development of recycling technologies to properly and safely extract materials from end-of-life	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			products. Prompt action addressing the different factors holding back the circularity potential is thus required.	
Recital 41a				
50a		(41a) Europe needs to enhance its open strategic sovereignty and increase its resilience in preparation for potential disruptions in supply due to health or other crises. Enhancing circularity and resource efficiency with increased recycling and recovery of critical raw materials, will contribute to reaching that goal.		
Recital 42				
51	(42) Member States retain important competences in the field of circularity, for example in the area of waste collection and treatment systems. These should be used to increase collection and recycling rates for waste streams with a high potential for recovery of critical raw materials, making use for example of financial incentives such as discounts, monetary rewards or deposit-refund systems. Member State authorities should also make a difference as buyers of critical raw materials and of products containing	(42) Member States retain important competences in the field of circularity, for example in the area of waste collection and treatment systems. These should be used to increase collection and recycling rates for waste streams with a high potential for recovery of critical raw materials, making use for example of financial incentives such as discounts, monetary rewards or deposit-refund systems while preserving the integrity of the internal market. Member State authorities should also make a	(42) Member States retain important competences in the field of circularity, for example in the area of waste collection and treatment systems. These should be used to increase collection and recycling rates for waste streams with a high potential for recovery of critical raw materials, making use for example of financial incentives such as discounts, monetary rewards or deposit-refund systems. With a view to increasing the use of secondary critical raw materials, this could also include differentiated	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	them, and national research and innovation programmes provide significant resources to increase the state of knowledge and technology for critical raw materials circularity as well as material efficiency. Finally, Member States should promote the recovery of critical raw materials from extractive waste by improving the availability of information and by addressing legal, economic and technical barriers. One possible solution that Member States should look into are risk-sharing mechanisms between operators and the Member State to promote recovery from closed waste facilities.	difference as buyers of critical raw materials and of products containing them, and national research and innovation programmes provide significant resources to increase the state of knowledge and technology for critical raw materials circularity as well as material efficiency and substitution strategies. Finally, Member States should promote the recovery of critical raw materials from extractive waste by improving the availability of information and by addressing legal, economic and technical barriers. One possible solution that Member States should look into are risk-sharing mechanisms between operators and the Member State to promote recovery from closed waste facilities. The Commission should monitor the actions of Member States, benchmark and disseminate best practices and give recommendations to Members States for further actions, where appropriate.	producer responsibility fees, provided such fees exist in national law, to benefit products containing a larger share of secondary critical raw materials recovered from waste recycled in line with environmental standards established in Union law. Such secondary critical raw materials recovered from waste should include recovery carried out according to third countries standards that offer an equivalent protection to Union standards. Member State authorities should also make a difference as buyers of critical raw materials and of products containing them, and national research and innovation programmes provide significant resources to increase the state of knowledge and technology for critical raw materials circularity as well as material efficiency. Finally, Member States should promote the recovery of critical raw materials from extractive waste by improving the availability of information and by addressing legal, economic and technical barriers. One possible solution that Member States should look into are risk-sharing mechanisms between operators and the Member State to promote recovery from closed waste facilities. The Board should also facilitate the exchange of best	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			practices between Member States, on the design and implementation of their national programmes.	
Recital 42a				
51a		(42a) Electronic waste contains concentrations of critical raw materials that are orders of magnitude higher than those found in the best ore grades worldwide. This presents a significant economic opportunity for urban mining, with a high potential for development.		
Recital 43				
52	(43) The Union has, in many of its regions, a legacy of raw materials extraction and thus substantial amounts of extractive waste on closed facilities which, due to their only recent rise in economic importance, have generally not been analysed for critical raw materials potential. The recovery of critical raw materials from extractive waste facilities has the potential to create economic value and employment in historical mining regions, which are often affected by deindustrialisation and decline. The lack of attention to, and information on critical raw materials content, especially on	(43) The Union has, in many of its regions, a legacy of raw materials extraction and thus substantial amounts of extractive waste on closed facilities which, due to their only recent rise in economic importance, have generally not been analysed for critical raw materials potential. The recovery of critical raw materials from extractive waste facilities has the potential to avoid and mitigate negative social and environmental effects of new extractive activities , create economic value and employment in historical mining regions, which are often affected by deindustrialisation	(43) The Union has, in many of its regions, a legacy of raw materials extraction and thus substantial amounts of extractive waste on closed facilities which, due to their only recent rise in economic importance, have generally not been analysed for critical raw materials potential. The recovery of critical raw materials from extractive waste facilities has the potential to ~~create~~ increase Union capacity while creating economic value and employment in historical mining regions, which are often affected by deindustrialisation and decline. The lack of attention to, and information	

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	closed waste facilities, constitutes a key barrier to greater use of the critical raw materials potential of extractive waste.	and decline, although those regions could play a significant role in improving resilience of the Union and reducing the negative environmental and social impacts of access to raw materials. The lack of attention to, and information on critical raw materials content, especially on closed waste facilities, constitutes a key barrier to greater use of the critical raw materials potential of extractive waste.	on critical raw materials content, especially on closed waste facilities, constitutes a key barrier to greater use of the critical raw materials potential of extractive waste.	
Recital 44				
53	(44) The recovery of critical raw materials from extractive waste facilities should be part of the valorisation of relevant waste facilities. Directive 2006/21/EC sets out high requirements of environmental and human health protection for the waste management of the extractive industry. While these high requirements should be maintained, it is appropriate to establish additional measures to maximise the recovery of critical raw materials from extractive waste.	(44) The recovery of critical raw materials from extractive waste facilities should be part of the valorisation of relevant waste facilities. Directive 2006/21/EC sets out high requirements of environmental and human health protection for the waste management of the extractive industry. While these high requirements should be maintained, it is appropriate to establish additional measures to maximise the recovery of critical raw materials from extractive waste.	(44) The recovery of critical raw materials from extractive waste facilities should be part of the valorisation of relevant waste facilities. Directive 2006/21/EC sets out high requirements of environmental and human health protection for the waste management of the extractive industry. While these high requirements should be maintained, it is appropriate to establish additional measures to maximise the recovery of critical raw materials from extractive waste.	(44) The recovery of critical raw materials from extractive waste facilities should be part of the valorisation of relevant waste facilities. Directive 2006/21/EC sets out high requirements of environmental and human health protection for the waste management of the extractive industry. While these high requirements should be maintained, it is appropriate to establish additional measures to maximise the recovery of critical raw materials from extractive waste. Trilogue 24/10/2023 Text Origin: Commission Proposal
Recital 45				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
54	(45) Operators of extractive waste facilities, both existing and new, should perform a preliminary economic assessment study regarding the recovery of critical raw materials from extractive waste present on the site and from such waste being generated. In line with the waste hierarchy established in Directive 2008/98/EC of the European Parliament and of the Council¹, priority should be given to preventing the generation of waste containing critical raw materials, by extracting critical raw materials from the extracted volume prior to it becoming waste. In elaborating this study, operators should gather the necessary information, including concentrations and quantities of critical raw materials in the extractive waste, and perform an assessment of multiple options regarding processes, operations or business arrangements that could enable an economically viable recovery of critical raw materials. This obligation comes in addition to obligations laid down in Directive 2006/21/EC and the national laws transposing it and is directly applicable. In its implementation, operators and competent authorities should seek to minimise administrative burden and integrate procedures to the extent possible.	(45) Operators of extractive waste facilities, both existing and new, should perform a preliminary economic assessment study regarding the recovery of critical raw materials from extractive waste present on the site and their deposits and from such waste being generated. In line with the waste hierarchy established in Directive 2008/98/EC of the European Parliament and of the Council¹, priority should be given to preventing the generation of waste containing critical raw materials, by extracting critical raw materials from the extracted volume prior to it becoming waste. In elaborating this study, operators should gather the necessary information, including concentrations and quantities of critical raw materials in the extractive waste, and perform an assessment of multiple options regarding processes, operations or business arrangements that could enable ~~an~~ technically feasible and economically viable recovery of critical raw materials. This obligation comes in addition to obligations laid down in Directive 2006/21/EC and the national laws transposing it and is directly applicable. In its implementation, operators and competent authorities should seek to minimise	(45) Operators of extractive waste facilities, both existing and new, should perform a preliminary economic assessment study regarding the recovery of critical raw materials from extractive waste present on the site and from such waste being generated. In line with the waste hierarchy established in Directive 2008/98/EC of the European Parliament and of the Council¹, priority should be given to preventing the generation of waste containing critical raw materials, by extracting critical raw materials from the extracted volume prior to it becoming waste. In elaborating this study, operators should gather the necessary information, including concentrations and quantities of critical raw materials in the extractive waste, and perform an assessment of multiple options regarding processes, operations or business arrangements that could enable an economically viable recovery of critical raw materials. This obligation to perform an assessment does not regulate management of waste as such and comes in addition to obligations laid down in Directive 2006/21/EC and the national laws transposing it and is directly applicable. In its implementation, operators and competent authorities should seek to	

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	1. Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3-30).	administrative burden and integrate procedures to the extent possible. 1. [1] Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3-30).	minimise administrative burden and integrate procedures to the extent possible. 1. [1] Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3-30).	
Recital 46				
55	(46) To address the current lack of information on the critical raw materials potential of closed extractive waste facilities, Member States should draw up a database containing all information relevant to promote the recovery, notably the quantities and concentrations of critical raw materials in the extractive waste facility, in compliance with Union competition rules. The information should be made publicly available and in a user-friendly and digital form, enabling access to more detailed, technical information. To facilitate user-friendly access to the information, Member States should for instance provide a point of contact to enable more in-depth exchanges with potential developers of critical raw materials recovery projects. The database should be designed to allow potential project promoters to easily identify facilities	(46) To address the current lack of information on the critical raw materials potential of closed extractive waste facilities, Member States should draw up a database containing all information relevant to promote the recovery, notably the quantities and concentrations of critical raw materials in the extractive waste facility, in compliance with Union competition rules. The information should be made publicly available and in a user-friendly and digital form, enabling access to more detailed, technical information. To facilitate user-friendly access to the information, Member States should for instance provide a point of contact to enable more in-depth exchanges with potential developers of critical raw materials recovery projects. The database should be designed to allow potential project promoters to easily identify facilities	(46) To address the current lack of information on the critical raw materials potential of closed extractive waste facilities, Member States should draw up a database containing all information relevant to promote the recovery, notably the quantities and concentrations of critical raw materials in the extractive waste facility, in compliance with Union competition rules. The information should be made publicly available and in a user-friendly and digital form, enabling access to more detailed, technical information. To facilitate user-friendly access to the information, Member States should for instance provide a point of contact to enable more in-depth exchanges with potential developers of critical raw materials recovery projects. The database should be designed to allow potential project promoters to easily identify facilities	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	with a high potential for economically viable recovery. To focus limited resources, Member States should follow a staged approach in the collection of information and perform the more demanding information collection steps only for the most promising facilities. The information collection activities should be aimed at providing accurate and representative information on the extractive waste facilities and gaining the best possible indication of the critical raw materials recovery potential.	with a high potential for economically viable recovery in the short, medium and long term . To focus limited resources, Member States ~~should~~ could follow a staged approach in the collection of information and perform the more demanding information collection steps only for the most promising facilities. The information collection activities should be aimed at providing accurate and representative information on the extractive waste facilities and gaining the best possible indication of the critical raw materials recovery potential.	with a high potential for economically viable recovery. To focus limited resources, Member States should follow a staged approach in the collection of information and perform the more demanding information collection steps only for the most promising facilities. The information collection activities should be aimed at providing accurate and representative information on the extractive waste facilities and gaining the best possible indication of the critical raw materials recovery potential.	
Recital 47				
56	(47) Permanent magnets are incorporated in a wide variety of products, with wind turbines and electric vehicles being the most important and fastest-growing applications but also other products, including magnet resonance imaging devices, industrial robots, light means of transport, cooling generators, heat pumps, electric motors, industrial electric pumps, automatic washing machines, tumble driers, microwaves, vacuum cleaners and dishwashers containing significant amounts worth recovering. Most permanent	(47) Permanent magnets are incorporated in a wide variety of products, with wind turbines and electric vehicles being the most important and fastest-growing applications but also other products, including magnet resonance imaging devices, industrial robots, light means of transport, cooling generators, heat pumps, electric motors, industrial electric pumps, automatic washing machines, tumble driers, microwaves, vacuum cleaners and dishwashers containing significant amounts worth recovering. Most permanent	(47) Permanent magnets are incorporated in a wide variety of products, with wind turbines and electric vehicles being the most important and fastest-growing applications but also other products, including ~~magnet~~ magnetic resonance imaging devices, industrial robots, light means of transport, cooling generators, heat pumps, electric motors, industrial electric pumps, automatic washing machines, tumble driers, microwaves, vacuum cleaners and dishwashers containing significant amounts worth recovering. Most	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	magnets, especially the most performant types, contain critical raw materials, such as neodymium, praseodymium, dysprosium and terbium, boron, samarium, nickel or cobalt. Their recycling is possible but today only performed in the Union at a small scale or in the context of research projects. Permanent magnets should therefore be a priority product for increasing circularity.	magnets, especially the most performant types, contain critical raw materials, such as neodymium, praseodymium, dysprosium and terbium, boron, samarium, nickel or cobalt. Their recycling is possible but today only performed in the Union at a small scale or in the context of research projects. Permanent magnets should therefore be a priority product for increasing circularity.	permanent magnets, especially the most performant types, contain critical raw materials, such as neodymium, praseodymium, dysprosium and terbium, boron, samarium, nickel or cobalt. Their recycling is possible but today only performed in the Union at a small scale or in the context of research projects. Permanent magnets should therefore be a priority product for increasing circularity, thereby maintaining a secondary market for permanent magnets and ensuring security of supply of critical raw materials.	
Recital 48				
57	(48) A precondition for effective magnet recycling is for recyclers to have access to the necessary information on the amount, type and chemical composition of magnets in a product, their location and the coating, glues and additives used, as well as information on how to remove the permanent magnets from the product. In addition, to ensure a business case for magnet recycling, permanent magnets incorporated in products placed on the Union market should, over time, contain an increasing amount of recycled materials. While providing transparency on the recycled content	(48) A precondition for ~~effective magnet recycling~~ increasing the circularity of magnets is for recyclers, refurbishers and repairers to have access to the necessary information on the amount, type and chemical composition of magnets in a product, their location and the coating, glues and additives used, as well as information on how to remove the permanent magnets from the product. In addition, to ensure a business case for magnet recycling, permanent magnets incorporated in products placed on the Union market should, over time, contain an	(48) A precondition for effective magnet recycling is for recyclers to have access to the necessary information on the amount, type and chemical composition of magnets in a product, their location and the coating, glues and additives used, as well as information on how to safely remove the permanent magnets from the product. In addition, to ensure a business case for magnet recycling, permanent magnets incorporated in products placed on the Union market should, over time, contain an increasing amount of recycled materials. Further promotion to increase the recyclability of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	in a first stage, a minimum content of recycled content should be set after a dedicated assessment of the appropriate level and likely impacts.	increasing amount of recycled materials. While providing transparency on the recycled content in a first stage, a minimum content of recycled content should be set after a dedicated assessment of the appropriate level and likely impacts.	permanent magnets should be encouraged. While providing transparency on the recycled content in a first stage, a minimum content of recycled content should be set after a dedicated assessment of the appropriate level and likely impacts. These measures should complement measures as referred to in Directive 2012/19/EU.	
Recital 49				
58	(49) Critical raw materials sold on the Union market are often certified regarding the sustainability of their production and supply chain. Certification can be obtained in the context of a broad range of public and private certification schemes available with varying scopes and stringency, creating the potential for confusion regarding the nature and veracity of claims made about the relative sustainability of critical raw materials placed on the Union market based on such certification. The Commission should be empowered to adopt implementing acts recognising certification schemes that should be considered comprehensive and trustworthy, providing a common basis for authorities and market participants for assessing the sustainability of critical raw materials. Recognition	(49) Critical raw materials sold on the Union market are often certified regarding the sustainability of their production and supply chain. Certification can be obtained in the context of a broad range of public and private certification schemes available with varying scopes and stringency, creating the potential for confusion regarding the nature and veracity of claims made about the relative sustainability of critical raw materials placed on the Union market based on such certification. The Commission should be empowered to adopt implementing acts recognising certification schemes that should be considered comprehensive and trustworthy, providing a common basis for authorities and market participants for assessing the sustainability of critical raw materials. Recognition	(49) Critical raw materials sold on the Union market are often certified regarding the sustainability of their production and supply chain. Certification can be obtained in the context of a broad range of public and private certification schemes available with varying scopes and stringency, creating the potential for confusion regarding the nature and veracity of claims made about the relative sustainability of critical raw materials placed on the Union market based on such certification. The Commission should be empowered to adopt implementing acts recognising certification schemes that should be considered comprehensive and trustworthy, providing a common basis for authorities and market participants for assessing the sustainability of critical raw materials. Recognition	(49) Critical raw materials sold on the Union market are often certified regarding the sustainability of their production and supply chain. Certification can be obtained in the context of a broad range of public and private certification schemes available with varying scopes and stringency, creating the potential for confusion regarding the nature and veracity of claims made about the relative sustainability of critical raw materials placed on the Union market based on such certification. The Commission should be empowered to adopt implementing acts recognising certification schemes that should be considered comprehensive and trustworthy, providing a common basis for authorities and market participants for assessing the sustainability of critical raw materials. Recognition

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	should be given only to certification schemes that cover a broad range of sustainability aspects, including environmental protection, human rights including labour rights and business transparency, and which contain provisions for independent third party verification and monitoring of compliance. To ensure efficient procedures, promoters of projects applying to be recognised as Strategic Projects should be allowed to rely on participation in a recognised scheme to show that their project is implemented sustainably.	should be given only to certification schemes that cover a broad range of sustainability aspects, including environmental protection related to air, soil, water and biodiversity, human rights including labour rights ~~and~~governance considerations including business transparency and participation of local communities, which guarantee high sustainability standards, and which contain provisions for independent third party verification and monitoring of compliance. To ensure efficient procedures, promoters of projects applying to be recognised as Strategic Projects should be allowed to rely on participation in a recognised scheme to show that their project is implemented sustainably.	should be given only to certification schemes that cover a broad range of sustainability aspects, including environmental protection, human rights including labour rights and business transparency, and which contain provisions for independent ~~third party~~third-party verification and monitoring of compliance. As regards environmental protection, certifications schemes should cover risks related to, for example, air, water, soil, biodiversity, and waste management. To ensure efficient procedures, promoters of projects applying to be recognised as Strategic Projects should be allowed to rely on participation in a recognised scheme as relevant evidence to show that their project is implemented sustainably, thereby contributing to a safe and sustainable supply of critical raw materials. In recognising such certification schemes, the Commission should take into account experience gained in assessing certification schemes in the context of other Union legislation, in particular regarding the assessment of similar schemes in the context of Regulation (EU) 2017/821 and [OP please insert reference to Battery Regulation].	should be given only to certification schemes that cover a broad range of sustainability aspects, including environmental protection <u>related to air, soil, water and biodiversity</u>, human rights including labour rights ~~and~~<u>governance considerations including business transparency and participation of local communities, which guarantee high sustainability standards</u>, and which contain provisions for independent third party verification and monitoring of compliance. <u>Certification schemes should ensure multi-stakeholder participation by allowing them to play a formal, meaningful, and substantive role in the decision-making, oversight and assurance processes of the scheme. To demonstrate that the role is formal, meaningful and substantive, the multi-stakeholder role in these processes should be documented, for example by way of a mandate or terms of reference, and confirmed or supported by the multi-stakeholder representatives of the scheme.</u> To ensure efficient procedures, promoters of projects applying to be recognised as Strategic Projects should be allowed to rely on participation in a recognised scheme to show that their project is implemented sustainably. Text Origin: EP Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 50				
59	(50) The production of critical raw materials at different stages of the value chain causes environmental impacts, whether on climate, water, fauna or flora. In order to limit such damage and incentivise the production of more sustainable critical raw materials, the Commission should be empowered to develop a system for the calculation of the environmental footprint of critical raw materials, including a verification process, to ensure that critical raw materials placed on the Union market publicly display information on such footprint. The system should be based on taking into account scientifically sound assessment methods and relevant international standards in the area of life cycle assessment. The requirement to declare the environmental footprint of a material should only apply where it has been concluded, based on a dedicated assessment, that it would contribute to the Union's climate and environmental objectives by facilitating the procurement of critical raw materials with lower environmental footprint and would not disproportionately affect trade flows. When the relevant	(50) The production of critical raw materials at different stages of the value chain causes climate and environmental impacts, whether on climate, notably on water, fauna or flora and biodiversity. In order to limit such damage and incentivise the production of more sustainable critical raw materials, the Commission should be empowered to develop a system for the calculation of the environmental footprint of critical raw materials, including a verification process, to ensure that critical raw materials placed on the Union market publicly display information on such footprint. The system should be based on taking into account scientifically sound assessment methods and relevant international standards in the area of life cycle assessment. The requirement to declare the environmental footprint of a material should only apply where it has been concluded, based on a dedicated assessment, that it would contribute to the Union's climate and environmental objectives and be proportionate to the economic costs by facilitating the procurement of critical raw materials with lower environmental	(50) The production of critical raw materials at different stages of the value chain causes environmental impacts, whether on climate, water, soil, fauna or flora. In order to limit such damage and incentivise the production of more sustainable critical raw materials, the Commission should be empowered to develop a system for the calculation of the environmental footprint of critical raw materials, including a verification process, to ensure that critical raw materials placed on the Union market publicly display information on such footprint and facilitating circularity of critical raw materials. The system should be based on taking into account scientifically sound assessment methods and relevant international standards in the area of life cycle assessment. The requirement to declare the environmental footprint of a material should only apply where it has been concluded, based on a dedicated assessment, that it would contribute to the Union's climate and environmental objectives by facilitating the procurement of critical raw materials with lower environmental footprint	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	calculation methods have been adopted, the Commission should develop performance classes for critical raw materials, thereby allowing potential buyers to easily compare the relative environmental footprint of available materials and driving the market towards more sustainable materials. Sellers of critical raw materials should ensure that the environmental footprint declaration is available to their customers. Transparency on the relative footprint of critical raw materials placed on the Union market may also enable other policies at Union and national level, such as incentives or green public procurement criteria, fostering the production of critical raw materials with lower environmental impacts.	footprint and would not disproportionately affect trade flows. When the relevant calculation methods have been adopted, the Commission should develop performance classes for critical raw materials, thereby allowing potential buyers to easily compare the relative environmental footprint of available materials and driving the market towards more sustainable materials. Sellers of critical raw materials should ensure that the environmental footprint declaration is available to their customers. Transparency on the relative footprint of critical raw materials placed on the Union market may also enable other policies at Union and national level, such as incentives or green public procurement criteria, fostering the production of critical raw materials with lower environmental impacts. The deep sea is believed to have the highest biodiversity on Earth and provides critical environmental services, including long-term carbon sequestration. Deep-seabed mining is highly likely to cause permanent biodiversity loss and ecosystem damage. In line with the precautionary principle, no deep sea mining should take place as long as its effects on the marine environment and biodiversity have not been researched sufficiently,	and would not disproportionately affect trade flows. When the relevant calculation methods have been adopted, the Commission should develop performance classes for critical raw materials, thereby allowing potential buyers to easily compare the relative environmental footprint of available materials and driving the market towards more sustainable materials. Sellers of critical raw materials should ensure that the environmental footprint declaration is available to their customers. Transparency on the relative footprint of critical raw materials placed on the Union market may also enable other policies at Union and national level, such as incentives or green public procurement criteria, fostering the production of critical raw materials with lower environmental impacts.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		and as long as there is no scientific consensus that deep sea mining can be managed in a way that ensures no marine biodiversity loss and ecosystem damage.		
Recital 51				
60	(51) The Environmental Footprint methods constitute a relevant basis for the development of the calculation rules. They rely on scientifically sound assessment methods which take into account developments on international level and cover environmental impacts, including climate change and impacts related to water, air, soil, resources, land use and toxicity.	(51) The Environmental Footprint methods constitute a relevant basis for the development of the calculation rules. They rely on scientifically sound assessment methods which take into account similar obligations established by other Union legislation and developments on international level and cover environmental impacts, including climate change and impacts related to water, air, soil, resources, land use and toxicity.	(51) The Environmental Footprint methods constitute a relevant basis for the development of the calculation rules. They rely on scientifically sound assessment methods which take into account developments on international level and cover environmental impacts, including climate change and impacts related to water, air, soil, resources, land use and toxicity.	
Recital 52				
61	(52) It should be ensured that responsible operators assess the conformity of their products or materials with requirements to improve the circularity of permanent magnets and on the declaration of the environmental footprint of critical raw materials before placing them on the market and that those requirements are effectively enforced by competent national	(52) It should be ensured that responsible operators assess the conformity of their products or materials with requirements to improve the circularity of permanent magnets and on the declaration of the environmental footprint of critical raw materials before placing them on the market and that those requirements are effectively enforced by competent national	(52) It should be ensured that ~~responsible operators assess the~~ conformity of ~~their~~ products or materials with requirements to improve the circularity of permanent magnets and on the declaration of the environmental footprint of critical raw materials is assessed by the responsible manufacturer before ~~placing them~~ they are placed on the market and that those	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	authorities. The conformity and market surveillance provisions established under Regulation 2019/1020 and Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], are designed to address this challenge and should therefore apply also to those requirements. To further ensure that optimal use is made of existing frameworks, it should be ensured that for products that are subject to type approval under Regulation 2018/858 or Regulation 168/2013, compliance is enforced through the existing type approval system.	authorities. The conformity and market surveillance provisions established under Regulation 2019/1020 and Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], are designed to address this challenge and should therefore apply also to those requirements. To further ensure that optimal use is made of existing frameworks, it should be ensured that for products that are subject to type approval under Regulation 2018/858 or Regulation 168/2013, compliance is enforced through the existing type approval system.	requirements are effectively enforced by competent national authorities. The conformity and market surveillance provisions established under Regulation 2019/1020 and Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], are designed to address this challenge and should therefore apply also to those requirements. To further ensure that optimal use is made of existing frameworks, it should be ensured that for products that are subject to type approval under Regulation 2018/858 or Regulation 168/2013, compliance is enforced through the existing type approval system.	
Recital 53				
62	(53) The Commission should, as provided in Article 10(1) of Regulation (EU) No 1025/2012, request one or more European standardisation organisations to draft European standards in support of the objectives of this Regulation.	(53) The Commission should, as provided in Article 10(1) of Regulation (EU) No 1025/2012, request one or more European standardisation organisations to draft European standards in support of the objectives of this Regulation.	(53) The Commission should, as provided in Article 10(1) of Regulation (EU) No 1025/2012, request one or more European standardisation organisations to draft European standards in support of the objectives of this Regulation.	(53) The Commission should, as provided in Article 10(1) of Regulation (EU) No 1025/2012, request one or more European standardisation organisations to draft European standards in support of the objectives of this Regulation. Trilogue 24/10/2023 Text Origin: Commission Proposal
Recital 54				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
63	(54) The Union has concluded Strategic Partnerships covering raw materials with third countries in order to implement the 2020 Action Plan on Critical Raw Materials. In order to diversify supply, these efforts should continue. To develop and ensure a coherent framework for the conclusion of future partnerships, the Member States and the Commission should, as part of their interaction on the Board, discuss and ensure coordination on, inter alia, whether existing partnerships achieve the intended aims, the prioritisation of third countries for new partnerships, the content of such partnerships and their coherence and potential synergies between Member States' bilateral cooperation with relevant third countries. The Union should seek mutually beneficial partnerships with emerging market and developing economies, in coherence with its Global Gateway strategy, which contribute to the diversification of its raw materials supply chain as well as add value in the production in these countries.	(54) The Union has concluded Strategic Partnerships covering raw materials with third countries in order to implement the 2020 Action Plan on Critical Raw Materials. In order to diversify supply, these efforts should ~~continue~~ intensify and lead to the establishment of Strategic Projects. To develop and ensure a coherent framework for the conclusion of future partnerships, and to develop a European raw materials diplomacy in line with the Union's energy and climate diplomacy. The Member States and the Commission should, as part of their interaction on the Board, discuss, analyse and ensure coordination on, inter alia, whether existing partnerships achieve the intended aims, the prioritisation of third countries for new partnerships, the content of such partnerships and their coherence and potential synergies between Member States' bilateral cooperation with relevant third countries and the availability of sufficient access to finance. The Union should seek mutually beneficial and sustainable partnerships with such third countries, including with emerging market and developing economies (EMDE), in coherence with its Global Gateway strategy, Team Europe approach, common	(54) The Union has concluded Strategic Partnerships covering raw materials with third countries in order to implement the 2020 Action Plan on Critical Raw Materials. In order to diversify supply, these efforts should continue. To develop and ensure a coherent framework for the conclusion of future partnerships, the Member States and the Commission should, as part of their interaction on the Board, ~~discuss and ensure coordination on~~, inter alia, whether existing partnerships achieve the intended aims, the prioritisation of third countries for new partnerships, the content of such partnerships and their coherence and potential synergies between Member States' bilateral cooperation with relevant third countries. This should be done without prejudice to the prerogatives of the Council in accordance with the Treaties. The Union should seek mutually beneficial partnerships with emerging market and developing economies, in coherence with its Global Gateway strategy, which contribute to the diversification of its raw materials supply chain as well as add value in the production in these countries.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		commercial policy and its development and foreign policy, which contribute to the diversification of its raw materials supply chain as well as add value in ~~the production in these~~ these countries. Further efforts should also be made to invest in cooperation with international like-minded partners participating in the internal market, candidate countries or like-minded third countries that are covered neither by a Strategic Partnership nor by a free trade agreement. Those mutual interests should include the promotion and protection of environmental standards, social and human rights protection in accordance with international and national legislation, in full respect of multilateral cooperation rules.		
Recital 54a				
63a		(54a) The Union's strategic priority to diversify its critical raw materials supply needs to become a priority of the Union's external action and diplomacy in the framework of the Team Europe approach and in line with its energy and climate external policy. The Union's raw materials external policy should aim at explaining the Union's approach		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		to resource-efficiency, sustainability, circularity and substitution as well as aim at cooperating and, if necessary, creating international fora for better coordination and transparency in the global raw materials markets as well as for platforms for joint purchase.		
Recital 55				
64	(55) In order to support the implementation of tasks pertaining to the development of Strategic Projects and their financing, exploration programmes, monitoring capacities or strategic stocks and to advise the Commission appropriately, a European Critical Raw Materials Board should be established. The Board should be composed of Member States and of the Commission, while being able to ensure participation of other parties as observers. To develop the necessary expertise for the implementation of certain tasks, the Board should establish standing sub-groups on financing, exploration, monitoring and strategic stocks, that should act as a network by gathering the different relevant national authorities and, when necessary, consult industry, academia, civil society and other relevant	(55) In order to support the implementation of tasks pertaining to the development of Strategic Projects and their financing, exploration programmes, monitoring capacities or strategic stocks and to advise the Commission appropriately, a European Critical Raw Materials Board should be established.– The Board should be composed of Member States, a representative of and ~~and of the~~ Commission, while being able to ensure participation of civil society and other parties as observers such as academics, civil society organisations, other Union institutions and Union agencies. To develop the necessary expertise for the implementation of certain tasks, the Board should establish standing sub-groups on financing, exploration, monitoring and strategic stocks as well as sustainability , that	(55) In order to support the implementation of tasks pertaining to the development of Strategic Projects and their financing, exploration programmes, monitoring capacities or strategic stocks and to advise the Commission appropriately, a European Critical Raw Materials Board should be established.– The Board should be composed of Member States and of the Commission, while being able to ensure participation of other parties as observers, such as industry and stakeholder organisations. To develop the necessary expertise for the implementation of certain tasks, the Board should establish standing sub-groups on financing, public acceptance , exploration, monitoring and strategic stocks, that should act as a network by gathering the different relevant national authorities and, when necessary, consult	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	stakeholders. The Board's advice and opinions should be non-binding and the absence of such an advice or opinion should not prevent the Commission from performing its tasks under this Regulation.	should act as a network by gathering the different relevant national authorities and, when necessary, consult industry, academia, civil society and other relevant stakeholders. The Board's advice and opinions should be non-binding and the absence of such an advice or opinion should not prevent the Commission from performing its tasks under this Regulation.	industry, academia, civil society and other relevant stakeholders. The Board's advice and opinions should be non-binding and the absence of such an advice or opinion should not prevent the Commission from performing its tasks under this Regulation.	
Recital 56				
65	(56) The absence of progress towards the objectives, including the capacity and diversification benchmarks, may indicate the need for adopting additional measures. The Commission should therefore monitor the progress towards those objectives.	(56) The absence of progress towards the objectives, including the capacity and diversification benchmarks, may indicate the need for adopting additional measures. The Commission should therefore monitor the progress towards those objectives.	(56) The absence of progress towards the objectives, including the capacity and diversification benchmarks, may indicate the need for adopting additional measures. The Commission should therefore monitor the progress towards those objectives.	(56) The absence of progress towards the objectives, including the capacity and diversification benchmarks, may indicate the need for adopting additional measures. The Commission should therefore monitor the progress towards those objectives. Trilogue 24/10/2023 Text Origin: Commission Proposal
Recital 57				
66	(57) To keep administrative burden put on Member States to a minimum, the different reporting obligations should be streamlined and the Commission should develop	(57) To keep administrative burden put on Member States and undertakings, especially SMEs , to a minimum, the different reporting obligations should be streamlined	(57) To keep administrative burden put on Member States to a minimum, the different reporting obligations should be streamlined, and the Commission should develop	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	a template allowing Member States to fulfil their reporting obligations on projects, exploration, monitoring or strategic stocks within a regularly published single document, that may be confidential or restricted.	and the Commission should develop a template allowing Member States to fulfil their reporting obligations on projects, exploration, ~~and monitoring or strategic stocks~~ within a regularly published single document, that may be confidential or restricted.	a template allowing Member States to fulfil their reporting obligations on projects, exploration, monitoring or strategic stocks within a regularly published single document, that may be confidential or restricted.	
Recital 58				
67	(58) In order to ensure trustful and constructive cooperation of competent authorities at Union and national levels, all parties involved in the application of this Regulation should respect the confidentiality of information and data obtained in carrying out their tasks. The Commission and the national competent authorities, their officials, civil servants and other persons working under the supervision of these authorities as well as officials and civil servants of other authorities of the Member States should not disclose information acquired or exchanged by them pursuant to this Regulation and of the kind covered by the obligation of professional secrecy. This should also apply to the European Critical Raw Materials Board. The data should be handled and stored in a secure environment.	(58) In order to ensure trustful and constructive cooperation of competent authorities at Union and national levels, all parties involved in the application of this Regulation should respect the confidentiality of information and data obtained in carrying out their tasks. The Commission and the national competent authorities, their officials, civil servants and other persons working under the supervision of these authorities as well as officials and civil servants of other authorities of the Member States should not disclose information acquired or exchanged by them pursuant to this Regulation and of the kind covered by the obligation of professional secrecy. This should also apply to the European Critical Raw Materials Board. The data should be handled and stored in a secure environment.	(58) In order to ensure trustful and constructive cooperation of competent authorities at Union and national levels, all parties involved in the application of this Regulation should respect the confidentiality of information and data obtained in carrying out their tasks. The Commission and the national competent authorities, their officials, civil servants and other persons working under the supervision of these authorities as well as officials and civil servants of other authorities of the Member States should not disclose information acquired or exchanged by them pursuant to this Regulation and of the kind covered by the obligation of professional secrecy. This should also apply to the European Critical Raw Materials Board. The data should be handled and stored in a secure environment.	(58) In order to ensure trustful and constructive cooperation of competent authorities at Union and national levels, all parties involved in the application of this Regulation should respect the confidentiality of information and data obtained in carrying out their tasks. The Commission and the national competent authorities, their officials, civil servants and other persons working under the supervision of these authorities as well as officials and civil servants of other authorities of the Member States should not disclose information acquired or exchanged by them pursuant to this Regulation and of the kind covered by the obligation of professional secrecy. This should also apply to the European Critical Raw Materials Board. The data should be handled and stored in a secure environment. Trilogue 24/10/2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Recital 59				
68	(59) When adopting delegated acts pursuant to Article 290 TFEU, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. ¹. OJ L123, 12.5. 2016, p. 1.	(59) When adopting delegated acts pursuant to Article 290 TFEU, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. ¹. OJ L123, 12.5. 2016, p. 1.	(59) When adopting delegated acts pursuant to Article 290 TFEU, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. ¹. [1] OJ L123, 12.5. 2016, p. 1.	
Recital 60				
69	(60) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the	(60) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the	(60) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Commission as regards: (a) specifying the templates to be used for applications for recognition of Strategic Projects, progress reports related to Strategic Projects, the national exploration programmes, and the reporting of Member States pertaining to exploration, monitoring, strategic stocks and circularity; (b) specifying which products, components and waste streams shall be considered to have a high critical raw materials recovery potential; and (c) determining the criteria and their application for the recognition of schemes related to the sustainability of critical raw materials. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. ¹. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13-18).	Commission as regards: (a) specifying the templates to be used for applications for recognition of Strategic Projects, progress reports related to Strategic Projects, the national exploration programmes, and the reporting of Member States pertaining to exploration, monitoring, strategic stocks and circularity; (b) specifying which products, components and waste streams shall be considered to have a high critical raw materials recovery potential; and (c) determining the criteria and their application for the recognition of schemes related to the sustainability of critical raw materials. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. ¹. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13-18).	Commission as regards: (a) specifying the templates to be used for applications for recognition of Strategic Projects, progress reports related to Strategic Projects, the national exploration programmes, and the reporting of Member States pertaining to exploration, monitoring, strategic stocks and circularity; (b)– specifying which products, components and waste streams shall be considered to have a high critical raw materials recovery potential; (b1) establishing the calculation and verification of strategic raw materials recovered from waste related to permanent magnets; and (c) determining the criteria and their application for the recognition of schemes related to the sustainability of critical raw materials. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. ¹. [1] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13-18).	
Recital 61				
70				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(61) To ensure that the obligations imposed under this Regulation are complied with, in particular as regards the fact that they comply with ecodesign requirements, companies that do not comply with their obligation, including on risk preparedness, project reporting and recyclability information, should be subject to penalties. It is therefore necessary that Member States lay down effective, proportionate and dissuasive penalties in national law for failure to comply with this Regulation.	(61) To ensure that the obligations imposed under this Regulation are complied with, in particular as regards the fact that they comply with ecodesign requirements, companies that do not comply with their obligation, including on risk preparedness, project reporting and recyclability information, should be subject to penalties. It is therefore necessary that Member States lay down effective, proportionate and dissuasive penalties in national law for failure to comply with this Regulation.	(61) To ensure that the obligations imposed under this Regulation are complied with, ~~in particular as regards the fact that they comply with ecodesign requirements,~~ companies that do not comply with their obligation, including on risk preparedness, project reporting and recyclability information, should be subject to penalties. It is therefore necessary that Member States lay down effective, proportionate and dissuasive penalties in national law for failure to comply with this Regulation.	(61) To ensure that the obligations imposed under this Regulation are complied with, ~~in particular as regards the fact that they comply with ecodesign requirements,~~ companies that do not comply with their obligation, including on risk preparedness, project reporting and recyclability information, should be subject to penalties. It is therefore necessary that Member States lay down effective, proportionate and dissuasive penalties in national law for failure to comply with this Regulation. <u>It is also necessary for Member States to ensure that projects promoters have access to, where relevant, administrative or judicial review in accordance with national law.</u> ITM 15 November 2023
Recital 62				
71	(62) The Commission should carry out an evaluation of this Regulation. Pursuant to paragraph 22 of the Interinstitutional Agreement on Better Law-Making, that evaluation should be based on the five criteria of efficiency, effectiveness, relevance, coherence and EU value added and should provide the basis for impact assessments of possible further measures. The Commission	(62) The Commission should carry out an evaluation of this Regulation. Pursuant to paragraph 22 of the Interinstitutional Agreement on Better Law-Making, that evaluation should be based on the five criteria of efficiency, effectiveness, relevance, coherence and EU value added and should provide the basis for impact assessments of possible further measures. The Commission	(62) The Commission should carry out an evaluation of this Regulation. Pursuant to paragraph 22 of the Interinstitutional Agreement on Better Law-Making, that evaluation should be based on the five criteria of efficiency, effectiveness, relevance, coherence and EU value added and should provide the basis for impact assessments of possible further measures. The Commission	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	should submit to the European Parliament, to the Council, the European Economic and Social Committee, a report on the implementation of this Regulation and progress towards achieving its objectives, including the capacity and diversification benchmarks. The report should also, based on the implementation of the measures related the transparency of the environmental footprint of critical raw materials, assess the appropriateness of establishing maximum thresholds related to the environmental footprint.	should submit to the European Parliament, to the Council, the European Economic and Social Committee, a report on the implementation of this Regulation and progress towards achieving its objectives, including the capacity and diversification benchmarks. The report should also, based on the implementation of the measures related the transparency of the environmental footprint of critical raw materials, assess the appropriateness of establishing maximum thresholds related to the environmental footprint.	should submit to the European Parliament, to the Council, and the European Economic and Social Committee, a report on the implementation of this Regulation and progress towards achieving its objectives, including the capacity and diversification benchmarks. The report should also, based on the implementation of the measures related the transparency of the environmental footprint of critical raw materials, assess the appropriateness of establishing maximum thresholds related to the environmental footprint. The Commission should also evaluate the need for benchmarks targeting 2040 and 2050 and for individual strategic raw materials.	
Recital 63				
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 application of Articles 107 and 108 the Treaty.	(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 the Treaty.	(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 the Treaty.	(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 <u>of</u> the Treaty. Trilogue 24/10/2023 Text Origin: EP Mandate
Recital 64				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
73	(64) Since the objectives of this Regulation, namely to improve the functioning of internal market establishing a framework to ensure the Union's access to a secure and sustainable supply of critical raw materials, cannot be sufficiently achieved by the Member States, but can rather, by reason of its scale and effects, only be achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,	(64) Since the objectives of this Regulation, namely to improve the functioning of internal market establishing a framework to ensure the Union's access to a secure and sustainable supply of critical raw materials, cannot be sufficiently achieved by the Member States, but can rather, by reason of its scale and effects, only be achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,	(64) Since the objectives of this Regulation, namely to improve the functioning of internal market establishing a framework to ensure the Union's access to a secure and sustainable supply of critical raw materials, cannot be sufficiently achieved by the Member States, but can rather, by reason of its scale and effects, only be achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,	(64) Since the objectives of this Regulation, namely to improve the functioning of internal market establishing a framework to ensure the Union's access to a secure and sustainable supply of critical raw materials, cannot be sufficiently achieved by the Member States, but can rather, by reason of its scale and effects, only be achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective, Trilogue 24/10/2023 Text Origin: Commission Proposal
Formula				
74	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION: Trilogue 24/10/2023 Text Origin: Commission Proposal

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Chapter 1				
75	Chapter 1 General provisions	Chapter 1 General provisions	Chapter 1 General provisions	Chapter 1 General provisions Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 1				
76	Article 1 Subject matter and objectives	Article 1 Subject matter and objectives	Article 1 Subject matter and objectives	Article 1 Subject matter and objectives Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 1(1)				
77	1. The general objective of this Regulation is to improve the functioning of the internal market by establishing a framework to ensure the Union's access to a secure and sustainable supply of critical raw materials.	1. The general objective of this Regulation is to improve the functioning of the internal market by establishing a framework to ensure the Union's access to an internationally competitive, secure, resilient and sustainable supply of critical raw materials of the Union, including by fostering sustainability, efficiency and circularity throughout the value chain.	1. The general objective of this Regulation is to improve the functioning of the internal market by establishing a framework to ensure the Union's access to a secure and sustainable supply of critical raw materials.	1. The general objective of this Regulation is to improve the functioning of the internal market by establishing a framework to ensure the Union's access to a secure, <u>resilient</u> and sustainable supply of critical raw materials, <u>including by fostering efficiency and circularity throughout the value chain.</u> Trilogue 24/10/2023 ITM 11 October Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1(2)				
78	2. To achieve the general objective referred to in paragraph 1, this Regulation aims to:	2. To achieve the general objective referred to in paragraph 1, this Regulation aims to:	2. To achieve the general objective referred to in paragraph 1, this Regulation ~~aims to~~ lays down measures aimed at:	2. To achieve the general objective referred to in paragraph 1, this Regulation ~~aims to~~ <u>lays down measures aimed at:</u> Trilogue 24/10/2023 ITM 11 October Text Origin: Council Mandate
Article 1(2), point (a)				
79	(a) strengthen the different stages of the strategic raw materials value chain with a view to 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:	(a) strengthen the different stages of the strategic raw materials value chain with ~~a view~~ the aim to 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:	(a) ~~strengthen the different stages of the strategic raw materials value chain with a view to 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:~~ lowering the risk of supply disruptions related to critical raw materials likely to distort competition and fragment the internal market, in particular by identifying and supporting strategic projects that contribute to lowering dependencies and diversifying imports;	(a) ~~strengthen the different stages of the strategic raw materials value chain with a view to 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:~~ <u>lowering the risk of supply disruptions related to critical raw materials</u> ~~value chain with a view to ensure that~~ <u>likely to distort competition and fragment the internal market, in particular by identifying and supporting strategic projects that contribute to lowering dependencies and diversifying imports and by undertaking efforts to incentivise technological progress and resource efficiency in order to moderate the expected increase in Union consumption of critical raw materials;</u> ~~by 2030, Union capacities for each strategic raw material have significantly increased so that, overall, Union capacity approaches or reaches the following benchmarks:~~ ITM 11 October ITM 14 November

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				Text Origin: Council Mandate
Article 1(2), point (a)(i)				
80	(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;	(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;	(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;	deleted Trilogue 24/10/2023 ITM 11 October
Article 1(2), point (a)(ii)				
81	(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;	(ii) Union processing capacity, including for all intermediate processing steps, is able to produce at least 40%50% of the Union's annual consumption of strategic raw materials; up to 20% of the Union's new processing capacity might be developed under strategic partnerships in emerging markets and developing countries;	(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;	deleted Trilogue 24/10/2023 ITM 11 October Text Origin: Council Mandate
Article 1(2), point (a)(iii)				
82	(iii) Union recycling capacity, including for all intermediate recycling steps, is able to produce at least 15% of the Union's annual consumption of strategic raw materials.	(iii) Union recycling capacity, including for all intermediate recycling steps, is able to produce at least +10% volume of recycling capacity based on the 2020-2022 baseline for each strategic raw	(iii) Union recycling capacity, including for all intermediate recycling steps, is able to produce at least 15% of the Union's annual consumption of strategic raw materials.	deleted Trilogue 24/10/2023 ITM 11 October Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		material to, at least collect, sort and process 45% of each ~~45% of the Union's annual consumption of strategic raw materials~~ material contained in the Union's waste taking into account technical and economic feasibility.		
Article 1(2), point (b)				
83	(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;	(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, while priority should be given to decrease dependency on non-reliable partners that do not share Union values, respect for human rights, democracy and rule of law;	~~(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;~~	<i>deleted</i> Trilogue 24/10/2023 ITM 11 October Text Origin: Council Mandaate
Article 1(2), point (c)				
84	(c) improve the Union's ability to monitor and mitigate the supply risk related to critical raw materials;	(c) improve the Union's ability to monitor and mitigate the supply risk related to critical raw materials both in the short term and long term taking international competitiveness fully into account;	(c) ~~improve~~ improving the Union's ability to monitor and mitigate the supply risk related to critical raw materials;	(c) ~~improve~~improving the Union's ability to monitor and mitigate the supply risk related to critical raw materials; Trilogue 24/10/2023 ITM 11 October Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 1(2), point (d)			
85	(d) ensure the free movement of critical raw materials and products containing critical raw materials placed on the Union market while ensuring a high level of environmental protection, by improving their circularity and sustainability.	(d) ensure the free movement of critical raw materials and products containing critical raw materials placed on the Union market while ensuring a high level of environmental protection and sustainability , by improving their circularity, durability, repairability and cost efficient availability on the internal market; and sustainability.	(d) ~~ensure~~ ensuring the free movement of critical raw materials and products containing critical raw materials placed on the Union market while ensuring a high level of environmental protection, by improving their circularity and sustainability.	(d) ~~ensure~~ ensuring the free movement of critical raw materials and products containing critical raw materials placed on the Union market while ensuring a high level of environmental protection and sustainability, including , by improving their circularity ~~and sustainability~~ . Trilogue 24/10/2023 ITM 11 October Text Origin: Council Mandate
	Article 1(2), point (da)			
85a		(da) promote development and deployment of substitute raw materials by fostering production methods to substitute raw materials and research and development of alternative innovative materials to lower the Union's environmental footprint;		<i>deleted</i>
	Article 1(2), point (db)			
85b		(db) mitigate the Union's increase in demand of critical raw materials, including by increasing efficiency and the uptake of		<i>deleted</i>

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		material substitution throughout the value chains with the aim to consume less critical raw materials than according to the projected reference scenario as a result of paragraph 4b;		
Article 1(2), point (dc)				
G	85c	(dc) increase the share of secondary raw materials within the Union's consumption of strategic raw materials.		deleted Trilogue 24/10/2023 ITM 11 October
Article 1(3)				
G	86	3. Where, based on the report referred to in Article 42, the Commission concludes that the Union is likely not to achieve the objectives set out in paragraph 2, it shall assess the feasibility and proportionality of proposing measures or exercising its powers at Union level in order to ensure the achievement of those objectives.	3. Where, based on the report referred to in Article 42, the Commission concludes that the Union is likely not to achieve the objectives set out in paragraph 2, it shall assess the feasibility and proportionality of proposing measures or exercising its powers at Union level in order to ensure the achievement of those objectives.	deleted Trilogue 24/10/2023 ITM 11 October Text Origin: Council Mandate
Article 1(4)				
Y	87	4. The Commission shall take into account the objectives and benchmarks laid down in paragraph 2, point a(iii), as related Union priorities within the meaning of	4. The Commission shall take into account the objectives and benchmarks laid down in paragraph 2, point a(iii), as related Union priorities in all relevant Union law,	deleted ITM 11 October

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 5(4)(a)(i) of Regulation XX/XXXX [OP please insert: the Ecodesign for Sustainable Products Regulation], when preparing ecodesign requirements to improve the following product aspects: durability, reusability, reparability, resource use or resource efficiency, possibility of remanufacturing and recycling, recycled content and possibility of recovery of materials.	including within the meaning of Article 5(4)(a)(i) of Regulation XX/XXXX [OP please insert: the Ecodesign for Sustainable Products Regulation], when preparing ecodesign requirements to improve the following product aspects: durability, reusability, reparability, resource use or resource efficiency, possibility of remanufacturing and recycling, recycled content and possibility of recovery of materials.	~~Article 5(4)(a)(i) of Regulation XX/XXXX [OP please insert: the Ecodesign for Sustainable Products Regulation], when preparing ecodesign requirements to improve the following product aspects: durability, reusability, reparability, resource use or resource efficiency, possibility of remanufacturing and recycling, recycled content and possibility of recovery of materials.~~	<i>Text Origin: Council Mandate</i>
Article 1(4a)				
g	87a	4a. The value chains created and strengthened as a result of this Regulation both in the Union and in third countries shall be further strengthened after 2030. The Commission shall take this into account when conducting the review referred to in Article 46.		<i>deleted</i> <i>ITM 11 October</i>
Article 1(4b)				
y	87b	4b. The Commission shall, by means of a delegated act adopted by [3 months after the entry into force of this Regulation] in accordance with Article 36, provide projections of annual consumption of critical raw materials until 2050 with intermediary milestones and		<i>deleted</i> <i>Some elements to be moved to art 42, Commission to redraft</i> <i>ITM 11 October</i>

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		update them at least every 4 years. Those projections shall be based on a technology-rich bottom-up cost optimisation input-output modelling exercise, extending existing data and reports produced by the Commission's Joint Research Centre (JRC) considering different scenarios, including low and high demand scenarios as well as a reference scenario. These projections shall be disaggregated at the level of each Member State or below, and covering all the economic sectors. This shall include the critical raw materials incorporated in intermediate or final products placed on the Union market, and be in line with the Union's energy and climate objectives and with the ambitions enshrined into the [Net-Zero Industrial Act].	PUBLIC	
Article 2				
88	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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:	For the purposes of this Regulation, the following definitions shall apply: Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (1)				
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;	(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; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (2)				
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;	(2) 'critical raw materials' means the raw materials as defined in Article 4; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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;	(3) 'strategic raw materials' means the raw materials as defined in Article 3; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (4)				
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;	(4) 'raw materials value chain' means all activities and processes involved in the exploration, extraction, processing and recycling of raw materials; Text Origin: Commission Proposal
Article 2, first paragraph, point (5)				
94	(5) 'exploration' means all activities aimed at identifying and establishing the properties of mineral occurrences;	(5) 'exploration' means all activities aimed at identifying and establishing the properties of mineral occurrences;	(5) 'exploration' means all activities aimed at identifying and establishing the properties of mineral occurrences;	(5) 'exploration' means all activities aimed at identifying and establishing the properties of mineral occurrences; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (6)				
95	(6) 'extraction' means the primary	(6) 'extraction' means the primary	(6) 'extraction' means the primary	(6) 'extraction' means the <i>primary</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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;	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;	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;	extraction of ores, minerals and plant products from their original source <u>as a main product or as a by-product</u> , including from a mineral occurrence underground, mineral occurrence under <u>and from</u> water, sea brine and trees; Text Origin: EP Mandate
Article 2, first paragraph, point (7)				
96	(7) 'Union extraction capacity' means an aggregate of the maximum annual production volumes of extractive operations for ores, minerals, plant products and concentrates containing strategic raw materials, including processing operations that are typically located at or near the extraction site, located in the Union;	(7) 'Union extraction capacity' means an aggregate of the maximum annual production volumes of extractive operations for ores, minerals, plant products and concentrates containing strategic raw materials, including processing operations that are typically located at or near the extraction site, located in the Union;	(7) 'Union extraction capacity' means an aggregate of the maximum annual production volumes of extractive operations for ores, minerals, plant products and concentrates containing strategic raw materials, including processing operations that are typically located at or near the extraction site, located in the Union;	(7) 'Union extraction capacity' means an aggregate of the maximum annual production volumes of extractive operations for ores, minerals, plant products and concentrates containing strategic raw materials, including processing operations that are typically located at or near the extraction site, located in the Union; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (7a)				
96a			(7a) 'mineral occurrences' means any single mineral or combination of minerals occurring in a mass or deposit of potential economic interest;	<u>(7a) 'mineral occurrences' means any single mineral or combination of minerals occurring in a mass or deposit of potential economic interest;</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				ITM 7 November 2023 Text Origin: Council Mandate
Article 2, first paragraph, point (8)				
97	(8) 'reserves' means all mineral occurrences that are economically viable to extract;	(8) 'reserves' means all mineral occurrences that are economically viable to extract at a given market context ;	(8) 'reserves' means all mineral occurrences that are economically viable to extract;	(8) 'reserves' means all mineral occurrences that are economically viable to extract <u>at a given market context</u> ; ITM 7 November 2023 Text Origin: EP Mandate
Article 2, first paragraph, point (9)				
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 ;	(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, <u>including but not limited to beneficiation, separation, smelting and refining, and excluding metal working and further transformation into intermediate and final goods</u> ; ITM 7 November 2023 Text Origin: Council Mandate
Article 2, first paragraph, point (10)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	99 (10) ‘Union processing capacity’ means an aggregate of the maximum annual production volumes of processing operations for strategic raw materials, excluding such operations that are typically located at or near the extraction site, located in the Union;	(10) ‘Union processing capacity’ means an aggregate of the maximum annual production volumes of processing operations for strategic raw materials, excluding such operations that are typically located at or near the extraction site, located in the Union;	(10) ‘Union processing capacity’ means an aggregate of the maximum annual production volumes of processing operations for strategic raw materials, excluding such operations that are typically located at or near the extraction site, located in the Union;	(10) ‘Union processing capacity’ means an aggregate of the maximum annual production volumes of processing operations for strategic raw materials, excluding such operations that are typically located at or near the extraction site, located in the Union; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (11)				
G	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;	(11) ‘recycling’ means ~~any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes~~ <u>recycling within the meaning of Directive 2008/98/EC;</u> ITM 7 November 2023 Text Origin: Council Mandate
Article 2, first paragraph, point (12)				
Y	101 (12) ‘Union recycling capacity’ means an aggregate of the maximum annual production volume of recycling operations for strategic raw materials, including the sorting	(12) ‘Union recycling capacity’ means an aggregate of the maximum annual production volume of recycling operations for strategic raw materials, including the sorting	(12) ‘Union recycling capacity’ means an aggregate of the maximum annual production volume of recycling operations for strategic raw materials, including the sorting	(12) ‘Union recycling capacity’ means an aggregate of the maximum annual production volume of recycling operations for strategic raw materials <u>[after re-processing]</u> .

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and pre-treatment of waste and its processing into secondary raw materials, located in the Union;	and pre-treatment of waste, including black mass , and its processing into secondary raw materials, located in the Union;	~~and pre-treatment~~ reprocessing of waste and its processing into secondary raw materials, located in the Union;	including the sorting and pre-treatment of waste, and its processing into secondary raw materials, located in the Union; Text Origin: EP Mandate
Article 2, first paragraph, point (13)				
102	(13) ‘annual consumption of strategic raw materials’ means an aggregate of the amount of strategic raw materials consumed by undertakings established in the Union in processed form, excluding strategic raw materials incorporated in intermediate or final products placed on the Union market;	(13) ‘annual consumption of strategic raw materials’ means an aggregate of the amount of strategic raw materials consumed by undertakings established in the Union in processed form, excluding strategic raw materials incorporated in intermediate or final products placed on the Union market;	(13) ‘annual consumption of strategic raw materials’ means an aggregate of the amount of strategic raw materials consumed by undertakings established in the Union in processed form, excluding strategic raw materials incorporated in intermediate or final products placed on the Union market;	(13) ‘annual consumption of strategic raw materials’ means an aggregate of the amount of strategic raw materials consumed by undertakings established in the Union in processed form, excluding strategic raw materials incorporated in intermediate or final products placed on the Union market; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (14)				
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;	(14) ‘supply risk’ means supply risk as calculated in line with Annex II; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (15)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	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;	(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; Trilogue 24/10/2023 Text Origin: Commission Proposal
	Article 2, first paragraph, point (15a)			
Y	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;	
	Article 2, first paragraph, point (16)			
G	105 (16) ‘off-taker’ means an undertaking that has entered into an off-take agreement with a project promoter;	(16) ‘off-taker’ means an undertaking that has entered into an off-take agreement with a project promoter;	(16) ‘off-taker’ means an undertaking that has entered into an off-take agreement with a project promoter;	(16) ‘off-taker’ means an undertaking that has entered into an off-take agreement with a project promoter; Trilogue 24/10/2023 Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (17)				
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;	(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; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (18)				
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;	(18) ‘project promoter’ means any undertaking or consortium of undertakings developing a raw material project; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (19)				
108	(19) ‘permit granting process’ means a process covering all	(19) ‘permit granting process’ means a process covering all	(19) ‘permit granting process’ means a process covering all	(19) ‘permit granting process’ means a process covering all

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	relevant administrative permits to plan, build and operate the Strategic Projects referred to in Article 5, including building, 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);	relevant administrative permits to plan, build and operate the Strategic Projects referred to in Article 5, including building, 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);	relevant administrative permits to plan, build and operate the Strategic Projects referred to in Article 5, including building, chemical and grid 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);	relevant ~~administrative~~ permits to ~~plan~~ , build and operate the Strategic Projects referred to in Article 5, including building, 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~~ <u>that the application is complete</u> to the notification of the comprehensive decision on the outcome of the procedure by the responsible ~~national competent authority~~ <u>one stop shop/point of single contact</u> referred to in Article 8(1); ITM 7 November 2023 Text Origin: Council Mandate
Article 2, first paragraph, point (20)				
109	(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;	(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;	(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;	(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;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				ITM 7 November 2023 COUNCIL HOMEWORK Text Origin: Council Mandate
Article 2, first paragraph, point (20a)				
109a			(20a) ‘national programme’ means a national programme or a set of programmes prepared and adopted by national and regional authorities;	<u>(20a) ‘national programme’ means a national programme or a compiled set of programmes, covering the entire territory, prepared and adopted by national and regional authorities;</u> ITM 7 November 2023 Text Origin: Council Mandate
Article 2, first paragraph, point (21)				
110	(21) ‘general exploration’ means exploration at national or regional level, not including targeted exploration;	(21) ‘general exploration’ means exploration at national or regional level, not including targeted exploration;	(21) ‘general exploration’ means exploration at national or regional level, not including targeted exploration;	(21) ‘general exploration’ means exploration at national or regional level, not including targeted exploration; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (22)				
111	(22) ‘targeted exploration’ means the detailed investigation of an	(22) ‘targeted exploration’ means the detailed investigation of an	(22) ‘targeted exploration’ means the detailed investigation of an	(22) ‘targeted exploration’ means the detailed investigation of an

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	individual mineral occurrence;	individual mineral occurrence;	individual mineral occurrence;	individual mineral occurrence; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (23)				
112	(23) ‘deep ore deposits’ means mineral occurrences that are located deeper in the Earth’s crust than conventionally exploited ore occurrences;	(23) ‘deep ore deposits’ means mineral occurrences that are located deeper in the Earth’s crust than conventionally exploited ore occurrences;	(23) ‘ ~~deep ore deposits~~ ’ means ~~mineral occurrences that are located deeper in the Earth’s crust than conventionally exploited ore occurrences;~~	
Article 2, first paragraph, point (24)				
113	(24) ‘predictive map’ means a map indicating areas that are likely to contain mineral occurrences of a given raw material;	(24) ‘predictive map’ means a map indicating areas that are likely to contain mineral occurrences of a given raw material;	(24) ‘predictive map’ means a map indicating areas that are likely to contain mineral occurrences of a given raw material;	(24) ‘predictive map’ means a map indicating areas that are likely to contain mineral occurrences of a given raw material; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (25)				
114	(25) ‘supply disruption’ means the unexpected significant decrease in the availability of a raw material or significant increase in the price of a raw material;	(25) ‘supply disruption’ means the unexpected significant decrease in the availability of a raw material or significant increase in the price of a raw material beyond normal market price volatility;	(25) ‘supply disruption’ means the unexpected significant decrease in the availability of a raw material or significant increase in the price of a raw material;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (26)				
115	(26) 'raw materials supply chain' means all activities and processes of the raw materials value chain up to the point where a raw material is used as an input for the manufacturing of intermediate or final products;	(26) 'raw materials supply chain' means all activities and processes of the raw materials value chain up to the point where a raw material is used as an input for the manufacturing of intermediate or final products;	(26) 'raw materials supply chain' means all activities and processes of the raw materials value chain up to the point where a raw material is used as an input for the manufacturing of intermediate or final products;	(26) 'raw materials supply chain' means all activities and processes of the raw materials value chain up to the point where a raw material is used as an input for the manufacturing of intermediate or final products; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (27)				
116	(27) 'mitigation strategies' means the policies developed by an economic operator to limit the likelihood of a supply disruption to its supply chain or to mitigate the damages caused by such a disruption to its economic activity;	(27) 'mitigation strategies' means the policies developed by an economic operator to limit the likelihood of a supply disruption to its supply chain or to mitigate the damages caused by such a disruption to its economic activity;	(27) 'mitigation strategies' means the policies developed by an economic operator to limit the likelihood of a supply disruption to its supply chain or to mitigate the damages caused by such a disruption to its economic activity;	(27) 'mitigation strategies' means the policies developed by an economic operator to limit the likelihood of a supply disruption to its supply chain or to mitigate the damages caused by such a disruption to its economic activity; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (28)				
117	(28) 'key market operators' means producers involved in the extraction,	(28) 'key market operators' means producers involved in the extraction,	(28) 'key market operators' means producers involved in the extraction,	(28) <u>'key market operators' means undertakings in the Union's critical</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	processing or recycling of critical raw materials, traders and distributors of critical raw materials, and downstream companies consuming significant amounts of critical raw materials;	processing or recycling of critical raw materials, traders and distributors of critical raw materials, and downstream companies consuming significant amounts of critical raw materials;	processing or recycling of critical raw materials, traders and distributors of critical raw materials, and downstream companies consuming significant amounts of critical raw materials;	<u>raw materials supply chain, the reliable functioning of which is essential for the supply of critical raw materials;</u> ~~'key market operators' means producers involved in the extraction, processing or recycling of critical raw materials, traders and distributors of critical raw materials, and downstream companies consuming significant amounts of critical raw materials;~~ 28/09/2023 ITM ITM 7 November 2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (29)				
118	(29) 'strategic stock' means a quantity of a particular raw material in whichever form that is stored by a public or private operator with a view to releasing it in the event of a supply disruption;	(29) 'strategic stock' means a quantity of a particular raw material in whichever form that is stored by a public or private operator with a view to releasing it in the event of a supply disruption;	(29) 'strategic stock' means a quantity of a particular raw material in whichever form that is stored by a public or private operator with a view to releasing it in the event of a supply disruption;	(29) 'strategic stock' means a quantity of a particular raw material in whichever form that is stored by a public or private operator with a view to releasing it in the event of a supply disruption; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (30)				
119	(30) 'large company' means any company that had more than 500	(30) 'large company' means any company that had more than 500	(30) 'large company' means any company that had more than 500	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	employees on average and had a net worldwide turnover of more than EUR 150 million in the last financial year for which annual financial statements have been prepared;	employees on average and that had a net worldwide turnover of more than EUR 150 million in the last financial year for which annual financial statements have been prepared;	employees on average and had a net worldwide turnover of more than EUR 150 million in the last financial year for which annual financial statements have been prepared;	
Article 2, first paragraph, point (31)				
120	(31) ‘strategic technologies’ means the technologies needed for the green and digital transitions as well as for defence and space applications;	(31) ‘strategic technologies’ means the technologies needed for the green and digital transitions as well as for defence and ~~space~~ aerospace applications;	(31) ‘strategic technologies’ means the key technologies ~~needed~~ instrumental for the green and digital transitions as well as for defence and space applications;	
Article 2, first paragraph, point (32)				
121	(32) ‘board of directors’ means the administrative or supervisory body responsible for supervising the executive management of the company, or, if no such body exists, the person or persons performing equivalent functions;	(32) ‘board of directors’ means the administrative or supervisory body responsible for supervising the executive management of the company, or, if no such body exists, the person or persons performing equivalent functions;	(32) ‘board of directors’ means the administrative or supervisory body responsible for supervising the executive management of the company, or, if no such body exists, the person or persons performing equivalent functions;	(32) ‘board of directors’ means the administrative or supervisory body responsible for supervising the executive management of the company, or, if no such body exists, the person or persons performing equivalent functions; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (32a)				
121a			(32a) ‘waste’ means waste within the meaning of Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			2008/98/EC;	
Article 2, first paragraph, point (33)				
122	(33) ‘collection’ means the gathering of waste, including the preliminary sorting and preliminary storage of waste for the purposes of transport to a waste treatment facility;	(33) ‘collection’ means the gathering of waste, including the preliminary sorting and preliminary storage of waste for the purposes of transport to a waste treatment facility;	(33) ‘collection’ means ~~the gathering of waste, including the preliminary sorting and preliminary storage of waste for the purposes of transport to a waste treatment facility~~ collection within the meaning of Directive 2008/98/EC;	
Article 2, first paragraph, point (34)				
123	(34) ‘treatment’ means recovery or disposal operations, including preparation prior to recovery or disposal;	(34) ‘treatment’ means recovery or disposal operations, including preparation prior to recovery or disposal;	(34) ‘treatment’ means ~~recovery or disposal operations, including preparation prior to recovery or disposal~~ treatment within the meaning of Directive 2008/98/EC;	
Article 2, first paragraph, point (35)				
124	(35) ‘recovery’ means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy;	(35) ‘recovery’ means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy;	(35) ‘recovery’ means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy or extraction from mining waste;	
Article 2, first paragraph, point (35a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
124a			(35a) 're-use' means re-use within the meaning of Directive 2008/98/EC;	
Article 2, first paragraph, point (36)				
125	(36) 'extractive waste' means extractive waste within the meaning of Directive 2006/21/EC;	(36) 'extractive waste' means extractive waste within the meaning of Directive 2006/21/EC;	(36) 'extractive waste' means extractive waste within the meaning of Directive 2006/21/EC;	(36) 'extractive waste' means extractive waste within the meaning of Directive 2006/21/EC; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (37)				
126	(37) 'extractive waste facility' means waste facility within the meaning of Directive 2006/21/EC;	(37) 'extractive waste facility' means waste facility within the meaning of Directive 2006/21/EC;	(37) 'extractive waste facility' means waste facility within the meaning of Directive 2006/21/EC;	(37) 'extractive waste facility' means waste facility within the meaning of Directive 2006/21/EC; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (38)				
127	(38) 'preliminary economic assessment' means an early-stage, conceptual assessment of the potential economic viability of a raw material project for the recovery of critical raw materials from extractive	(38) 'preliminary economic assessment' means an early-stage, conceptual assessment of the potential economic viability of a raw material project for the recovery of critical raw materials from extractive	(38) 'preliminary economic assessment' means an early-stage, conceptual assessment of the potential economic viability of a raw material project for the recovery of critical raw materials from extractive	(38) 'preliminary economic assessment' means an early-stage, conceptual assessment of the potential economic viability of a raw material project for the recovery of critical raw materials from extractive

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	waste;	waste;	waste;	waste; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (39)				
128	(39) ‘magnetic resonance imaging device’ means a non-invasive medical device that uses magnetic fields to make anatomical images or any other device that uses magnetic fields to make images of the inside of object;	(39) ‘magnetic resonance imaging device’ means a non-invasive medical device that uses magnetic fields to make anatomical images or any other device that uses magnetic fields to make images of the inside of object;	(39) ‘magnetic resonance imaging device’ means a non-invasive medical device that uses magnetic fields to make anatomical images or any other device that uses magnetic fields to make images of the inside of object;	(39) ‘magnetic resonance imaging device’ means a non-invasive medical device that uses magnetic fields to make anatomical images or any other device that uses magnetic fields to make images of the inside of object; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (40)				
129	(40) ‘wind energy generator’ means the part of an onshore or offshore wind turbine that converts the mechanical energy of the rotor into electrical energy;	(40) ‘wind energy generator’ means the part of an onshore or offshore wind turbine that converts the mechanical energy of the rotor into electrical energy;	(40) ‘wind energy generator’ means the part of an onshore or offshore wind turbine that converts the mechanical energy of the rotor into electrical energy;	(40) ‘wind energy generator’ means the part of an onshore or offshore wind turbine that converts the mechanical energy of the rotor into electrical energy; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (41)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
130	(41) ‘industrial robot’ means an automatically controlled, reprogrammable, multipurpose manipulator, programmable in three or more axes, which can either be fixed or mobile for use in industrial automation applications;	(41) ‘industrial robot’ means an automatically controlled, reprogrammable, multipurpose manipulator, programmable in three or more axes, which can either be fixed or mobile for use in industrial automation applications;	(41) ‘industrial robot’ means an automatically controlled, reprogrammable, multipurpose manipulator, programmable in three or more axes, which can either be fixed or mobile for use in industrial automation applications;	(41) ‘industrial robot’ means an automatically controlled, reprogrammable, multipurpose manipulator, programmable in three or more axes, which can either be fixed or mobile for use in industrial automation applications; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (42)				
131	(42) ‘motor vehicle’ means any type-approved vehicle of the M or N categories in the meaning of Regulation (EU) 2018/858;	(42) ‘motor vehicle’ means any type-approved vehicle of the M or N categories in the meaning of Regulation (EU) 2018/858;	(42) ‘motor vehicle’ means any type-approved vehicle of the M or N categories in the meaning of Regulation (EU) 2018/858;	(42) ‘motor vehicle’ means any type-approved vehicle of the M or N categories in the meaning of Regulation (EU) 2018/858; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (43)				
132	(43) ‘light means of transport’ means any wheeled vehicle that can be powered by the electric motor alone or by a combination of motor and human power, including electric scooters, electric bicycles and type-approved vehicles of category L in the meaning of Regulation (EU) No	(43) ‘light means of transport’ means any wheeled vehicle that can be powered by the electric motor alone or by a combination of motor and human power, including electric scooters, electric bicycles and type-approved vehicles of category L in the meaning of Regulation (EU) No	(43) ‘light means of transport’ means any wheeled vehicle that can be powered by the electric motor alone or by a combination of motor and human power, including electric scooters, electric bicycles and type-approved vehicles of category L in the meaning of Regulation (EU) No	(43) ‘light means of transport’ means any <u>light</u> wheeled vehicle that can be powered by the electric motor alone or by a combination of motor and human power, including electric scooters, electric bicycles and type-approved vehicles of category L in the meaning of Regulation (EU) No

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	168/2013;	168/2013;	168/2013;	168/2013; ITM 31 October Text Origin: Commission Proposal
Article 2, first paragraph, point (44)				
133	(44) ‘cooling generator’ means the part of a cooling system that generates a temperature difference allowing heat extraction from the space or process to be cooled, using an electric vapour compression cycle;	(44) ‘cooling generator’ means the part of a cooling system that generates a temperature difference allowing heat extraction from the space or process to be cooled, using an electric vapour compression cycle;	(44) ‘cooling generator’ means the part of a cooling system that generates a temperature difference allowing heat extraction from the space or process to be cooled, using an electric vapour compression cycle;	(44) ‘cooling generator’ means the part of a cooling system that generates a temperature difference allowing heat extraction from the space or process to be cooled, using an electric vapour compression cycle; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (45)				
134	(45) ‘heat pump’ means the part of a heating system that generates a temperature difference allowing heat supply to the space or process to be heated, using an electric vapour compression cycle;	(45) ‘heat pump’ means the part of a heating system that generates a temperature difference allowing heat supply to the space or process to be heated, using an electric vapour compression cycle;	(45) ‘heat pump’ means the part of a heating system that generates a temperature difference allowing heat supply to the space or process to be heated, using an electric vapour compression cycle;	(45) ‘heat pump’ means the part of a heating system that generates a temperature difference allowing heat supply to the space or process to be heated, using an electric vapour compression cycle; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (46)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
135	(46) ‘electric motor’ means a device that converts electrical input power into mechanical output power, and with a rated output equal to or above 0.12 kW ;	(46) ‘electric motor’ means a device that converts electrical input power into mechanical output power, and with a rated output equal to or above 0.12 kW ;	(46) ‘electric motor’ means a device that converts electrical input power into mechanical output power, ~~and~~ an electric motor in the meaning of Article 2(1) of Regulation (EU) 2019/17811, in its version of 1 October 2019 , with a rated output equal to or above 0.12 kW-;	
Article 2, first paragraph, point (47)				
136	(47) ‘automatic washing machine’ means a washing machine where the load is fully treated by the washing machine without the need for user intervention at any point during the programme;	(47) ‘automatic washing machine’ means a washing machine where the load is fully treated by the washing machine without the need for user intervention at any point during the programme;	(47) ‘automatic washing machine’ means ~~aan~~ an automatic washing machine ~~where the load is fully treated by the washing machine without the need for user intervention at any point during the programme~~ in the meaning of Articles 2(2) of Commission Regulation (EU) 2019/2023, in its version of 1 October 2019 ;	
Article 2, first paragraph, point (48)				
137	(48) ‘tumble dryer’ means an appliance in which textiles are dried by tumbling in a rotating drum through which heated air is passed;	(48) ‘tumble dryer’ means an appliance in which textiles are dried by tumbling in a rotating drum through which heated air is passed;	(48) ‘tumble ~~dryer~~ drier ’ means an appliance in which textiles are dried by tumbling in a rotating drum through which heated air is passed;	
Article 2, first paragraph, point (49)				
138	(49) ‘microwave’ means any	(49) ‘microwave’ means any	(49) ‘microwave’ means any	(49) ‘microwave’ means any

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	appliance intended to be used for the heating of food using electromagnetic energy;	appliance intended to be used for the heating of food using electromagnetic energy;	appliance intended to be used for the heating of food using electromagnetic energy;	appliance intended to be used for the heating of food using electromagnetic energy; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (50)				
139	(50) ‘vacuum cleaner’ means an appliance that removes soil from a surface to be cleaned by means of an airflow created by under pressure developed within the unit;	(50) ‘vacuum cleaner’ means an appliance that removes soil from a surface to be cleaned by means of an airflow created by under pressure developed within the unit;	(50) ‘vacuum cleaner’ means ~~an appliance that removes soil from a surface to be cleaned by means of an airflow created by under pressure developed within the unit~~ a vacuum cleaner within the meaning of Article 2, point 1 of Commission Regulation (EU) 2013/666, in its version of 30 November 2016;	
Article 2, first paragraph, point (51)				
140	(51) ‘dishwasher’ means a machine which cleans and rinses tableware;	(51) ‘dishwasher’ means a machine which cleans and rinses tableware;	(51) ‘dishwasher’ means a machine which cleans and rinses tableware;	(51) ‘dishwasher’ means a machine which cleans and rinses tableware; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (52)				
141	(52) ‘permanent magnet’ means a magnet that retains its magnetism	(52) ‘permanent magnet’ means a magnet that retains its magnetism	(52) ‘permanent magnet’ means a magnet that retains its magnetism	(52) ‘permanent magnet’ means a magnet that retains its magnetism

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	after being removed from an external magnetic field;	after being removed from an external magnetic field;	after being removed from an external magnetic field;	after being removed from an external magnetic field; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (53)				
142	(53) ‘data carrier’ means a linear bar code symbol, a two-dimensional symbol or other automatic identification data capture medium that can be read by a device;	(53) ‘data carrier’ means a linear bar code symbol, a two-dimensional symbol or other automatic identification data capture medium that can be read by a device;	(53) ‘data carrier’ means a linear bar code symbol, a two-dimensional symbol or other automatic identification data capture medium that can be read by a device;	(53) ‘data carrier’ means a linear bar code symbol, a two-dimensional symbol or other automatic identification data capture medium that can be read by a device; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (54)				
143	(54) ‘unique product identifier’ means a unique string of characters for the identification of products;	(54) ‘unique product identifier’ means a unique string of characters for the identification of products;	(54) ‘unique product identifier’ means a unique string of characters for the identification of products;	(54) ‘unique product identifier’ means a unique string of characters for the identification of products; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (55)				
144	(55) ‘magnet coating’ means a layer of material generally used to protect	(55) ‘magnet coating’ means a layer of material generally used to protect	(55) ‘magnet coating’ means a layer of material generally used to protect	(55) ‘magnet coating’ means a layer of material generally used to protect

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	magnets from corrosion;	magnets from corrosion;	magnets from corrosion;	magnets from corrosion; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (56)				
145	(56) 'removal' means manual, mechanical, chemical, thermal or metallurgic handling with the result that the targeted components or materials are identifiable as a separate output stream or part of an output stream;	(56) 'removal' means manual, mechanical, chemical, thermal or metallurgic handling with the result that the targeted components or materials are identifiable as a separate output stream or part of an output stream;	(56) 'removal' means manual, mechanical, chemical, thermal or metallurgic handling with the result that the targeted components or materials are identifiable as a separate output stream or part of an output stream;	(56) 'removal' means manual, mechanical, chemical, thermal or metallurgic handling with the result that the targeted components or materials are identifiable as a separate output stream or part of an output stream; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (57)				
146	(57) 'recycler' means any natural or legal person who carries out recycling in a permitted facility;	(57) 'recycler' means any natural or legal person who carries out recycling in a permitted facility;	(57) 'recycler' means any natural or legal person who carries out recycling in a permitted facility;	(57) 'recycler' means any natural or legal person who carries out recycling in a permitted facility; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (58)				
147	(58) 'making available on the	(58) 'making available on the	(58) 'making available on the	(58) 'making available on the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	market’ means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;	market’ means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;	market’ means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;	market’ means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (59)				
148	(59) ‘critical raw material type’ means a critical raw material placed on the market that is differentiated by its stage of processing, its chemical composition, its geographical origin or the production methods used;	(59) ‘critical raw material type’ means a critical raw material placed on the market that is differentiated by its stage of processing, its chemical composition, its geographical origin or the production methods used;	(59) ‘critical raw material type’ means a critical raw material placed on the market that is differentiated by its stage of processing, its chemical composition, its geographical origin or the production methods used;	(59) ‘critical raw material type’ means a critical raw material placed on the market that is differentiated by its stage of processing, its chemical composition, its geographical origin or the production methods used; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 2, first paragraph, point (60)				
149	(60) ‘placing on the market’ means the first making available of a product on the Union market;	(60) ‘placing on the market’ means the first making available of a product on the Union market;	(60) ‘placing on the market’ means the first making available of a product on the Union market;	(60) ‘placing on the market’ means the first making available of a product on the Union market; Trilogue 24/10/2023 Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 2, first paragraph, point (61)			
150	(61) ‘conformity assessment’ means the process demonstrating whether the requirements set out Article 27, 28 or 34 have been fulfilled;	(61) ‘conformity assessment’ means the process demonstrating whether the requirements set out Article 27, 28 or 34 have been fulfilled;	(61) ‘conformity assessment’ means the process demonstrating whether the requirements set out Article 27, 28 or 34 have been fulfilled;	(61) ‘conformity assessment’ means the process demonstrating whether the requirements set out Article 27, 28 or 34 have been fulfilled; Trilogue 24/10/2023 Text Origin: Commission Proposal
	Article 2, first paragraph, point (62)			
151	(62) ‘Strategic Partnership’ means a commitment between the Union and a third country to increase cooperation related to the raw materials value chain that is established through a non-binding instrument setting out concrete actions of mutual interest.	(62) ‘Strategic Partnership’ means a commitment between the Union and a third country to increase cooperation related to the raw materials value chain that is established through a non-binding instrument setting out concrete actions of mutual interest. Strategic Partnerships shall facilitate beneficial outcomes for both partners including the sharing of knowledge.	(62) ‘Strategic Partnership’ means a commitment between the Union and a third country, including Overseas Countries and Territories (OCT) to increase cooperation related to the raw materials value chain that is established through a non-binding instrument setting out concrete actions of mutual interest.	
	Chapter 2			
152	Chapter 2 Critical and strategic raw materials	Chapter 2 Critical and strategic raw materials	Chapter 2 Critical and strategic raw materials	Chapter 2 Critical and strategic raw materials Trilogue 24/10/2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 3				
153	Article 3 List of strategic raw materials	Article 3 List of strategic raw materials	Article 3 List of strategic raw materials	Article 3 List of strategic raw materials Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 3(1)				
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.	1. <u>The raw materials listed in Annex I, Section 1 shall, including in unprocessed form, at any stage of processing and when occurring as a by-product of other extraction, processing or recycling processes, be considered strategic raw materials.</u> ~~The raw materials listed in Annex I, Section 1 shall be considered strategic raw materials.~~
Article 3(2), first subparagraph				
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 of strategic raw materials, including by adding raw	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 the list of strategic raw materials. ITM 24 October 2023

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		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.	PUBLIC	Text Origin: Commission Proposal
Article 3(2), second subparagraph				
156	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.	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 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.	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.	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. ITM 7 November 2023 Text Origin: Council Mandate
Article 3(3)				
157	3. The Commission shall review and, if necessary, update the list of strategic raw materials by [OP	3. The Commission shall review and, if necessary, update the list of strategic raw materials by [OP	3. The Commission shall review and, if necessary update, in accordance with paragraph 2,	3. The Commission shall review and, if necessary, update the list of strategic raw materials by [OP

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	please insert: four years after the date of entry into force of this Regulation], and every 4 four years thereafter.	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.	~~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.	please insert: ~~four~~ three years after the date of entry into force of this Regulation], and every 4 ~~four~~ three years thereafter. <u>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 in addition to the regular reviews.</u> ITM 7 November 2023
Article 3(3a)				
Y	157a	3a. The Commission shall use a transparent and clearly 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.		
Article 3a				
Y	157b	Article 3a Secondary Strategic Raw Materials		<u>Article 3a delete</u> <u>EP ready to drop this Article in exchange of mentioning metal</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>scraps in 386, 397 and 661 c new</u> ITM 9 November 2023
	Article 3a(1)			
Y	157c	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.		ITM 9 November 2023
	Article 3a(2)			
Y	157d	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:		
	Article 3a(2), point (a)			
Y	157e	(a) the contribution to preserve the additional raw materials consumption otherwise needed for strategic technologies;		
	Article 3a(2), point (b)			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Y	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 materials; and	PUBLIC	Y
Article 3a(2), point (c)				
Y	157g	(c) the forecasted global demand growth for secondary raw material.		Y
Article 3a(3)				
Y	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.		Y
Article 3a(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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.		
Article 4				
158	Article 4 List of critical raw materials	Article 4 List of critical raw materials	Article 4 List of critical raw materials	Article 4 List of critical raw materials Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 4(1)				
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.	1. <u>The raw materials listed in Annex II, Section 1, shall, including in unprocessed form, at any stage of processing and when occurring as a by-product of other extraction, processing or recycling processes, be considered critical raw materials.</u> ~~The raw materials listed in Annex II, Section 1 shall be considered critical raw materials.~~ Trilogue 24/10/2023 ITM 7 November 2023 Text Origin: Commission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Proposal
Article 4(2), first subparagraph				
160	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.	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. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 4(2), second subparagraph				
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.	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. ITM 7 November 2023 Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 4(3)				
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.	3. The thresholds shall be 1 for supply risk and 2.8 for economic importance. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 4(4)				
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 Regulation], and every 4 four years thereafter.	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 Regulation], and every 4 ~~four~~ two years thereafter. The Commission shall provide clear reasons for any such update.	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 into force of this Regulation], and at least every 4 ~~four~~ 3 years thereafter.	4. The Commission shall review and, if necessary, update, <u>in accordance with paragraph 2</u> , the list of critical raw materials by [OP please insert: ~~four~~ three years after the date of entry into force of this Regulation], and <u>at least</u> every 4 ~~four~~ 3 years thereafter. ITM 7 November 2023 Text Origin: Council Mandate
Chapter 3				
164	Chapter 3 Strengthening the Union raw materials value chain	Chapter 3 Strengthening the Union raw materials value chain	Chapter 3 Strengthening the Union raw materials value chain	Chapter 3 Strengthening the Union raw materials value chain Trilogue 24/10/2023 Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Section 1				
G	165	Section 1 Strategic Projects	Section 1 Strategic Projects	Section 1 Strategic Projects Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 4a				
G	165a			Article 4a Benchmarks ITM 11 OctoberITM 14 November
Article 4a, first paragraph				
G	165b			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: Moved from 166a (Council) and 78 (EP) ITM 11 OctoberITM 14 November
Article 4a, first paragraph, point (a)				
G	165c			(a) ensure that, by 2030, Union capacities for each strategic raw

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>material have significantly increased so that, overall, Union capacity approaches or reaches the following benchmarks:</u> Moved from 166b (Council) and 79 (EP) ITM 11 October ITM 14 November
Article 4a, first paragraph, point (a)(i)				
165d				<u>(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;</u> Moved from 166c (Council) and 80 (EP) ITM 11 October ITM 14 November
Article 4a, first paragraph, point (a)(ii)				
165e				<u>(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;</u> Moved from 166d (Council) and 81 (EP) - Text under discussion

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				ITM 11 October ITM 14 November
	Article 4a, first paragraph, point (a)(iii)			
G 165f				<u>(iii) Union recycling capacity, including for all intermediate recycling steps, is able to produce at least 25% of the Union's annual consumption of strategic raw materials and is able to recycle significantly increasing amounts of each strategic raw material in waste.</u> Moved from 166e (Council) and 82 (EP) - Text under discussion ITM 11 October ITM 14 November
	Article 4a, first paragraph, point (b)			
G 165g				<u>(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.</u> Moved from 166f (Council) and 83 (EP) ITM 11 October ITM 14 November

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	Article 4a, second paragraph			
165h				<u><i>The Commission and Member States shall undertake efforts to incentivise technological progress and resource efficiency in order to moderate the expected increase in Union consumption of critical raw materials below the reference projection referred to in Article 42(-1) through the relevant measures set out in this Section and Section 1 of Chapter V.</i></u> ITM 14 November
	Article 4a, third paragraph			
165i				Wording being drafted on COM delegation for waste streams information ITM 14 November
	Article 4a, fourth paragraph			
165j				Wording being drafted on COM delegation for waste streams information ITM 14 November

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Article 5				
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	
Article 5(-1)				
166a			0. The Commission and Member States shall support Strategic Projects within this Chapter in order to:	<i>deleted</i> <i>Moved to new Article 4a</i> <i>ITM 11 October</i>
Article 5(-1), point (a)				
166b			(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>deleted</i> <i>Moved to new Article 4a</i> <i>ITM 11 October</i>
Article 5(-1), point (a)(i)				
166c			(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	<i>deleted</i> <i>Moved to new Article 4a</i> <i>ITM 11 October</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Union's reserves allow for this;	
<i>Article 5(-1), point (a)(ii)</i>				
166d			(ii) Union processing capacity, including for all intermediate processing steps, is able to produce at least 50% of the Union's annual consumption of strategic raw materials;	<i>deleted</i> <i>To be moved to new Article 4a</i> <i>ITM 11 October</i>
<i>Article 5(-1), point (a)(iii)</i>				
166e			(iii) Union recycling capacity, including for all intermediate recycling steps, is able to produce at least 20% of the Union's annual consumption of strategic raw materials.	<i>deleted</i> <i>To be moved to new Article 4a</i> <i>ITM 11 October</i>
<i>Article 5(-1), point (a)(iv)</i>				
166f			(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.	<i>deleted</i> <i>Moved to new Article 4a</i>
<i>Article 5(1)</i>				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	167	1. Following an application of the project promoter and in accordance with the procedure established in Article 6, the Commission shall recognise as Strategic Projects raw material projects that meet the following criteria:	1. Following an application of the project promoter and in accordance with the procedure established in Article 6, the Commission shall recognise as Strategic Projects raw material projects that meet the following criteria:	1. Following an application of the project promoter and in accordance with the procedure established in Article 6, the Commission shall recognise as Strategic Projects raw material projects that meet the following criteria: Trilogue 24/10/2023 Text Origin: Commission Proposal
	Article 5(1), point (a)			
R	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~~ strengthen the security of the Union's supply of strategic raw materials;	
	Article 5(1), point (a), point (i)			
R	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;		
	Article 5(1), point (a), point (ii)			
R	168b	(ii) it contributes to the supply of strategic technologies through the		

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		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.		
Article 5(1), point (b)				
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;	(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; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 5(1), point (c)				
170	(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	(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	(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	(c) the project would be implemented sustainably, in particular as regards the monitoring, prevention and minimisation of environmental impacts, the <u>prevention and minimisation of socially adverse impacts through the</u> use of socially responsible practices including respect of human, <u>indigenous peoples'</u> and

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	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;	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 ;	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;	labour rights, <u>in particular in case of involuntary resettlement</u> , 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;
Article 5(1), point (d)				
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;	(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; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 5(1), point (e)				
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	(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 be mutually beneficial for the Union and the third country concerned by adding value in that country <u>and contributing to the</u>

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		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.		<u><i>development of its economy and the establishment of relevant downstream industries, including local processing industries.</i></u> Text Origin: EP Mandate
Article 5(1), point (ea)				
172a		(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 duly justified. 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).		
Article 5(2), first subparagraph				

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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.	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. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 5(2), second subparagraph				
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 referred to in paragraph 1, point (c).	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). 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	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).	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). Trilogue 24/10/2023 ITM 6 October 2023 Text Origin: Commission Proposal

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		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.	PUBLIC	
	Article 5(3)			
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.	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. Trilogue 24/10/2023 ITM 6 October 2023 Text Origin: Commission Proposal
	Article 5(3a)			
175a		3a. Where relevant, the		

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		Commission shall consider the feasibility of complementary infrastructural Strategic 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.	PUBLIC	deleted ITM 7 November 2023
Article 6				
176	Article 6 Application and recognition	Article 6 Application and recognition	Article 6 Application and recognition	Article 6 Application and recognition Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 6(1)				
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:	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: Trilogue 24/10/2023 ITM 6 October 2023

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				Text Origin: Commission Proposal
Article 6(1), point (a)				
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);	(a) relevant evidence related to fulfilment of the criteria laid down in Article 5(1); Trilogue 24/10/2023 ITM 6 October 2023 Text Origin: Commission Proposal
Article 6(1), point (b)				
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;	(b) a classification of the project according to the United Nations Framework Classification for Resources, supported by appropriate evidence; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 6(1), point (c)				
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	(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	(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	(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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	granting process;	granting process;	granting process;	granting process; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 6(1), point (d)				
181	(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;	(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 ;	(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;	(d) a plan containing measures to facilitate public acceptance including, where appropriate, <u>measures to facilitate the meaningful involvement and active participation of affected communities</u> , the establishment of recurrent communication channels with ~~the~~ local communities ~~and~~ , organisations, including social partners, <u>and authorities, and</u> the implementation of awareness-raising and information campaigns and ~~the establishment of potential~~ mitigation and compensation mechanisms; TM 26 October
Article 6(1), point (e)				
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;	(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, <u>and, in case multiple</u>

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				<u>undertakings are involved, information outlining the relative involvement of each undertaking in the project;</u> ITM 9 November 2023 Text Origin: Commission Proposal
Article 6(1), point (f)				
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;	(f) a business plan evaluating the financial viability of the project; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 6(1), point (g)				
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.	(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~~ <u>and a work plan to support upskilling and reskilling- and promote inclusive representation of the workforce;</u> ITM 19 October 2023 Text Origin: EP Mandate
Article 6(1), point (ga)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
184a		(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 workers;		<u>(ga) for projects in third countries or OCTs involving extraction, a plan to improve the environmental state of the affected sites after the end of exploitation, with a view to restoring the prior environmental state while taking into account technical and economic feasibility.</u> ITM 24 October 2023 Text Origin: EP Mandate
Article 6(1), point (gb)				
184b		(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;		deleted ITM 9 November 2023
Article 6(1), point (gc)				
184c		(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;		deleted ITM 24 October 2023
Article 6(1), point (gd)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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;		deleted ITM 19 October 2023
Article 6(1), point (ge)				
184e		(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.		<u>~~DELETED~~</u> ITM 14 November
Article 6(2)				
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 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).	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 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	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).	2. The Commission ~~is empowered to adopt~~ <u>shall adopt an</u> implementing ~~acts~~ <u>act</u> establishing a <u>single</u> template to be used by project promoters for the applications referred to in paragraph 1 <u>by [OP please insert: 6 months after the entry into force of this Regulation]</u> . The template may indicate how the information referred to in paragraph 1 shall be expressed. ~~Those~~ <u>This</u> implementing ~~acts~~ <u>act</u> shall be adopted in accordance with the advisory procedure referred to in Article 37(2). <u>The extent of documentation</u>

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		application. The scope of information required to complete the single template shall be reasonable.		<u>required in the single template referred to in the first subparagraph shall be reasonable.</u> ITM 24 October 2023 ITM 14 November
Article 6(2a)				
185a				<u>2a. The Commission shall assess the applications referred to in paragraph 1 through an open call with regular cut-off dates. The Commission shall set cut-off dates at least 4 times per year. The first cut-off date shall be set no later than [OP please insert: 3 months after the entry into force of this Regulation].</u> ITM 24 October 2023 ITM 14 November
Article 6(3)				
186	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.	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 give the applicant the opportunity to submit the additional information required to complete the	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.	3. ~~Where the Commission~~ <u>The Commission shall inform applicants within 30 days after the applicable cut-off date if it</u> considers ~~that the~~ information provided in the application <u>complete. If the application</u> is incomplete, ~~it shall give the applicant the opportunity~~ <u>the Commission may request the applicant</u> to submit the additional information required to complete the

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		application in a timely manner.	PUBLIC	application <u>without undue delay. In that case, the Commission shall specify which additional information is required</u>~~in a timely manner.~~ Remains yellow, as the legal drafting to be checked and agreed for this merger ITM 6 October 2023 ITM 14 November Text Origin: Council Mandate
Article 6(3a)				
186a				<u>3a. The Commission shall inform the European Critical Raw Materials Board referred to in Article 34 ('the Board') of all applications that are considered complete in accordance with the first subparagraph.</u> ITM 26 October ITM 14 November
Article 6(4)				
187	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).	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	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).	4. The ~~European Critical Raw Materials Board referred to in~~ <u>Board shall meet at regular intervals in line with Article 34 [35 ('the Board'xx)] to shall</u> , based on a fair and transparent process, discuss and issue an opinion on <u>whether the proposed projects fulfil the criteria</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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).	PUBLIC	<u>set out in Article 5(1).</u> <u>The Commission shall provide the Board with its assessment of the</u> ~~completeness of the application and~~ whether the proposed ~~project~~ ~~fulfils~~ <u>projects fulfil</u> the criteria set out in Article 5(1) <u>in advance of the meetings referred to in the first subparagraph.</u> ITM 26 October ITM 14 November
Article 6(4a)				
G 187a		4a. The Commission shall transmit the application to the Member State whose territory is concerned by a proposed project.		<u>4a. The Commission shall transmit the full application to the Member State, third country or OCT whose territory is concerned by a proposed project.</u> ITM 24 October 2023 ITM 14 November
Article 6(4b)				
G 187b		4b. The Commission, when assessing the application, shall take into account any proven track record in human rights or environmental infringements that took place in the 5 years prior to the application, and any mitigation measures taken.		<i>deleted</i> ITM 24 October 2023
Article 6(5), first subparagraph				

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188	5. Where the Member State whose territory is concerned by a proposed project objects to granting the proposed 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 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.	5. ~~Where the~~Any Member State whose territory is concerned by a proposed project ~~objects~~may oppose to granting the proposed 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.~~	5. Where the Member State whose territory is concerned by a proposed project objects to granting the proposed project strategic status, ~~it~~the project shall ~~present substantiated reasons for doing so during the discussion referred to in paragraph 4. The Board shall discuss thenot 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.	5. Where the Member State whose territory is concerned by a proposed project objects to granting the proposed project strategic status, ~~it~~the 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.~~ ITM 24 October 2023 ITM 14 November Text Origin: Council Mandate
Article 6(5), second subparagraph				
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	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	For Strategic Projects in third countries, or 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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		the applicable international law and the national law of that third country.	third country.	country. ITM 24 October 2023 Text Origin: Council Mandate
Article 6(5), second subparagraph a				
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.		deleted ITM 24 October 2023
Article 6(6), first subparagraph				
190	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.	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 shall and notify the applicant thereof.	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.	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~~ <u>90 days of acknowledging the completeness of the application in accordance with paragraph 3 and shall</u> notify the applicant thereof. ITM 24 October 2023
Article 6(6), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
191	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.	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.	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.	The Commission's decision shall be reasoned, ~~including, where applicable, where it is different from the Board's opinion and duly justified.~~ The Commission shall share its ~~reasons~~ <u>decision</u> with the Board ~~as well as with~~ <u>and the Member State or third country whose territory is concerned by</u> the project ~~promoter~~ . ITM 24 October 2023
Article 6(7)				
192	7. The Commission may prioritise the processing of applications for projects active on specific stages of the value chain in order to:	7. The Commission may prioritise the processing of applications for projects active on specific stages of the value chain in order to:	7. The Commission may prioritise the processing of applications for projects active on specific stages of the value chain in order to:	7. ~~The Commission may prioritise the processing of applications for projects active on specific stages of the value chain in order to:~~ <u>to: [DELETED]</u> ITM 24 October 2023 ITM 14 November Text Origin: Commission Proposal
Article 6(7), point (a)				
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;	~~deleted~~ Trilogue 24/10/2023 ITM 24 October

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				2023 Text Origin: Commission Proposal
Article 6(7), point (b)				
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).	deleted ITM 24 October 2023 Text Origin: Commission Proposal
Article 6(7), point (ba)				
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 submitted by SMEs.		deleted ITM 24 October 2023
Article 6(7a)				
194b		The Commission shall prioritise the processing of applications pursuant to first subparagraph of this paragraph, provided that the Commission has complied with the timelines set in paragraph 6 for all applications.		deleted ITM 24 October 2023 Text Origin: EP Mandate

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	<i>Article 6(8), first subparagraph</i>			
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 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.	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.	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 <u>information that is</u> incorrect ~~information~~ <u>to the extent that it affects its compliance with the criteria of the Article 5 (1)</u> , it may, taking into account the opinion of the Board, <u>repeal the decision granting a-and-the-responsible</u> project ~~promoter~~ <u>the status of Strategic Project.</u> <u>Before adopting a decision to</u> repeal <u>that status, the Commission shall provide the project promoter with reasons for</u> the decision ~~granting~~ <u>to repeal, the</u> project <u>promoter shall be given the opportunity to reply and the Commission shall take into account the</u> ~~the status of Strategic~~ project <u>promoter's reply.</u> ITM 24 October 2023
	<i>Article 6(8), first subparagraph a</i>			
195a		Any Strategic Project that is no longer considered a Strategic Project solely as the result of an		<i>deleted</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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.		ITM 24 October 2023
Article 6(9)				
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.	9. Projects which are no longer recognised as Strategic Projects shall lose all rights connected to that status under this Regulation. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 6(9a)				
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.	<u>9a. Strategic Projects that no longer fulfil the criteria set out in Article 5(1) solely due to an update of Annex I shall be allowed to maintain their status as Strategic Project for 3 years.</u> ITM 24 October 2023
Article 7				
197	Article 7	Article 7	Article 7	Article 7

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Implementation of Strategic Projects	Implementation of Strategic Projects	~~Implementation of~~ Reporting and information obligations for Strategic Projects	~~Implementation of~~ <u>Reporting and information obligations for Strategic Projects</u> ITM 19 October 2023 Text Origin: Council Mandate
Article 7(1)				
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.~~	1. ~~Strategic Projects shall be considered to contribute to the security of supply of strategic raw materials in the Union.~~ ITM 19 October 2023 Text Origin: Commission Proposal
Article 7(2)				
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 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.	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 and safety, and may be considered as having an overriding public interest provided that all the conditions set out in those Directives are fulfilled.	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 and safety, and may be considered as having an overriding public interest provided that all the conditions set out in those Directives are fulfilled.~~	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 and safety, and may be considered as having an overriding public interest provided that all the conditions set out in those Directives are fulfilled.~~

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				ITM 19 October 2023 Text Origin: Commission Proposal
Article 7(3)				
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.~~	3. ~~The Member State whose territory is concerned by a Strategic Project shall take measures to contribute to its timely and effective implementation.~~ ITM 19 October 2023 Text Origin: Commission Proposal
Article 7(4)				
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 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 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 of those Strategic Projects.~~ ITM 19 October 2023 Text Origin: Commission Proposal
Article 7(5)				

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202	5. The project promoter shall, every two years after the date of recognition as a Strategic Project, submit a report to the Board containing information on at least:	5. The project promoter shall, every two years after the date of recognition as a Strategic Project, submit a report to the ~~Board~~ Commission containing information on at least:	5. The project promoter shall, every two years after the date of recognition as a Strategic Project, submit a report to the Board containing information on at least:	5. The project promoter shall, every two years after the date of recognition as a Strategic Project, submit a report to the ~~Board~~ Commission containing information on at least: Trilogue 24/10/2023 ITM 10 October 2023 Text Origin: EP Mandate
Article 7(4a)(5), point (a)				
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;	(a) progress in the implementation of the project, in particular with regard to the permit granting process; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 7(4a)(5), point (b)				
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 delays;	(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;	(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;	(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; Trilogue 24/10/2023 Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 7(4a)(5), point (c)			
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.	(c) progress in financing the project, including information on public financial support. Trilogue 24/10/2023 Text Origin: Commission Proposal
	Article 7(5), first subparagraph a			
205a		The Commission shall submit a copy of the report to the Board, to facilitate the discussion referred to in paragraph 4.		<u><i>The Commission shall submit a copy of the report to the Board, to facilitate the discussion referred to in paragraph 4.</i></u> Trilogue 24/10/2023 ITM 10 October 2023 Text Origin: EP Mandate
	Article 7(6)			
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).	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).

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Trilogue 24/10/2023 ITM 10 October 2023 Text Origin: Council Mandate
Article 7(7)				
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:	Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 7(7), point (a)				
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~~ 's 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);	Trilogue 24/10/2023 ITM 10 October 2023 Text Origin: Commission Proposal
Article 7(7), point (b)				
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).	Trilogue 24/10/2023

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				Text Origin: Commission Proposal
Article 7(7a)(8)				
210	8. The Commission is empowered to adopt implementing acts establishing a 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).	8. The Commission is empowered to adopt implementing acts establishing a 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).	8. The Commission is empowered to adopt implementing acts establishing a 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).	8. The Commission is empowered to adopt implementing acts establishing a 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). ITM 26 October ITM 14 November Text Origin: Commission Proposal
Article 7(8), second subparagraph				
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.		<u><i>Those implementing acts shall provide for a single template to cover all information required for the report. The extent of documentation specified in the single template shall be reasonable.</i></u> ITM 19 October 2023 ITM 26 October ITM 14 November

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				Text Origin: EP Mandate
Article 7(9)				
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.	9. The project promoter shall establish and regularly update <u>the company website or</u> a dedicated project website with <u>information</u> relevant ~~information~~ <u>to the local population and to foster public acceptance</u> about the Strategic Project, including <u>at least</u> information on the environmental, <u>and</u> 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. Trilogue 24/10/2023 ITM 10 October 2023 Text Origin: EP Mandate
Section 2				
212	Section 2 Permit granting process	Section 2 Permit granting process	Section 2 Permit granting process	Section 2 Permit granting process Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 8				

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213	Article 8 One stop shop	Article 8 One stop shop	Article 8 ~~One stop shop~~ Point of single contact	Article 8 ~~One stop shop~~ Point of single contact ITM 14 November Text Origin: Council Mandate
Article 8(1)				
214	1. By [OP please insert: 3 months after the date of entry into force of this Regulation], Member States shall designate one national competent authority which shall be responsible for facilitating and coordinating the permit-granting process for critical raw material projects and provide information on the elements referred to in Article 17.	1. By [OP please insert: 3 months after the date of entry into force of this Regulation], Member States shall designate one national competent authority which shall be responsible for facilitating, coordinating and streamlining and ~~coordinating~~ the permit-granting process for critical raw material projects and provide information on the elements referred to in Article 17. Without affecting the speed of the proceedings, the designated competent authority may request the opinion and involvement of other competent authorities.	1. By [OP please insert: ~~39~~ months after the date of entry into force of this Regulation], Member States shall set up or designate one ~~national competent authority~~ which or more contact points at relevant levels of Member State administration. The contact point shall be responsible for facilitating and coordinating the permit-granting process for critical raw material projects and ~~provide~~ providing information on the elements referred to in Article 17, including information on when an application is considered to be complete according to Article 10(5).	1. By [OP please insert: ~~39~~ months after the date of entry into force of this Regulation], Member States shall set up or designate one ~~national competent authority~~ which or more authorities as Points of Single Contact. In case a Member State sets up or designates multiple Points of Single Contact, it shall ~~be responsible for facilitating and coordinating the permit-granting process for critical raw material projects and provide information on the elements referred to in Article 17~~ ensure that there is only one Point of Single Contact per relevant administrative level and stage of the critical raw materials value chain. ITM 14 November
Article 8(1a)				
214a				

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			1a. In case of multiple contact points, Member States shall provide tools to help project promoters identify the designated contact point on the online web page set up in accordance with Article 17.	<u>1a. In case of multiple Points of Single Contact, Member States shall provide a simple, accessible website on which all 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.</u> ITM 14 November
Article 8(2)				
215	2. The national competent authority referred to in paragraph 1 shall be the sole point of contact for the project promoter in the permit granting process leading to a comprehensive decision for a given critical raw material project and shall coordinate the submission of all relevant documents and information.	2. The national competent authority referred to in paragraph 1 shall be the sole point of contact for the project promoter in the permit granting process leading to a comprehensive decision for a given critical raw material project and shall coordinate the submission of all relevant documents and information. It shall ensure that all matters regarding permit granting processes for critical raw materials projects are dealt with in a timely manner.	2. The ~~national competent authority referred to in paragraph 1~~ designated contact point shall be the sole point of contact for the project promoter in the permit granting process leading to a comprehensive decision for a given critical raw material project. The designated contact point and shall coordinate the submission of all relevant documents and information notify the project promoter on the outcome of the comprehensive decision.	2. The ~~national competent authority~~ <u>Points of Single Contact</u> referred to in paragraph 1 shall be <u>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</u> ~~the sole point of contact for the project promoter in the permit granting process leading to a comprehensive decision for a given critical raw material project and~~ shall coordinate <u>and facilitate</u> the submission of

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				~~any~~ relevant documents and information. ITM 14 November
Article 8(2), second subparagraph				
215a		A case officer shall be assigned by the one-stop shops to critical raw materials projects that have been granted the status of Strategic Projects. The case officer shall provide an easy point of contact and assist the project promoter in understanding any administrative matter. The case officer may also be part of another authority with respect to the different national structures of the one-stop shop.		<u>2a. The Points of Single Contact 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.</u> ITM 14 November
Article 8(2b)				
215b				<u>2b. Project promoters of critical raw materials projects shall have the possibility to contact the relevant administrative unit within the Point of Single Contact responsible for managing the tasks specified in this article. If the relevant unit changes, the relevant unit shall continue to fulfil its responsibilities set out in this paragraph until the project promoter has been notified of such a change.</u>

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				ITM 14 November
Article 8(3)				
216	3. The responsibilities of the national competent authority referred to in paragraph 1 or the tasks related to it may be delegated to, or carried out by, another authority, for each critical raw material projects, provided that:	3. The responsibilities of the national competent authority referred to in paragraph 1 or the tasks related to it may be delegated to, or carried out by, another authority, for each critical raw material projects, provided that:	3. The responsibilities of the national competent authority referred to in paragraph 1 ~~designated contact point~~ or the tasks related to it may be delegated to, or carried out by, another authority, for each critical raw material projects, provided that:	<i>deleted</i> ITM 14 November
Article 8(3), point (a)				
217	(a) the national competent authority referred to in paragraph 1 notifies the project promoter of that delegation;	(a) the national competent authority referred to in paragraph 1 notifies the project promoter of that delegation;	(a) the national competent authority referred to in paragraph 1 ~~designated contact point~~ notifies the project promoter of that delegation;	<i>deleted</i> ITM 14 November
Article 8(3), point (b)				
218	(b) a single authority is responsible for each critical raw material projects.	(b) a single authority is responsible for each critical raw material projects.	(b) a single ~~authority~~ contact point is responsible for each critical raw material projects-;	<i>deleted</i> ITM 14 November
Article 8(3), point (c)				
219	(c) a single authority coordinates the submission of any relevant documents and information.	(c) a single authority coordinates the submission of any relevant documents and information.	(c) a single ~~authority~~ contact point ~~coordinates the submission of any~~ provides information on relevant	<i>deleted</i>

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			documents and information documentation required in the permitting process.	ITM 14 November
Article 8(3), point (ca)				
219a		(ca) the national competent authority referred to in paragraph 1 ensures that no delays result from the delegation of tasks.		deleted ITM 14 November
Article 8(4)				
220	4. Project promoters shall be allowed to submit all documents relevant to the permit granting process in electronic form.	4. Project promoters shall be allowed to submit all documents relevant to the permit granting process in electronic form.	4. Project promoters shall be allowed to submit all documents relevant to the permit granting process in electronic form.	4. Project promoters shall be allowed to submit all documents relevant to the permit granting process in electronic form. Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
Article 8(5)				
221	5. The national competent authority referred to in paragraph 1 shall take into consideration any valid studies conducted and permits or authorisations issued for a given critical raw material project before the project entered the permit granting process in accordance with this Article, and shall not require	5. The national competent authority referred to in paragraph 1 shall take into consideration any valid studies conducted and permits or authorisations issued for a given critical raw material project before the project entered the permit granting process in accordance with this Article, and shall not require	5. The national competent authority referred to in paragraph 1 Member States shall take into consideration ensure that any valid studies conducted and, permits or authorisations issued or conducted for a given critical raw material project before the project entered the permit granting process in	5. The ~~national competent authority referred to in paragraph 1~~ Member States shall ~~take into consideration~~ ensure that any valid studies ~~conducted and~~ , permits or authorisations issued <u>or conducted</u> for a given critical raw material project ~~before the project entered the permit granting process in~~

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	duplicate studies and permits or authorisations, unless otherwise required under Union law.	duplicate studies and permits or authorisations, unless otherwise required under Union law.	~~accordance with this Article, and shall not require~~ are taken into account and that no duplicate studies and, permits or authorisations are required , unless otherwise required under national or Union law.	~~accordance with this Article, and shall not require~~ are taken into account and that no duplicate studies ~~and,~~ permits or authorisations are required , unless otherwise required under national or Union law. ITM 14 November
Article 8(6)				
222	6. The national competent authority referred to in paragraph 1 shall ensure that applicants have easy access to information on and simple procedures for the settlement of disputes concerning the permit granting process and the issuance of permits for critical raw materials projects, including, where applicable, alternative dispute resolution mechanisms.	6. The national competent authority referred to in paragraph 1 shall ensure that applicants have easy access to information on and simple procedures for the settlement of disputes concerning the permit granting process and the issuance of permits for critical raw materials projects, including, where applicable, alternative dispute resolution mechanisms.	6. ~~The national competent authority referred to in paragraph 1~~ Member States shall ensure that applicants have easy access to information on and ~~simple~~ procedures for the settlement of disputes concerning the permit granting process ~~and the issuance of permits~~ for critical raw materials projects, including, where applicable, alternative dispute resolution mechanisms.	6. ~~The national competent authority referred to in paragraph 1~~ Member States shall ensure that applicants have easy access to information on and ~~simple~~ procedures for the settlement of disputes concerning the permit granting process ~~and the issuance of permits~~ for critical raw materials projects, including, where applicable, alternative dispute resolution mechanisms. ITM 14 November
Article 8(6a), first subparagraph				
223	7. Member States shall ensure that the national competent authority referred to in paragraph 1 has a sufficient number of qualified staff and sufficient financial, technical and technological resources necessary, including for up- and re-	7. Member States shall ensure that the national competent authority referred to in paragraph 1 ~~has or any~~ authority to which tasks are delegated pursuant to paragraph 3 have a sufficient number of qualified staff and sufficient	7. Member States shall ensure that the ~~national competent authority~~ designated contact point referred to in paragraph 1 has a sufficient number of qualified staff and sufficient financial, technical and technological resources	7. Member States shall ensure that the ~~national competent authority~~ Point of Single Contact referred to in paragraph 1 ~~has~~ have a sufficient number of qualified staff and sufficient financial, technical and technological resources

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	skilling, for the effective performance of its tasks under this Regulation.	financial, technical and technological resources necessary, including for up- and re-skilling, for the effective performance of its tasks under this Regulation.	necessary, ~~including for up- and re-skilling~~ , for the effective performance of its tasks under this Regulation.	necessary, ~~including for up- and re-skilling~~ , for the effective performance of its tasks under this Regulation. ITM 14 November
Article 8(7), second subparagraph				
223a		Where Member States do not initially have the resources to fulfil the requirements set out in this paragraph in terms of technical resources, the Commission shall assist them with resources aiding the member state in fulfilling those requirements.		<i>deleted</i> ITM 14 November
Article 8(8)				
224	8. The Board shall:	8. The Board shall:	8. ~~The Board shall:~~	<i>deleted</i> Moved to line 556a ITM 26 October
Article 8(8), point (a)				
225	(a) periodically discuss the implementation of this Section and share best-practices for speeding up permitting procedure for critical raw material projects as well as to	(a) periodically discuss the implementation of this Section and share best-practices for speeding up permitting procedure for critical raw material projects as well as to	(a) ~~periodically discuss the implementation of this Section and share best-practices for speeding up permitting procedure for critical raw material projects as well as to~~	<i>deleted</i> Moved to line 556b

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	improve their public acceptance;	improve their public acceptance; ~~acceptance~~ participation and consultation;	improve their public acceptance;	ITM 26 October
	Article 8(8), point (b)			
G	226 (b) where relevant, propose to the Commission guidelines for the implementation of this Section to be taken into account by national competent authorities referred to in paragraph 1.	(b) where relevant, propose to the Commission guidelines for the implementation of this Section to be taken into account by national competent authorities referred to in paragraph 1.	(b) where relevant, propose to the Commission guidelines for the implementation of this Section to be taken into account by national competent authorities referred to in paragraph 1.	deleted Moved to line 556c ITM 26 October
	Article 9			
G	227 Article 9 Priority status of Strategic Projects	Article 9 Priority status of Strategic Projects	Article 9 Priority status of Strategic Projects	Article 9 Priority status of Strategic Projects Trilogue 24/10/2023 Text Origin: Commission Proposal
	Article 9(-1)			
Y	227a		-1. Strategic Projects shall be considered to contribute to the security of supply of strategic raw materials in the Union.	
	Article 9(-1a)			
Y	227b		-1a. With regard to the environmental impacts or	

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			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.	
Article 9(1)				
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 concerned shall ensure that those processes are treated in the most rapid way possible in accordance with Union and national law.	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 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.	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.	
Article 9(2)				

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229	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.	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.	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.	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. Trilogue 24/10/2023 ITM 10 October 2023 Text Origin: Council Mandate
Article 9(3)				
230	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	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	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	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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	urgency procedure, where applicable.	such urgency procedure, where applicable.	urgency procedure, where applicable.	urgency procedure, where applicable. Trilogue 24/10/2023 Text Origin: Council Mandate
Article 10				
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	Article 10 Duration of the permit granting process Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 10(1)				
232	1. For Strategic Projects in the Union, the permit granting process shall not exceed:	1. For Strategic Projects in the Union, the permit granting process shall not exceed:	1. For Strategic Projects in the Union, the permit granting process shall not exceed:	1. For Strategic Projects in the Union, the permit granting process shall not exceed: Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 10(1), point (a)				
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	(a) 24 months for Strategic Projects involving extraction;	(a) ~~24~~ ²⁷ months for Strategic Projects involving extraction; ITM 14 November

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		which the permit granting process shall not exceed 18 months;		
Article 10(1), point (b)				
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.	(b) ~~12~~ ¹⁵ months for Strategic Projects only involving processing or recycling. Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
Article 10(2)				
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:	2. For Strategic Projects in the Union that had entered in the permit granting process before being granted the status of Strategic Project <u>and for expansions of Strategic Projects already granted with a permit</u> , 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: ITM 14 November
Article 10(2), point (a)				
236	(a) 21 months for Strategic Projects	(a) 21 months for Strategic Projects	(a) 21 months for Strategic Projects	(a) ~~21~~ ²⁴ months for Strategic

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	involving extraction;	involving extraction, except for Strategic Projects exclusively related to extractive waste, for which the permit granting process shall not exceed 15 months;	involving extraction;	Projects involving extraction; ITM 14 November
Article 10(2), point (b)				
237	(b) 9 months for Strategic Projects only involving processing or recycling.	(b) 9 months for Strategic Projects only involving processing or recycling.	(b) 9 months for Strategic Projects only involving processing or recycling.	(b) ~~9~~ ¹² months for Strategic Projects only involving processing or recycling. Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
Article 10(2), point (ba)				
237a			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.	<u>(ba) Where an environmental impact assessment is required pursuant to Directive 2011/92/EU, the step of the assessment referred to in Article 1 (2)(g) (i) of that Directive shall not be included in the duration for permit granting process referred to in paragraph 1 and 2.</u> ITM 14 November
Article 10(3)				
238	3. In exceptional cases, where the	3. In exceptional cases, where the	3. In exceptional cases, where the	3. In exceptional cases, where the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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.	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.	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~~ designated Point of Single Contact 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. ITM 14 November
Article 10(4)				
239	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	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	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	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~~ By way of derogation from Article 4(6) of Directive 2011/92/EU, the determination of whether the project shall be made subject to an

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	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 environmental impact assessment is necessary and the relevant assessments have not yet been carried out.	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. 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.	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 environmental impact assessment is necessary and the relevant assessments have not yet been carried out.	<u>assessment in accordance with Articles 5 to 10 of the abovementioned Directive</u>, 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~~ <u>be made within 30 days from the date on which the developer has submitted all the information required</u> 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 environmental impact assessment is necessary and the relevant assessments have not yet been carried out~~ <u>article 4(4) of the abovementioned Directive</u>. ITM 14 November
Article 10(5), first subparagraph				
240	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	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	5. No later than ~~one month~~ 45 days following the receipt of a permit granting application related to a Strategic Project, the ~~national competent authority~~ designated contact point referred to in Article 8(1) shall ~~validate~~ acknowledge that the application is complete or, if the project promoter has not sent all the	5. No later than ~~one month~~ 45 days following the receipt of a permit granting application related to a Strategic Project, the ~~national competent authority~~ designated Point of Single Contact referred to in Article 8(1) shall ~~validate~~ acknowledge that the application is complete or, if the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	application, request the project promoter to submit a complete application within fourteen days from this request.	application, request the project promoter to submit a complete application within ~~fourteen~~ 30 days from this request, detailing which information is missing.	information required to process an application, request the project promoter to submit a complete application within ~~fourteen days~~ from this request without undue delay.	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~~ <u>without undue delay, detailing which information is missing. In case the submitted application is deemed incomplete a second time, the designated Point of Single Contact shall not</u> request <u>information in areas not covered in the first request for additional information and may only request further evidence to complete the identified missing information.</u> ITM 14 November
Article 10(5), second subparagraph				
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 process.	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.	The date of the acknowledgement of ~~the validity of the application by the national competent authority~~ from the designated contact point referred to in Article 8(1) shall serve as the start of the permit granting process.	The date of the acknowledgement ~~of the validity of the application by the national competent authority~~ referred to in ~~Article 8(1)~~ <u>the first subparagraph</u> shall serve as the start of the permit granting process. ITM 14 November
Article 10(6)				
242	6. No later than one month following the date of the acknowledgement of the validity of	6. No later than one month following the date of the acknowledgement of the validity of	6. No later than ~~one month~~ two months following the date of the acknowledgement ~~of the validity of~~	6. No later than one month following the date of ~~the~~ acknowledgement ~~of the validity of~~

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	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.	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).	~~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.	~~the permit granting application, the national competent authority~~ <u>referred to in paragraph 5, the designated Point of Single Contact</u> 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~~ <u>on a free access website. The designated Point of Single Contact</u> referred to in Article 8(1) ~~on a free access website~~ <u>shall update the timetable in case of significant changes potentially affecting the timing of the comprehensive decision.</u> ITM 14 November
Article 10(6a)				
242a				<u>6a. The designated Point of Single Contact referred to in Article 8(1) shall notify the project promoter when the environmental impact assessment report referred in Article 5(1) of Directive 2011/92/EU is due, taking into account the organisation of the permit granting process in the relevant Member State and the need</u>

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				<u>to allow sufficient time to assess the report. The period as from the date the environmental impact assessment report is due until the submission of that report shall not be counted towards the duration of the permit granting process referred to in paragraphs 1 and 2.</u> ITM 14 November
Article 10(6b)				
242b				<u>6b. Where the consultation according to article 1(2)(g)(ii) of Directive 2011/92/EU results in the need to supplement the environmental impact assessment report with additional information, the designated Point of Single Contact referred to in Article 8(1) may give the project promotor the opportunity to submit additional information. In such a case, the designated Point of Single Contact shall notify the project promoter when the additional information is due, which shall be in no less than 30 days after the notification. The period as from the date the additional information is due until the submission of that information shall not be counted towards the duration of the permit granting process referred to in paragraphs 1 and 2.</u>

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Article 10(7), first subparagraph				
243	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.	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.	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.	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. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 10(7), second subparagraph				
244	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.	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.	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.	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. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 11				
245	Article 11 Environmental assessments and	Article 11 Environmental assessments and	Article 11 Environmental assessments and	Article 11 Environmental assessments and

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	authorisations	authorisations	authorisations	authorisations Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 11(1), first subparagraph				
246	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.	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.	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.	1. Where an environmental impact assessment ~~must be carried out~~ is required for a Strategic Project in accordance with Articles 5 to 9 of Directive 2011/92/EU, the relevant project promoter shall request, <u>no later than 30 days after the notification of the recognition as Strategic Project and before submitting the application, an opinion to the designated point of single contact</u> ~~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. LL: alignment of Point of Single Contact ITM 9 November 2023 ITM 15 November 2023
Article 11(1), second subparagraph				

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247	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.	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~~ 20 days from the date on which the project promoter submitted its request. The national competent authority shall aim to streamline the process and guide the project promoter through the process.	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 ~~30~~ 45 days from the date on which the project promoter submitted its request.	The ~~national competent authority referred to in Article 8(1)~~ designated Point of Single Contact 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~~ 45 days from the date on which the project promoter submitted its request. ITM 9 November 2023 ITM 15 November 2023 Text Origin: Council Mandate
Article 11(1), second subparagraph a				
247a		The Commission shall publish common guidelines for national competent authorities pursuant to this paragraph.		<i>deleted</i> ITM 15 November 2023
Article 11(2), first subparagraph				
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, 2009/147/EC 2010/75/EU, 2011/92/EU or 2012/18/EU of the European Parliament and the Council, the national competent	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, 2011/92/EU or 2012/18/EU of the European Parliament and the Council, the national competent	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, 2011/92/EU, 2012/18/EU or [Nature Restoration Regulation COM (2022) 304 final] -or	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, 2011/92/EU or 2012/18/EU of the European Parliament and the Council, the ~~national competent~~

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	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.	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 .	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.	~~authority referred to in Article 8(1)~~ Member State shall ensure that a coordinated or a joint procedure fulfilling <u>all</u> the requirements of that Union legislation is applied. ITM 9 November 2023
Article 11(2), second subparagraph				
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 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 the various individual assessments of the environmental impact of a particular project required by the relevant Union legislation. ITM 9 November 2023 Text Origin: Council Mandate
Article 11(2), third subparagraph				
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.	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.

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				ITM 9 November 2023 Text Origin: Council Mandate
Article 11(3)				
251	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.	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.	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.	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 <u>shall be issued</u> within ~~three months~~ 90 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. ITM 9 November 2023
Article 11(3a)				
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		<u>3a. In exceptional cases, where the nature, complexity, location or size of the proposed project so require, the competent authority may extend the time limit referred to in paragraph 3 of this Article by a maximum of 20 days, before its expiry and on a case-by-case basis.</u>

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		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.		<u>In that event, the point of single contact referred 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.</u> ITM 9 November 2023 ITM 15 November 2023
Article 11(4)				
252	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.	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~~ 80 days and not be shorter than 40 days in the case of Strategic Projects.	4. The ~~time-frame~~ timeframe 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/EU 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.	4. <u>In the case of Strategic Projects, the timeframe</u> ~~The time-frame~~ for consulting the public concerned <u>as referred to in Article 1(2)(e) of Directive 2011/92/EU and authorities referred to in Article 6(1) of that Directive</u> on the environmental impact assessment report referred to in Article 5(1) of ~~Directive 2011/92/EU~~ <u>that Directive</u> shall not be longer than ~~90~~ 85 days and not shorter than 30 days in accordance with article 6(7) of the above mentioned Directive. 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 40 additional days. The point of single contact shall inform the project promoter of the reasons justifying the extension ~~the case of Strategic Projects.~~

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Article 11(4a)				
252a		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.		<i>deleted</i> ITM 9 November 2023 ITM 15 November 2023
Article 11(5), first subparagraph				
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.~~	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. ITM 9 November 2023 Text Origin: Commission Proposal
Article 11(5), second subparagraph				
254	Paragraphs 2 to 4 of this Article	Paragraphs 2 to 4 of this Article	Paragraphs 2 to 4 of this Article	Paragraphs 2 to 4 of this Article

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	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.	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.	~~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.~~	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. ITM 9 November 2023 Text Origin: Commission Proposal
Article 12				
255	Article 12 Planning	Article 12 Planning	Article 12 Planning	Article 12 Planning Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 12(1)				
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,	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	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,~~	

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	and, where appropriate, greenfield sites not usable for agriculture and forestry.	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.	~~industrial sites, brownfield sites, and, where appropriate, greenfield sites not usable for agriculture and forestry.~~	
Article 12(2)				
257	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 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.	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 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	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 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.	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 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

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		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.		combined assessment. ITM 9 November 2023
Article 13				
258	Article 13 Applicability of UNECE conventions	Article 13 Applicability of UNECE conventions	Article 13 Applicability of UNECE conventions	Article 13 Applicability of UNECE conventions Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 13(1)				
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,	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,	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,	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,

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	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.	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.	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 Environmental Assessment, signed in Kyiv on 21 May 2003.	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 <u>and its Protocol on Strategic Environmental Assessment, signed in Kyiv on 21 May 2003.</u> 27 October 2023 ITM 15 November 2023 Text Origin: Council Mandate
Article 13(2)				
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.	2. All decisions adopted pursuant to this Section shall be made publicly available <u>in an easily understandable manner and all decisions concerning one project shall be available at the same website.</u> 27 October 2023 Text Origin: EP Mandate
Section 3				
261	Section 3 Enabling conditions	Section 3 Enabling conditions	Section 3 Enabling conditions	Section 3 Enabling conditions Trilogue 24/10/2023 Text Origin: Commission Proposal

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	Article 14			
G 262	Article 14 Accelerating implementation	Article 14 Accelerating implementation	Article 14 Accelerating implementation of Strategic Projects	Article 14 Accelerating implementation <u>of</u> <u>Strategic Projects</u> Text Origin: Council Mandate
	Article 14(1)			
Y 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 spectrum of technologies in that area. The Commission and the Member States shall refrain from activities that crowd out	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.	1. The Commission and the Member States ~~shall~~ <u>[shall/may]</u> 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. Text Origin: Council Mandate

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		private investments.		
	Article 14(2)			
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 Projects to facilitate their rapidProject 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.	
	Article 14(2), point (a)			
265	(a) assistance to ensure compliance with applicable administrative and reporting obligations;	(a) assistance to ensure compliance with applicable administrative and reporting obligations;	(a) ~~assistance to ensure compliance with applicable administrative and reporting obligations;~~	
	Article 14(2), point (b)			
266	(b) assistance to project promoters to further increase the public acceptance of the project.	(b) assistance to project promoters to further increase the timely public acceptance participation in and consultation of the project, including by following recommendations and best practices shared by the Board where necessary;	(b) ~~assistance to project promoters to further increase the public acceptance of the project.~~	

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	Article 14(2), point (ba)				
Y	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;	PUBLIC		
	Article 14(2), point (ba)				
G	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].		<i>deleted</i> <i>ITM 6 November 2023</i>	
	Article 14(2a)				
G	266c	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).		<i>deleted</i> <i>ITM 6 November 2023</i>	
	Article 15				
G	267	Article 15 Coordination of financing	Article 15 Coordination of financing	Article 15 Coordination of financing	

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				Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 15(1)				
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 how the financing of its project can be completed, taking into account the funding already secured and considering at least the following elements:	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 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:	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 be completed, taking into account the funding already secured and considering at least the following elements:	
Article 15(1), point (a)				
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;	

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	Article 15(1), point (b)			
Y	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;	
	Article 15(1), point (c)			
G	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;	(c) existing Member State instruments and programmes, including from <u>export credit agencies</u> , national promotional banks and institutions; ITM 6 November 2023 Text Origin: EP Mandate
	Article 15(1), point (d)			
G	272 (d) relevant Union funding and financing programmes.	(d) relevant Union funding and financing programmes.	(d) relevant Union funding and financing programmes.	(d) relevant Union funding and financing programmes. Trilogue 24/10/2023 Text Origin: Commission Proposal
	Article 15(1a)			
Y	272a	1a. By ... [18 months after entry into force of this Regulation] and	1a. The standing sub-group referred to in Article 35(6) shall 2	Text Origin: EP Mandate

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		every year thereafter, the Commission, assisted by the standing sub-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.	years after entry into force of this Regulation submit a report to the Board describing obstacles to access to finance and recommendations to facilitate access to finance for Strategic Projects.	
Article 15(1b)				
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.	<i>deleted</i> ITM 6 November 2023
Article 16				
273	Article 16 Facilitating off-take agreements	Article 16 Facilitating off-take agreements	Article 16 Facilitating off-take agreements	Article 16 Facilitating off-take agreements Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 16(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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.	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. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 16(2)				
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:	2. The system referred to in paragraph 1 shall allow potential off-takers to make bids indicating: Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 16(2), point (a)				
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;	(a) the volume and quality of strategic raw materials they intend to purchase; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 16(2), point (b)				
277				

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	(b) the intended price or price range;	(b) the intended price or price range;	(b) the intended price or price range;	(b) the intended price or price range; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 16(2), point (c)				
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.	(c) the intended duration of the off-take agreement. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 16(3)				
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:	3. The system referred to in paragraph 1 shall allow project promoters of Strategic Projects to make offers indicating: Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 16(3), point (a)				
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;	(a) the volume and quality of strategic raw materials for which they are seeking to conclude off-take agreements;

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				Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 16(3), point (b)				
281	(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;	Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 16(3), point (c)				
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.	Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 16(4)				
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.	Trilogue 24/10/2023

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				Text Origin: Commission Proposal
Article 16(4a)				
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).		deleted ITM 6 November 2023
Article 17				
284	Article 17 Online accessibility of administrative information	Article 17 Online accessibility of administrative information	Article 17 Online accessibility of administrative information	Article 17 Online accessibility of administrative information Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 17, first paragraph				
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:	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:

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	Article 17, first paragraph, point (-a)			
Y	285a		(-a) the contact points referred to in Article 8 paragraph 1;	
	Article 17, first paragraph, point (a)			
G	286	(a) the permit-granting process and related administrative processes required for obtaining the permit;	(a) the permit-granting process including information on dispute settlement;	(a) the permit-granting process <u>and related administrative processes required for obtaining the permit</u> ; ITM 6 November 2023 Text Origin: EP Mandate
	Article 17, first paragraph, point (b)			
G	287	(b) financing and investment services;	(b) financing and investment services;	(b) financing and investment services; Trilogue 24/10/2023 Text Origin: Commission Proposal
	Article 17, first paragraph, point (c)			
G	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;

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				Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 17, first paragraph, point (d)				
G	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.	(d) business support services, including but not limited to corporate tax declaration, local tax laws, labour law. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 17, 1. a				
Y	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.		
Section 4				
G	290 Section 4 Exploration	Section 4 Exploration	Section 4 Exploration	Section 4 Exploration Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 18				

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291	Article 18 National exploration programmes	Article 18 National exploration programmes	Article 18 National exploration programmes	Article 18 National exploration programmes Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 18(1)				
292	1. Each Member State shall draw up a national programme for general exploration targeted at critical raw materials. Each Member State shall draw up the first such programme by [OP please insert: 1 year after the date of entry into force of this Regulation]. The national programmes shall be reviewed and, if necessary, updated, at least every 5 years.	1. Each Member State shall draw up a national programme for general exploration targeted at critical raw materials,. Each Member State shall draw up the first such programme by [OP please insert: 1 year after the date of entry into force of this Regulation]. The national programmes shall be reviewed and, if necessary, digitally updated, ~~at least~~ with data incorporated from other exploration campaigns for publication every ~~three~~ years.	1. Each Member State shall draw up a national programme for general exploration targeted at critical raw materials and carrier minerals of critical raw materials . Each Member State shall draw up the first such programme by [OP please insert: 1 year after the date of entry into force of this Regulation]. The national programmes shall be reviewed and, if necessary, updated, at least every 5 years.	1. Each Member State shall draw up a national programme for general exploration targeted at critical raw materials <u>and carrier minerals of critical raw materials</u> . Each Member State shall draw up the first such programme by [OP please insert: 1 year after the date of entry into force of this Regulation]. The national programmes shall be reviewed and, if necessary, updated, at least every <u>3-5 years</u> . 27 October 2023 Text Origin: Council Mandate
Article 18(2)				
293	2. The national exploration programmes referred to in paragraph 1 shall include measures to increase available information on the Union's critical raw material occurrences, including deep ore deposits. They	2. The national exploration programmes referred to in paragraph 1 shall include measures to increase available information on the Union's critical raw material occurrences, including deep ore deposits. They	2. The national exploration programmes referred to in paragraph 1 shall include measures to increase available information on the Union's critical raw material occurrences, including deep ore deposits. They	2. The national exploration programmes referred to in paragraph 1 shall include measures to increase available information on the Union's critical raw material occurrences, ~~including deep ore deposits~~ . They

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	shall include, as appropriate, the following measures:	shall include, as appropriate, the following measures:	shall include, as appropriate, the following measures:	shall include, as appropriate, the following measures: ITM 9 November 2023 Text Origin: Council Mandate
Article 18(2), point (a)				
294	(a) mineral mapping at a suitable scale;	(a) mineral mapping at a suitable scale, including the potential of existing tailings ;	(a) mineral mapping at a suitable scale;	(a) mineral mapping at a suitable scale; 27 October 2023 Text Origin: Commission Proposal
Article 18(2), point (b)				
295	(b) geochemical campaigns, including to establish the chemical compositions of soils, sediments, rocks;	(b) geochemical campaigns, including to establish the chemical compositions of soils, sediments, rocks;	(b) geochemical campaigns, including to establish the chemical compositions of soils, sediments, rocks;	(b) geochemical campaigns, including to establish the chemical compositions of soils, sediments, rocks; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 18(2), point (c)				
296	(c) geoscientific surveys, such as geophysical surveys;	(c) geoscientific surveys, such as geophysical surveys;	(c) geoscientific surveys, such as geophysical surveys;	(c) geoscientific surveys, such as geophysical surveys; Trilogue 24/10/2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 18(2), point (d)				
297	(d) processing of the data gathered through general exploration, including through the development of predictive maps;	(d) processing of the data gathered through general exploration, including through the development of predictive maps;	(d) processing of the data gathered through general exploration, including through the development of predictive maps;	(d) processing of the data gathered through general exploration, including through the development of predictive maps; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 18(2), point (e)				
298	(e) reprocessing of existing geoscientific survey data to check for unidentified mineral occurrences containing critical raw materials.	(e) reprocessing of existing geoscientific survey data to check for unidentified mineral occurrences containing critical raw materials and carrier metals which may contain critical raw materials.	(e) reprocessing of existing geoscientific survey data to check for unidentified mineral occurrences containing critical raw materials.	(e) reprocessing of existing geoscientific survey data to check for unidentified mineral occurrences containing critical raw materials <u>and carrier minerals of critical raw materials.</u> 27 October 2023 Text Origin: EP Mandate
Article 18(2a)				
298a			2a. Where a Member State's geological conditions are so that, with a high degree of certainty, no deposits of critical raw materials or their carrier minerals will be	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			identified through the measures listed in paragraph 2, the national programme referred to in paragraph 1 may consist of scientific evidence to that effect.	
	Article 18(3)			
Y	299	3. Member States shall communicate to the Commission their draft national programmes referred to in paragraph 1. The Commission may issue an opinion with regard to the scope and format of their exploration programmes, to ensure a streamlined Union approach. The Commission may also help Member States in setting up and implementing their national exploration programmes through technical, digital and technological resources.	3. Member States shall communicate to the Commission their national programmes referred to in paragraph 1.	
	Article 18(3), second subparagraph			
Y	299a	The Member States shall communicate to the Commission the finalised national programmes referred to in paragraph 1 of this Article. The Commission shall then forward those programmes to the Board so that they can be discussed in the subgroup referred to in Article 35(6), point (e).		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 18(4)			
G	300	4. Member States shall, as part of the report referred to in Article 43, provide information on progress in the implementation of the measures included in their national programmes.	4. Member States shall, as part of the report referred to in Article 43, provide information on progress in the implementation of the measures included in their national programmes.	4. Member States shall, as part of the report referred to in Article 43, provide information on progress in the implementation of the measures included in their national programmes. Trilogue 24/10/2023 Text Origin: Commission Proposal
	Article 18(5), first subparagraph			
Y	301	5. Member States shall make the ~~the~~ updated information on their mineral occurrences containing critical raw materials gathered through the measures set out in the national programmes referred to in paragraph 1 publicly available on a free access website ~~upon reasoned request by academia, national competent authorities, Union or national, regional and local agencies, national geological institutes or surveys.~~ This information shall, where applicable, include the classification of the identified occurrences using the United Nations Framework Classification for Resources.	5. Member States shall ~~make the~~ ~~information on their mineral occurrences containing critical raw materials gathered through~~ communicate the measures set out in the national programmes referred to in paragraph 1 publicly ~~and make~~ and make available on a free access website, or upon request, the information from these programmes. This information shall, where applicable, include the classification of the identified occurrences using the United Nations Framework Classification for Resources.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 18(5), second subparagraph				
302	The Commission is empowered to adopt implementing acts establishing a template for making available the information referred to in the first subparagraph. The template may indicate how the information referred to in the first subparagraph shall be expressed. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2).	The Commission is empowered to adopt implementing acts establishing a template for making available the information referred to in the first subparagraph. The template may indicate how the information referred to in the first subparagraph shall be expressed. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2).	The Commission is empowered to adopt implementing acts establishing a template for making available the information referred to in the first subparagraph. The template may indicate how the information referred to in the first subparagraph shall be expressed. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2).	The Commission is empowered to adopt implementing acts establishing a template for making available the information referred to in the first subparagraph. The template may indicate how the information referred to in the first subparagraph shall be expressed. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2). Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 18(6)				
303	6. Taking into consideration existing cooperation on general exploration, the standing sub-group referred to in Article 35(6), point (b) shall discuss the national programmes referred to in paragraph 1 and their implementation, including at least:	6. Taking into consideration existing cooperation on general exploration, the standing sub-group referred to in Article 35(6), point (b) shall discuss the national programmes referred to in paragraph 1 and their implementation, including at least:	6. Taking into consideration existing cooperation on general exploration, the standing sub-group referred to in Article 35(6), point (b) shall discuss the national programmes referred to in paragraph 1 and their implementation, including at least:	6. Taking into consideration existing cooperation on general exploration, the standing sub-group referred to in Article 35(6), point (b) shall discuss the national programmes referred to in paragraph 1 and their implementation, including at least: Trilogue 24/10/2023 Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 18(6), point (a)			
G	304 (a) the potential for cooperation, including on exploration of cross-border mineral occurrences and common geological formations;	(a) the potential for cooperation, including on exploration of cross-border mineral occurrences and common geological formations;	(a) the potential for cooperation, including on exploration of cross-border mineral occurrences and common geological formations;	(a) the potential for cooperation, including on exploration of cross-border mineral occurrences and common geological formations; Trilogue 24/10/2023 Text Origin: Commission Proposal
	Article 18(6), point (b)			
G	305 (b) best practices related to the measures listed in paragraph 2;	(b) best practices related to the measures listed in paragraph 2;	(b) best practices related to the measures listed in paragraph 2;	(b) best practices related to the measures listed in paragraph 2; Trilogue 24/10/2023 Text Origin: Commission Proposal
	Article 18(6), point (c)			
Y	306 (c) the possibility to create an integrated database for storing the results of the national programmes referred to in paragraph 1.	(c) the possibility to create an integrated database for storing the results of the national programmes referred to in paragraph 1 into the spatial data infrastructure referred to in Directive 2007/2/EC of the European Parliament and of the Council ¹ and to make	(c) the possibility to create an integrated database for storing the results of the national programmes referred to in paragraph 1.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		this spatial data infrastructure accessible to all national competent authorities to increase data-sharing. 1. Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).	PUBLIC	
Article 18(6a)				
306a		6a. Member States shall support the technological maturity of exploration technologies for deep and complex deposits of critical raw materials at least by including support actions to that effect under national R&I programmes, while minimising the environmental impact of those technologies.		<i>deleted</i> 27 October 2023
Chapter 4				
307	Chapter 4 Risk monitoring and mitigation	Chapter 4 Risk monitoring and mitigation	Chapter 4 Risk monitoring and mitigation	Chapter 4 Risk monitoring and mitigation Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 19				
308				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 19 Monitoring and stress testing	Article 19 Monitoring and stress testing	Article 19 Monitoring and stress testing	Article 19 Monitoring and stress testing Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 19(1)				
309	1. The Commission shall monitor supply risk related to critical raw materials. That monitoring shall cover at least the evolution of the following parameters:	1. The Commission shall monitor supply risk related to critical raw materials. That monitoring shall cover at least the evolution of the following parameters:	1. The Commission shall monitor supply ~~risk~~ risks related to critical raw materials, in particular those that would risk to distort competition or fragment the internal market. That monitoring shall cover at least the evolution of the following parameters:	1. The Commission shall monitor supply ~~risk~~ risks related to critical raw materials. <u>in particular those that would risk to distort competition or fragment the internal market.</u> That monitoring shall cover at least the evolution of the following parameters: ITM 24 October 2023
Article 19(1), point (a)				
310	(a) trade flows;	(a) trade flows;	(a) trade flows;	(a) trade flows <u>between the Union and third countries and within the single market;</u> Trilogue 24/10/2023 ITM 24 October 2023 Text Origin: Commission Proposal
Article 19(1), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
311	(b) demand and supply;	(b) demand and supply;	(b) demand and supply;	(b) demand and supply; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 19(1), point (c)				
312	(c) concentration of supply;	(c) concentration of supply;	(c) concentration of supply;	(c) concentration of supply; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 19(1), point (d)				
313	(d) Union and global production and production capacities at different stages of the value chain.	(d) Union and global production and production capacities at different stages of the value chain.	(d) Union and global production and production capacities at different stages of the value chain-;	(d) Union and global production and production capacities at different stages of the value chain. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 19(1), point (da)				
313a		(da) price volatility;		(da) price volatility; ITM 24 October 2023 Text Origin: EP Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 19(1), point (db)				
313b		(db) permitting bottlenecks;		<u>(db) bottlenecks at any stages of Union production and permitting bottlenecks for Strategic projects within the Union;</u> ITM 24 October 2023 Text Origin: EP Mandate
Article 19(1), point (dc)				
313c		(dc) Union and global recycling capacities of strategic raw materials;		<i>deleted</i> ITM 24 October 2023
Article 19(1), point (dd)				
313d			(d1) potential obstacles to trade in raw materials or in goods that use critical raw materials as input within the internal market.	<u>(d1) potential obstacles to trade in raw materials or in goods that use critical raw materials as input within the internal market.</u> ITM 24 October 2023 Text Origin: Council Mandate
Article 19(1), point (de)				
313e		(dd) geopolitical developments, human rights crises and security challenges facing the Union.		<i>deleted</i> ITM 24 October 2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<i>Article 19(2)</i>				
314	2. The national authorities participating in the standing sub-group referred to in Article 35(6), point (c) shall support the Commission in the monitoring referred to in paragraph 1 by:	2. The national authorities participating in the standing sub-group referred to in Article 35(6), point (c) shall support the Commission in the monitoring referred to in paragraph 1 by:	2. The national authorities participating in the standing sub-group referred to in Article 35(6); ~~point~~ (c) shall support the Commission in the monitoring referred to in paragraph 1 by:	2. The national authorities participating in the standing sub-group referred to in Article 35(6); ~~point~~ (c) shall support the Commission in the monitoring referred to in paragraph 1 by: Trilogue 24/10/2023 Text Origin: Council Mandate
<i>Article 19(2), point (a)</i>				
315	(a) sharing any information they have at their disposal on the evolution of the parameters listed in paragraph 1, including the information referred to in Article 20;	(a) sharing any information they have at their disposal on the evolution of the parameters listed in paragraph 1, including the information referred to in Article 20;	(a) sharing ~~any~~ relevant information they have at their disposal on the evolution of the parameters listed in paragraph 1, including the information referred to in Article 20;	(a) sharing ~~any~~ relevant information they have at their disposal on the evolution of the parameters listed in paragraph 1, <u>except for Article 19(1), point (da)</u> , including the information referred to in Article 20; Trilogue 24/10/2023 28/09/2023 ITM ITM 24 October 2023 Text Origin: Council Mandate
<i>Article 19(2), point (b)</i>				
316	(b) gathering, in coordination with the Commission and the other participating authorities, information on the evolution of the parameters listed in paragraph 1, including the	(b) gathering, in coordination with the Commission and the other participating authorities, information on the evolution of the parameters listed in paragraph 1, including the	(b) gathering, in coordination with the Commission and the other participating authorities, information on the evolution of the parameters listed in paragraph 1, including the	(b) gathering, in coordination with the Commission and the other participating authorities, information on the evolution of the parameters listed in paragraph 1, including the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	information referred to in Article 20;	information referred to in Article 20 without prejudice to applicable competition and anti-trust law;	information referred to in Article 20;	information referred to in Article 20; Trilogue 24/10/2023 28/09/2023 ITM Text Origin: Council Mandate
Article 19(2), point (c)				
317	(c) providing an analysis of the supply risks for critical raw materials in light of the evolution of the parameters listed in paragraph 1.	(c) providing an analysis of the supply risks for critical raw materials in light of the evolution of the parameters listed in paragraph 1.	(c) providing an analysis of the supply risks for critical raw materials in light of the evolution of the parameters listed in paragraph 1.	(c) providing an analysis of the supply risks for critical raw materials in light of the evolution of the parameters listed in paragraph 1. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 19(2), point (ca)				
317a				<u>(ca) informing the Commission without delay if the Member State becomes aware of a risk of serious disruption in the supply of [critical] raw materials.</u> ITM 24 October 2023
Article 19(3), first subparagraph				
318	3. The Commission, in collaboration with the national authorities participating in the standing sub-group referred to in Article 35(6), point (c), shall ensure	3. The Commission, in collaboration with the national authorities participating in the standing sub-group referred to in Article 35(6), point (c), shall ensure	3. The Commission, in collaboration with the national authorities participating in the standing sub-group referred to in Article ~~35(6), point (c)~~ 35(6)(c), shall	3. The Commission, in collaboration with the national authorities participating in the standing sub-group referred to in Article 35(6), point (c), shall ensure

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	that a stress test is performed for each strategic raw material's supply chain at least every three years. To that end, the standing sub-group referred to in Article 35(6), point (c) shall coordinate and divide the implementation of stress tests for the different strategic raw materials by the different participating authorities.	that a stress test is performed for each ~~strategic~~ critical raw material's supply chain at least every ~~three~~ two years or if supply risks are detected as a result of the monitoring referred in paragraph 1 . To that end, the standing sub-group referred to in Article 35(6), point (c), shall coordinate and divide the implementation of stress tests for the different ~~strategic~~ critical raw materials by the different participating authorities.	ensure that a stress test is performed for each strategic raw material's supply chain at least every three years. To that end, the standing sub-group referred to in Article 35(6), point (c) shall coordinate and divide the implementation of stress tests for the different strategic raw materials by the different participating authorities.	that a stress test is performed for each strategic raw material's supply chain at least every three years <u>or if significant increase in supply risks is detected as a result of the monitoring referred in paragraph 1</u> . To that end, the standing sub-group referred to in Article 35(6), point (c), shall coordinate and divide the implementation of stress tests for the different strategic raw materials by the different participating authorities. ITM 26 October Text Origin: EP Mandate
Article 19(3), second subparagraph				
319	The stress tests referred to in the first subparagraph shall consist of an assessment of the vulnerability of the Union's supply chain of the relevant strategic raw material to supply disruptions by estimating the impact of different scenarios that may cause such disruptions and their potential effects, taking into account at least the following elements:	The stress tests referred to in the first subparagraph shall consist of an assessment of the vulnerability of the Union's supply chain of the relevant ~~strategic~~ critical raw material to supply disruptions by estimating the impact of different scenarios that may cause such disruptions and their potential effects, taking into account at least the following elements:	The stress tests referred to in the first subparagraph shall consist of an assessment of the vulnerability of the Union's supply chain of the relevant strategic raw material to supply disruptions by estimating the impact of different scenarios that may cause such disruptions and their potential effects on the internal market , taking into account at least the following elements:	The stress tests referred to in the first subparagraph shall consist of an assessment of the vulnerability of the Union's supply chain of the relevant strategic raw material to supply disruptions by estimating the impact of different scenarios that may cause such disruptions and their potential effects, taking into account at least the following elements: ITM 24 October 2023 Text Origin: Commission Proposal
Article 19(3), second subparagraph, point (a)				

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320	(a) where the raw material concerned is extracted, processed or recycled;	(a) where the raw material concerned is extracted, processed or recycled;	(a) where the raw material concerned is extracted, processed or recycled;	(a) where the raw material concerned is extracted, processed or recycled; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 19(3), second subparagraph, point (b)				
321	(b) the capacities of economic operators along the value chain as well as the market structure;	(b) the capacities of economic operators along the value chain as well as the market structure;	(b) the capacities of economic operators along the value chain as well as the market structure;	(b) the capacities of economic operators along the value chain as well as the market structure; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 19(3), second subparagraph, point (c)				
322	(c) factors that might affect supply, including but not limited to the geopolitical situation, logistics, energy supply, workforce or natural disasters;	(c) factors that might affect supply, including but not limited to the geopolitical situation, trade disputes including acts of economic coercion , logistics, energy supply, workforce or natural disasters;	(c) factors that might affect supply, including but not limited to the geopolitical situation, logistics, energy supply, workforce or natural disasters;	(c) factors that might affect supply, including but not limited to the geopolitical situation, logistics, energy supply, workforce or natural disasters; ITM 24 October 2023 Text Origin: Commission Proposal
Article 19(3), second subparagraph, point (d)				
323				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(d) the availability of alternative supply sources and of substitute materials;	(d) the availability of alternative ~~and~~ ability to swiftly diversify supply sources, substitute materials or mitigate the demand through increases in efficiency and of substitute materials;	(d) the availability of alternative supply sources and of substitute materials;	(d) the availability ~~of alternative~~ <u>and ability to swiftly diversify</u> supply sources, <u>substitute materials or mitigate the demand</u> ~~and of substitute materials~~ ; ITM 24 October 2023 Text Origin: EP Mandate
Article 19(3), second subparagraph, point (e)				
324	(e) the users of the relevant raw material along the value chain and their share of demand, with special attention to the manufacturing of technologies relevant for the green and digital transitions as well as defence and space applications.	(e) the users of the relevant raw material along the value chain and their share of demand, with special attention to the manufacturing of technologies relevant for the green and digital transitions as well as defence and ~~space~~ aerospace applications.	(e) the users of the relevant raw material along the value chain and their share of demand, with special attention to the manufacturing of technologies relevant for the green and digital transitions as well as defence and space applications-;	(e) the users of the relevant raw material along the value chain and their share of demand, with special attention to the manufacturing of technologies relevant for the green and digital transitions as well as defence and ~~space~~ <u>aerospace</u> applications. ITM 24 October 2023 Text Origin: EP Mandate
Article 19(3), second subparagraph, point (ea)				
324a			(ea) potential obstacles to cross-border trade in relevant raw materials or in goods that that use raw materials as an input within the internal market.	<u>(ea) potential obstacles to cross-border trade in relevant raw materials or in goods that that use raw materials as an input within the internal market.</u> ITM 24 October 2023 Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 19(3a)(4)			
325	4. The Commission shall make publicly available on a free access website and regularly update a monitoring dashboard containing:	4. The Commission shall make publicly available on a free access website and regularly update a monitoring dashboard upon a reasoned request by academia, national competent authorities, Union agencies or Member States geological institutes or surveys, information containing:	4. The Commission shall make publicly available on a free access website and regularly update a monitoring dashboard containing:	4. The Commission shall make publicly available on a free access website and regularly update a monitoring dashboard containing: ITM 24 October 2023 Text Origin: Commission Proposal
	Article 19(3a)(4), point (a)			
326	(a) the available information on the evolution of the parameters referred to in paragraph 1;	(a) the available information on the evolution of the parameters referred to in paragraph 1;	(a) ~~the available~~ aggregated information on the evolution of the parameters referred to in paragraph 1;	(a) ~~the available~~ aggregated information on the evolution of the parameters referred to in paragraph 1; ITM 24 October 2023 Text Origin: Council Mandate
	Article 19(3a)(4), point (b)			
327	(b) a calculation of the supply risk for critical raw materials in light of the information referred to in point (a);	(b) a calculation of the supply risk for critical raw materials in light of the information referred to in point (a);	(b) ~~a~~ an aggregated description of calculation of the supply risk for critical raw materials in light of the information referred to in point (a);	(b) ~~a~~ an aggregated description of calculation of the supply risk for critical raw materials in light of the information referred to in point (a); ITM 24 October 2023 Text Origin: Council Mandate

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Article 19(3a)(4), point (c)				
328	(c) the results of the stress tests referred to in paragraph 3;	(c) the results of the stress tests referred to in paragraph 3;	(c) ~~the results of the stress tests referred to in paragraph 3;~~	(c) ~~the results of the stress tests referred to in paragraph 3;~~ ITM 24 October 2023 Text Origin: Commission Proposal
Article 19(3a)(4), point (d)				
329	(d) where appropriate, suggestion for suitable mitigation strategies to decrease supply risk.	(d) where appropriate, suggestion for suitable mitigation strategies to decrease supply risk.	(d) where appropriate, ~~suggestion~~ general suggestions for suitable mitigation strategies to decrease supply risk-;	(d) where appropriate, ~~suggestion~~ general suggestions for suitable mitigation strategies to decrease supply risk-;
Article 19(3a), (4) a				
329a		If there are reasonable grounds to assume that making available information referred to in the first subparagraph of this paragraph to any of the actors referred to in that subparagraph 1 would lead to geopolitical disadvantages, the Commission may refuse to make available the information to any of those actors on a case-by-case basis.	unless it endangers the protection of trade and business secrets and other sensitive, confidential and classified information.	<u>unless it endangers the protection of trade and business secrets and other sensitive, confidential and classified information.</u> ITM 24 October 2023 Text Origin: Council Mandate
Article 19(5)				

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G 330	5. Where, based on the information gathered pursuant to paragraphs 1, 2 and 3, the Commission considers that there a is clear indication of the risk of a supply disruption, the Commission shall alert Member States, the Board and the Union governance bodies of crisis vigilance or crisis management mechanisms whose scope covers relevant critical or strategic raw materials.	5. Where, based on the information gathered pursuant to paragraphs 1, 2 and 3, the Commission considers that there a is clear indication of the risk of a supply disruption, the Commission shall alert Member States, the Board, the European Parliament and the Union governance bodies of crisis vigilance or crisis management mechanisms whose scope covers relevant critical or strategic raw materials.	5. ~~Where, based on~~ The Commission shall analyse the information gathered pursuant to paragraphs 1, 2 and 3, upon alert pursuant to paragraph 5a, or by other means. Where the Commission, based on the analysis, considers that there a is clear indication of the risk of a supply disruption likely to distort competition or fragment the internal market, the Commission shall alert Member States, the Board and the Union governance bodies of crisis vigilance or crisis management mechanisms whose scope covers relevant critical or strategic raw materials. Where relevant, the Commission shall also assess whether this risk requires an update of the list of strategic raw materials pursuant to Article 3(3).	5. ~~Where, based on~~ The Commission shall analyse the information gathered pursuant to paragraphs 1, 2 and 3. Where the Commission, based on the analysis, ~~the Commission~~ considers that there a is clear indication of the risk of a supply disruption likely to distort competition or fragment the internal market, the Commission shall alert Member States, the Board and the Union governance bodies of crisis vigilance or crisis management mechanisms whose scope covers relevant critical or strategic raw materials. Where relevant, the Commission shall also assess whether this risk requires an update of the list of strategic raw materials pursuant to Article 3(3). ITM 24 October 2023 Text Origin: Council Mandate
Article 19(5a)				
R 330a		5a. Large companies manufacturing strategic technologies using strategic raw materials shall take appropriate risk management and mitigation measures regarding their supply chains of critical raw materials and shall share them with their		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		board of directors on a regular basis as well as ad hoc if needed.		
	Article 19(5a)			
Y	330b		5a. Where a Member State becomes aware of a risk of serious disruption in the supply of strategic raw materials, it shall alert the Commission without undue delay.	deleted
	Article 20			
G	331	Article 20 Information obligations for monitoring	Article 20 Information obligations for monitoring	Article 20 Information obligations for monitoring Trilogue 24/10/2023 Text Origin: Commission Proposal
	Article 20(1)			
G	332	1. Member States shall, as part of the report referred to in Article 43, provide information to the Commission on any new or existing raw material project on their territory that is relevant regarding to Article 19(1), point (d), including a classification of new projects according to the United Nations	1. Member States shall, as part of the report referred to in Article 43, provide information to the Commission on any new or existing critical raw material project on their territory that is relevant regarding to Article 19(1), point (d), including a classification of new projects according to the United Nations	1. Member States shall, as part of the report referred to in Article 43, provide information to the Commission on ~~any~~ new or existing critical raw material project on their territory that is relevant regarding to Article 19(1), point (d), including a classification of new projects according to the United Nations

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Framework Classification of Resources.	Framework Classification of Resources.	Framework Classification of Resources.	Framework Classification of Resources. Trilogue 24/10/2023 28/09/2023 ITM Text Origin: Council Mandate
Article 20(1a)				
332a		The Member State providing information in accordance with the first subparagraph of this paragraph shall obtain that information exclusively from the data submitted in the permit granting application. Any information provided under the first subparagraph of this paragraph shall be treated in accordance with Article 44.		
Article 20(2)				
333	2. Member States shall identify key market operators along the critical raw materials value chain established in their territory and shall:	2. Member States shall identify ~~key market operators~~ the large companies operating along the critical raw materials value chain established in their territory and shall:	2. Member States shall identify key market operators along the critical raw materials value chain established in their territory and shall:	
Article 20(2), point (a)				
334	(a) monitor their activities through regular and proportionate surveys	(a) monitor their activities through regular and proportionate surveys	(a) monitor their activities by exploring publicly available data	(a) monitor their activities <u>by exploring publicly available data</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	with a view to gathering information required for the monitoring tasks referred to in Article 19;	with a view to gathering information required for the monitoring tasks referred to in Article 19. Large companies identified under this paragraph shall only be required to submit information they collect as part of already existing monitoring exercises or stress tests, to the extent that such information is already available. The large companies shall not be required to submit any data that includes business risk. Member States shall ensure that information is treated in accordance with Article 44.	and if necessary , through regular and proportionate surveys with a view to gathering information required for the monitoring tasks referred to in Article 19;	<u>and if necessary</u> , through regular and proportionate surveys with a view to gathering information required for the monitoring tasks referred to in Article 19. <u>Key market operators may refuse to submit data requested in those surveys if sharing that data would lead to the disclosure of trade and business secrets, and shall only fill out the survey to the extent the requested information is already available to them. If a key market operator refuses to submit requested data, it shall present a justified notice to the requesting Member State.</u> 28/09/2023 ITM ITM 9 November 2023 Text Origin: Council Mandate
Article 20(2), point (b)				
335	(b) as part of the report referred to in Article 43, provide information on the results of those surveys;	(b) as part of the report referred to in Article 43, provide information on the results of those surveys;	(b) as part of the report referred to in Article 43, provide information on the results of those surveys the information gathering pursuant to paragraph 2 (a);	
Article 20(2), point (c)				
336	(c) without delay notify the Commission of major events that may hinder the regular operations of	(c) without delay notify the Commission of major events that may hinder the regular operations of	(c) without delay notify the Commission of major events that may hinder the regular operations of	(c) without delay notify the Commission of major events that may hinder the regular operations of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the activities of key market operators.	the activities of key market operators.	the activities of key market operators.	the activities of /key market operators/. 28/09/2023 ITM Text Origin: Commission Proposal
Article 20(3)				
337	3. Member States shall transmit the data collected pursuant to paragraphs 2(a) and (b) of this Article to national statistical authorities and to Eurostat for the purposes of compiling statistics in accordance with Regulation (EC) No 223/2009 of the European Parliament and of the Council. Member States shall designate the national authority responsible for transmitting the data to national statistical offices and Eurostat.	3. Member States shall transmit the data collected pursuant to paragraphs 2(a) and (b) of this Article to national statistical authorities and to Eurostat for the purposes of compiling statistics in accordance with Regulation (EC) No 223/2009 of the European Parliament and of the Council. Member States shall designate the national authority responsible for transmitting the data to national statistical offices and Eurostat.	3. Member States shall transmit the data collected pursuant to paragraphs 2(a) and (b) of this Article to national statistical authorities and to Eurostat for the purposes of compiling statistics in accordance with Regulation (EC) No 223/2009 of the European Parliament and of the Council. Member States shall designate the national authority responsible for transmitting the data to national statistical offices and Eurostat.	3. Member States shall transmit the data collected pursuant to paragraphs 2(a) and (b) of this Article to national statistical authorities and to Eurostat for the purposes of compiling statistics in accordance with Regulation (EC) No 223/2009 of the European Parliament and of the Council. Member States shall designate the national authority responsible for transmitting the data to national statistical offices and Eurostat. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 20(3a)				
337a		3a. Member States shall, after consulting relevant stakeholders along the critical raw materials value chain, develop a single template to be filled in by large		<i>deleted</i> ITM 26 October

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		companies for answering the surveys referred to in paragraph 2, point (a). The single template may indicate how the information referred to in paragraph 2, point (a) is to be formulated. The scope of information required to complete the single template shall be reasonable.	PUBLIC	
Article 21				
338	Article 21 Reporting of strategic stocks	Article 21 Reporting of strategic stocks	Article 21 Reporting of strategic stocks	Article 21 Reporting of strategic stocks Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 21(1)				
339	1. Member States shall, as part of the report referred to in Article 43, submit to the Commission information on the state of their strategic stocks of strategic raw materials.	1. Member States shall, as part of the report referred to in Article 43, submit to the Commission information on the state of their strategic stocks of strategic raw materials.	1. Member States shall, as part of the report referred to in Article 43, submit to the Commission information on the state of their strategic stocks of strategic raw materials. Member States shall not be required to submit information regarding certain strategic stocks when such information could compromise its defence and national security. In this case, it shall present a justified notice in accordance with paragraph 44(4).	1. Member States shall, as part of the report referred to in Article 43, submit to the Commission information on the state of their strategic stocks of strategic raw materials. <u>Member States shall not be required to submit information regarding certain strategic stocks when such information could compromise its defence and national security. In this case, it shall present a justified notice.</u>

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				ITM 14 November Text Origin: Council Mandate
Article 21(1a)(2)				
340	2. The information referred to in paragraph 1 shall cover stocks held by all public authorities, publicly owned companies or economic operators charged by a Member State to build up strategic stocks on its behalf and shall at least include a description of:	2. The information referred to in paragraph 1 shall cover stocks held by all public authorities, publicly owned companies or economic operators charged by a Member State to build up or manage strategic stocks on its behalf and shall at least include a description of:	2. The information referred to in paragraph 1 shall cover stocks held by all public authorities, publicly owned companies or economic operators charged by a Member State to build up strategic stocks on its behalf and shall at least include a description of:	2. The information referred to in paragraph 1 shall cover stocks held by all public authorities, publicly owned companies or economic operators charged by a Member State to build up strategic stocks on its behalf and shall at least include a description of: ITM 26 October Text Origin: Commission Proposal
Article 21(1a)(2), point (a)				
341	(a) the level of stocks available for each strategic raw material, measured both in tonnes and as a percentage of annual national consumption of the relevant materials, as well as the chemical form and purity of the materials stocked;	(a) the level of stocks available for each strategic raw material, measured both in tonnes and as a percentage of annual national consumption of the relevant materials, as well as the chemical form and purity of the materials stocked;	(a) the level of stocks available for each strategic raw material, on an aggregated level, measured both in tonnes and as a percentage of annual national consumption of the relevant materials, as well as the chemical form and purity of the materials stocked;	(a) the level of stocks available for each strategic raw material, <u>on an aggregated level</u>, measured both in tonnes and as a percentage of annual national consumption of the relevant materials, as well as the chemical form and purity of the materials stocked; Trilogue 24/10/2023 28/09/2023 ITM Text Origin: Council Mandate
Article 21(1a)(2), point (b)				

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342	(b) the evolution of the level of stocks available for each strategic raw material over the preceding 5 years;	(b) the evolution of the level of stocks available for each strategic raw material over the preceding 5 years;	(b) the evolution of the level of stocks available for each strategic raw material, on an aggregated level , over the preceding 5 years;	(b) the evolution of the level of stocks available for each strategic raw material, <u>on an aggregated level</u> , over the preceding 5 years; ITM 14 November Text Origin: Council Mandate
Article 21(1a)(2), point (c)				
343	(c) any rules or procedures applicable to the release, allocation and distribution of strategic stocks.	(c) any rules or procedures applicable to the release, allocation and distribution of strategic stocks.	(c) any rules or procedures applicable to the release, allocation and distribution of strategic stocks;	(c) any rules or procedures applicable to the release, allocation and distribution of strategic stocks; ITM 14 November Text Origin: Council Mandate
Article 21(1a), (2) a				
343a			unless it endangers the protection of trade and business secrets and other sensitive, confidential and classified information.	<u>unless it endangers the protection of trade and business secrets and other sensitive, confidential and classified information.</u> ITM 14 November Text Origin: Council Mandate
Article 21(3)				
344	3. The report may also include information of strategic stocks of	3. The report may also include information of strategic stocks of	3. The report may also include information of strategic stocks of	3. The report may also include information of strategic stocks of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	critical and other raw materials.	critical and other raw materials.	critical and other raw materials.	critical and other raw materials. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 22				
345	Article 22 Coordination of strategic stocks	Article 22 ~~Coordination~~ Monitoring of strategic stocks	Article 22 Coordination of strategic stocks	Article 22 Coordination of strategic stocks ITM 14 November Text Origin: Council Mandate
Article 22(1)				
346	1. By [OP please complete: 2 year after the date of entry into force of this Regulation] and every 2 years after that, the Commission shall, based on the information received pursuant to Article 21(1), share with the Board:	1. By [OP please complete: 2 year after the date of entry into force of this Regulation] and every 2 years after that, the Commission shall, based on the information received pursuant to Article 21(1), share with the Board and the European Parliament:	1. By [OP please complete: 2 ~~year~~ years after the date of entry into force of this Regulation] and every 2 years after that, the Commission shall, based on the information received pursuant to Article 21(1), share with the Board:	1. By [OP please complete: 2 ~~year~~ years after the date of entry into force of this Regulation] and every 2 years after that, the Commission shall, based on the information received pursuant to Article 21(1), share with the Board: Trilogue 24/10/2023 28/09/2023 ITM Text Origin: Council Mandate
Article 22(1), point (a)				
347	(a) a draft benchmark indicating a safe level of Union stocks for each strategic raw material, defined	(a) ~~a draft benchmark indicating a safe~~ information on the overall level of Union stocks for each	(a) a draft benchmark indicating a safe level of Union stocks for each strategic raw material, defined	(a) a draft benchmark indicating a safe level of Union stocks for each strategic raw material, defined

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	pursuant to paragraph 2;	strategic raw material, ~~defined pursuant to paragraph 2;~~	pursuant to paragraph 2;	pursuant to paragraph 2; ITM 14 November Text Origin: Council Mandate
Article 22(1), point (b)				
348	(b) a comparison of the overall level of Union stocks for each strategic raw material and the draft benchmark referred to in point (a);	(b) ~~a comparison of the overall level of Union stocks for each strategic raw material and the draft benchmark referred to in point (a);~~	(b) a comparison of the overall level of Union stocks for each strategic raw material and the draft benchmark referred to in point (a);	(b) a comparison of the overall level of Union stocks for each strategic raw material and the draft benchmark referred to in point (a); ITM 14 November Text Origin: Council Mandate
Article 22(1), point (c)				
349	(c) information on the potential cross-border accessibility of strategic stocks, in light of the rules or procedures for their release, allocation and distribution.	(c) information on the potential cross-border accessibility of strategic stocks, in light of the rules or procedures for their release, allocation and distribution.	(c) information on the potential cross-border accessibility of strategic stocks, in light of the rules or procedures for their release, allocation and distribution.	(c) information on the potential cross-border accessibility of strategic stocks, in light of the rules or procedures for their release, allocation and distribution. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 22(2)				
350	2. The Commission, taking account of the views of the Board, shall adopt a benchmark indicating a safe	2. The Commission, taking ~~account~~ standing sub-group of the ~~views of the Board, shall adopt a~~	2. The Commission, taking account of the views of the Board, shall adopt a benchmark indicating a safe	2. The Commission, taking account of the views of the Board, shall adopt a benchmark indicating a safe

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	level of Union stocks of strategic raw materials, which shall:	~~benchmark indicating~~ Board referred to in Article 35(6), point (d) shall determine a safe level of Union stocks of strategic raw materials, ~~which~~ . The safe level shall:	level of Union stocks of strategic raw materials, which shall:	level of Union stocks of strategic raw materials, which shall: ITM 14 November Text Origin: Council Mandate
Article 22(2), point (a)				
351	(a) be expressed as the amount needed to cover an amount of days of average daily net imports in case of a supply disruption, calculated on the basis of the amount of imports during the previous calendar year;	(a) be expressed as the amount needed to cover an amount of days of average daily net imports in case of a supply disruption, calculated on the basis of the amount of imports during the previous calendar year;	(a) be expressed as the amount needed to cover an amount of days of average daily net imports in case of a supply disruption, calculated on the basis of the amount of imports during the previous calendar year;	(a) be expressed as the amount needed to cover an amount of days of average daily net imports in case of a supply disruption, calculated on the basis of the amount of imports during the previous calendar year; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 22(2), point (b)				
352	(b) take into account stocks held by private operators, to the extent that information on such stocks is available;	(b) ~~take into account stocks held by private operators, to the extent that information on such stocks is available;~~	(b) take into account stocks held by private operators, to the extent that information on such stocks is available;	(b) take into account <u>publicly available information on</u> stocks held by private operators, ~~to the extent that information on such stocks is available;~~ ITM 14 November Text Origin: Council Mandate
Article 22(2), point (c)				
353				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(c) be proportionate to the supply risk and economic importance associated with the relevant strategic raw material.	(c) be proportionate to the supply risk and economic importance associated with the relevant strategic raw material.	(c) be proportionate to the supply risk and economic importance associated with the relevant strategic raw material.	(c) be proportionate to the supply risk and economic importance associated with the relevant strategic raw material. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 22(3)				
354	3. The Commission, taking account of the views of the Board, may issue opinions addressed to Member States:	3. The Commission, taking account of the views of the Board, ~~may~~ shall , where appropriate , issue opinions addressed to Member States:	3. The Commission, taking account of the views of the Board, may issue opinions addressed to Member States:	3. The Commission, taking account of the views of the Board, may issue opinions addressed to Member States: ITM 14 November Text Origin: Council Mandate
Article 22(3), point (a)				
355	(a) to increase the level of strategic stocks, taking into account the comparison referred to in paragraph 1, point (b), the relative distribution of existing stocks among Member States and the consumption of strategic raw materials by economic operators in the Member States' respective territories;	(a) to increase the level of strategic stocks, taking into account the comparison referred to in paragraph 1, point (b), the relative distribution of existing stocks among Member States and the consumption of strategic raw materials by economic operators in the Member States' respective territories;	(a) to increase the level of strategic stocks, and where applicable, production capabilities , taking into account the comparison referred to in paragraph 1, point (b), the relative distribution of existing stocks among Member States and the consumption of strategic raw materials by economic operators in the Member States' respective territories;	(a) to increase the level of strategic stocks, <u>and where applicable, production capabilities</u> , taking into account the comparison referred to in paragraph 1, point (b), the relative distribution of existing stocks among Member States and the consumption of strategic raw materials by economic operators in the Member States' respective territories; Trilogue 24/10/2023 28/09/2023 ITM

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				Text Origin: Council Mandate
Article 22(3), point (b)				
356	(b) to amend or coordinate the rules or procedures for the release, allocation and distribution of strategic stocks in order to improve the potential cross-border accessibility, in particular where necessary for the production of strategic technologies.	(b) to amend or coordinate the rules or procedures for the release, allocation and distribution of strategic stocks in order to improve the potential cross-border accessibility, in particular where necessary for the production of strategic technologies.	(b) to amend or coordinate the rules or procedures for the release, allocation and distribution of strategic stocks in order to improve the potential cross-border accessibility, in particular where necessary for the production of strategic technologies.	(b) to amend or coordinate the rules or procedures for the release, allocation and distribution of strategic stocks in order to improve the potential cross-border accessibility, in particular where necessary for the production of strategic technologies. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 22(4)				
357	4. In preparing opinions referred to in paragraph 3, the Board shall give particular weight to the need to maintain incentives for private operators, which rely on strategic raw materials as inputs, to constitute their own stocks or to take other measures to manage their exposure to supply risks.	4. In preparing opinions referred to in paragraph 3, the Commission and the Board shall give particular weight to the need to ~~maintain~~ main incentives for private operators, which rely on strategic raw materials as inputs, to constitute their own stocks or to take other measures to manage their exposure to supply risks.	4. In preparing opinions referred to in paragraph 3, the Commission and the Board shall give particular weight to ~~the need to maintain~~ promote incentives for private operators, which rely on strategic raw materials as inputs, to constitute their own stocks or to take other measures to manage their exposure to supply risks.	4. In preparing opinions referred to in paragraph 3, the <u>Commission and the</u> Board shall give particular weight to the need to maintain <u>and promote</u> incentives for private operators, which rely on strategic raw materials as inputs, to constitute their own stocks or to take other measures to manage their exposure to supply risks. Trilogue 24/10/2023 28/09/2023 ITM Text Origin: EP Mandate
Article 22(5)				

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358	5. Member States shall, as part of the report referred to in Article 43, provide information on whether and how they have implemented or intend to implement the opinions referred to in paragraph 3.	5. Member States shall, as part of the report referred to in Article 43, provide information on whether and how they have implemented or intend to implement the opinions referred to in paragraph 3.	5. Member States shall, as part of the report referred to in Article 43, provide information on whether and how they have implemented or intend to implement the opinions referred to in paragraph 3.	5. Member States shall, as part of the report referred to in Article 43, provide information on whether and how they have implemented or intend to implement the opinions referred to in paragraph 3. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 22(6)				
359	6. Ahead of the participation of at least two Member States in international or multilateral fora in the areas of strategic stocks for strategic raw materials, the Commission shall ensure a prior coordination either between the Member States concerned and the Commission or by a dedicated meeting of the Board.	6. Ahead of the participation of at least two Member States in international or multilateral fora in the areas of strategic stocks for strategic raw materials, the Commission shall ensure a prior coordination either between the Member States concerned and the Commission or by a dedicated meeting of the Board.	6. Ahead of the participation of at least two Member States in international or multilateral fora in the areas of strategic stocks for strategic raw materials, the Commission shall ensure a prior coordination either between the Member States concerned and the Commission or by a dedicated meeting of the Board.	6. Ahead of the participation of at least two Member States in international or multilateral fora in the areas of strategic stocks for strategic raw materials, the Commission shall ensure a prior coordination either between the Member States concerned and the Commission or by a dedicated meeting of the Board. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 22(7)				
360	7. The data collected on the available Union stocks shall be provided by the Commission to the	7. The data collected on the available Union stocks shall be provided by the Commission to the	7. The data collected on the available Union stocks shall be provided by the Commission to the	7. The data collected on the available Union stocks shall be provided by the Commission to the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Union governance bodies responsible for crisis vigilance or crisis management mechanisms covering relevant strategic raw materials.	Union governance bodies responsible for crisis vigilance or crisis management mechanisms covering relevant strategic raw materials.	Union governance bodies responsible for crisis vigilance or crisis management mechanisms covering relevant strategic raw materials.	Union governance bodies responsible for crisis vigilance or crisis management mechanisms covering relevant strategic raw materials. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 22(7a)				
360a			7a. No provisions under this Article and Article 21 shall constitute an obligation for Member State to hold or release strategic stocks.	<u>7a. No provisions under this Article and Article 21 shall constitute an obligation for Member State to hold or release strategic stocks.</u> Trilogue 24/10/2023 28/09/2023 ITM Text Origin: Council Mandate
Article 23				
361	Article 23 Company risk preparedness	~~Article 23~~ ~~Company risk preparedness~~	Article 23 Company risk preparedness	Article 23 Company risk preparedness ITM 14 November Text Origin: Council Mandate
Article 23(1), first subparagraph				
362	1. Member States shall identify the	1. ~~Member States shall identify the~~	1. Member States shall identify the	1. <u>Within 12 months of entry into</u>

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	large companies that manufacture strategic technologies using strategic raw materials on their territory.	~~large companies that manufacture strategic technologies using strategic raw materials on their territory.~~	large companies operative on their territory that manufacture strategic technologies using strategic raw materials on their territory.	<u>force of this Regulation and within 12 months of each update of the strategic raw materials list in accordance with Article 3,</u> Member States shall identify the large companies ~~that manufacture strategic technologies~~ <u>using operative on their territory that use</u> strategic raw materials ~~on their territory~~ <u>to manufacture batteries for energy storage and e-mobility, equipment related to hydrogen production and utilisation, equipment related to renewable energy generation, aircrafts, traction motors, heat pumps, data transmission and storage, mobile electronic devices, equipment related to additive manufacturing, robotics, drones, rocket launchers, satellites or advanced chips.</u> ITM 14 November
Article 23(1), second subparagraph				
363	The strategic technologies referred to in the first subparagraph shall include, but are not limited to, batteries for energy storage and e-mobility, equipment related to hydrogen production and utilisation, equipment related to renewable energy generation, traction motors, heat pumps, data transmission and	~~The strategic technologies referred to in the first subparagraph shall include, but are not limited to, batteries for energy storage and e-mobility, equipment related to hydrogen production and utilisation, equipment related to renewable energy generation, traction motors, heat pumps, data transmission and~~	The strategic technologies referred to in the first subparagraph shall include, but are not limited to, batteries for energy storage and e-mobility, equipment related to hydrogen production and utilisation, equipment related to renewable energy generation, traction motors, heat pumps, data transmission and	<i>deleted</i> ITM 14 November

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	storage, mobile electronic devices, equipment related to additive manufacturing, robotics, drones, rocket launchers, satellites and advanced chips.	~~storage, mobile electronic devices, equipment related to additive manufacturing, robotics, drones, rocket launchers, satellites and advanced chips.~~	storage, mobile electronic devices, equipment related to additive manufacturing, robotics, drones, rocket launchers, satellites and advanced chips.	
Article 23(2)				
364	2. Large companies identified by Member States pursuant to paragraph 1 shall, every two years, perform an audit of their supply chain, including:	~~2. Large companies identified by Member States pursuant to paragraph 1 shall, every two years, perform an audit of their supply chain, including:~~	2. Large companies identified by Member States pursuant to paragraph 1 shall, every two years, perform an audit of their supply chain, including:	2. ~~Large~~ Companies ~~identified by Member States pursuant to~~ <u>referred to under</u> paragraph 1 shall, <u>at least</u> every ~~two~~ <u>3</u> years, <u>and to the extent the required information is available to them</u> perform ~~an audit~~ <u>a risk assessment of strategic raw materials</u> , including: ITM 14 November
Article 23(2), point (a)				
365	(a) a mapping of where the strategic raw materials they use are extracted, processed or recycled;	~~(a) a mapping of where the strategic raw materials they use are extracted, processed or recycled;~~	(a) a mapping of where the strategic raw materials they use are extracted, processed or recycled;	(a) a mapping of where the strategic raw materials they use are extracted, processed or recycled; ITM 14 November
Article 23(2), point (b)				
366	(b) a stress test of their supply chain of strategic raw materials, consisting of an assessment of its vulnerability to supply disruptions by estimating	~~(b) a stress test of their supply chain of strategic raw materials, consisting of an assessment of its vulnerability to supply disruptions by estimating~~	(b) a stress test of their supply chain of strategic raw materials, consisting of an assessment of its vulnerability to supply disruptions by estimating	(b) ~~a stress test of their supply chain of strategic raw materials, consisting of an assessment of its vulnerability to supply disruptions~~

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	the impact of different scenarios that may cause such disruptions and their potential effects, taking into account at least the elements listed in Article 19(3).	~~the impact of different scenarios that may cause such disruptions and their potential effects, taking into account at least the elements listed in Article 19(3).~~	the impact of different scenarios that may cause such disruptions and their potential effects, taking into account at least the elements listed in Article 19(3).	~~by estimating the impact of different scenarios that may cause such disruptions and~~ <u>an analysis of the factors that might affect</u> their ~~potential effects, taking into account at least the elements listed in Article 19(3).~~ <u>supply of strategic raw materials;</u> ITM 14 November
Article 23(2), point (ba)				
366a				<u>(ba) an assessment of their vulnerabilities to supply disruptions.</u> ITM 14 November
Article 23(2a)				
366b				<u>2a. Where the information referred to in paragraph 2 is not made available to the companies referred to in paragraph 1 by their suppliers upon request, they may perform their risk assessment on the basis of the information published by the Commission pursuant to article 19(4), or otherwise publicly available information, to the extent possible.</u> ITM 14 November

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Article 23(2b)				
G 366c			PUBLIC	<u>2b. If significant vulnerabilities to supply disruptions are detected as a result of the risk assessment referred to in paragraph 2, companies referred to under paragraph 1 shall take efforts to mitigate these vulnerabilities, including by assessing the possibility to diversify its supply chains or to substitute the strategic raw materials.</u> ITM 14 November
Article 23(2c)				
G 366d				<u>2c. Companies referred to under paragraph 1 may present a report containing the results of the risk assessment referred to in paragraph 2, including the source of the information on which the assessment is based any significant risks detected as well as mitigation measures envisioned or implemented to their board of directors.</u> ITM 14 November
Article 23(3)				
G 367	3. Companies referred to under	3. Companies referred to under	3. Member States shall encourage	3. <u>Member States may require</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	paragraph 1 shall present a report containing the results of the audit referred to in paragraph 2 to their board of directors.	~~paragraph 1 shall present a report containing the results of the audit referred to in paragraph 2 to their board of directors.~~	companies referred to under paragraph 1 ~~shall~~ to present a report containing the results of the audit referred to in paragraph 2 to their board of directors.	companies referred to ~~under~~ <u>in</u> paragraph 1 ~~shall~~ <u>to</u> present ~~a report containing the results of the audit to~~ <u>their board of directors the report referred to in paragraph 2 and the requests for information referred to in paragraph 3</u> ~~to their board of directors.~~ ITM 14 November
Article 24				
368	Article 24 Joint purchasing	Article 24 Joint purchasing	Article 24 Joint purchasing	Article 24 Joint purchasing Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 24(1)				
369	1. The Commission shall set up and operate a system to aggregate the demand of interested undertakings consuming strategic raw materials established in the Union and Member State authorities responsible for strategic stocks and seek offers from suppliers to match that aggregated demand. This shall cover both unprocessed and processed strategic raw materials.	1. The Commission shall set up and operate a system to aggregate the demand of interested undertakings consuming strategic raw materials established in the Union and Member State authorities responsible for strategic stocks and seek offers from suppliers to match that aggregated demand. This shall cover both unprocessed and processed strategic raw materials.	1. The Commission shall set up and operate a system to aggregate the demand of interested undertakings consuming strategic raw materials established in the Union and ~~Member State authorities responsible for strategic stocks and~~ seek offers from suppliers to match that aggregated demand. This shall cover both unprocessed and processed strategic raw materials.	1. The Commission shall set up and operate a system to aggregate the demand of interested undertakings consuming strategic raw materials established in the Union and ~~Member State authorities responsible for strategic stocks and~~ seek offers from suppliers to match that aggregated demand. This shall cover both unprocessed and processed strategic raw materials.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				ITM 24 October 2023 Text Origin: Council Mandate
Article 24(1a)				
369a			1a. Prior to setting up the system referred to in paragraph 1, the Commission, in consultation with the European Critical Raw Materials Board, shall carry out an assessment of the expected impact of the system on the market for each strategic raw material with a view to avoid any disproportionate impact on competition in the internal market.	<u>1a. Prior to setting up the system referred to in paragraph 1, the Commission, in consultation with the European Critical Raw Materials Board, shall carry out an assessment of the expected impact of the system on the market for each strategic raw material with a view to avoid any disproportionate impact on competition in the internal market.</u> ITM 24 October 2023 Text Origin: Council Mandate
Article 24(1b)(2)				
370	2. In setting up and operating the system referred to in paragraph 1, the Commission shall:	2. In setting up and operating the system referred to in paragraph 1, the Commission shall: choose the strategic raw materials and processing steps for which the system may be used, taking into account the relative supply risk of different strategic raw materials and the possibilities for building up strategic stocks related to those material based on the information gathered pursuant to Articles 21	2. On the basis of the assessment referred to in paragraph 1a, when~~is~~ setting up and operating the system referred to in paragraph 1, the Commission shall:	2. <u>On the basis of the assessment referred to in paragraph 1a, when~~is~~</u> setting up and operating the system referred to in paragraph 1, the Commission shall: ITM 24 October 2023 Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		and 22.		
Article 24(1b)(2), point (a)				
371	(a) choose for which strategic raw materials, at which processing stage, the system can be used, taking into account the relative supply risk of different strategic raw materials and the need for building up strategic stocks related to those material based on the information gathered pursuant to Articles 21 and 22;	~~(a) choose for which strategic raw materials, at which processing stage, the system can be used, taking into account the relative supply risk of different strategic raw materials and the need for building up strategic stocks related to those material based on the information gathered pursuant to Articles 21 and 22;~~	(a) choose for which strategic raw materials, at which processing stage, the system can be used, taking into account the relative supply risk of different strategic raw materials and the need for building up strategic stocks related to those material based on the information gathered pursuant to Articles 21 and 22;	(a) choose for which strategic raw materials, at which processing stage, the system can be used, taking into account the relative supply risk of different strategic raw materials ~~and the need for building up strategic stocks related to those material based on the information gathered pursuant to Articles 21 and 22;~~ ITM 24 October 2023 Text Origin: Council Mandate
Article 24(1b)(2), point (b)				
372	(b) set minimum amounts of demanded material to participate in the system, taking into account the expected number of interested participants and the need to ensure a manageable amount of participants.	~~(b) set minimum amounts of demanded material to participate in the system, taking into account the expected number of interested participants and the need to ensure a manageable amount of participants.~~	(b) set minimum amounts of demanded material to participate in the system, taking into account the expected number of interested participants and the need to ensure a manageable amount of participants, while taking into account the needs for small and medium sized enterprises.	(b) set minimum amounts of demanded material to participate in the system, taking into account the expected number of interested participants and the need to ensure a manageable amount of participants, <u>while taking into account the needs for small and medium sized enterprises.</u> ITM 24 October 2023 Text Origin: Council Mandate
Article 24(2), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
372a		The Commission may also set minimum amounts of demanded material without prejudice to the ability of SMEs to participate in the system, taking into account the aggregate needs of SMEs, the expected number of interested participants and the need to ensure a manageable amount of participants.	PUBLIC	delete ITM 24 October 2023
Article 24(3)				
373	3. Participation in the system referred to in paragraph shall be open and transparent to all interested undertakings established in the Union and to Member State authorities. Participation of Member States or any national entities subject to the procurement Directives 2014/24 or 2014/25 shall be possible only in cases where such participation is compatible with these Directives.	3. Participation in the system referred to in paragraph 1 shall be open and transparent to all interested undertakings established in the Union and to Member State authorities. Participation of Member States or any national entities subject to the procurement Directives 2014/24 or 2014/25 shall be possible only in cases where such participation is compatible with these Directives.	3. Participation in the system referred to in paragraph shall be open and transparent to all interested undertakings established in the Union and to Member State authorities. Participation of Member States or any national entities subject to the procurement Directives 2014/24 or 2014/25 shall be possible only in cases where such participation is compatible with these Directives..	3. Participation in the system referred to in paragraph shall be open and transparent to all interested undertakings established in the Union ~~and to Member State authorities. Participation of Member States or any national entities subject to the procurement Directives 2014/24 or 2014/25 shall be possible only in cases where such participation is compatible with these Directives..~~ ITM 24 October 2023 Text Origin: Council Mandate
Article 24(4)				
374	4. Union undertakings and Member State authorities participating in the	4. Union undertakings and Member State authorities participating in the	4. Union undertakings and Member State authorities participating in the	4. Union undertakings ~~and Member State authorities~~ participating in the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	system referred to in paragraph 1 may, on a transparent basis, jointly negotiate the purchase, including the prices or other terms and conditions of the purchasing agreement or use joint purchasing in order to achieve better conditions with their suppliers or to prevent shortages. Participating Union undertakings and Member State authorities shall comply with Union law, including Union competition law.	system referred to in paragraph 1 may, on a transparent basis, jointly negotiate the purchase, including the prices or other terms and conditions of the purchasing agreement or use joint purchasing in order to achieve better conditions with their suppliers or to prevent shortages. Participating Union undertakings and Member State authorities shall comply with Union law, including Union competition law.	system referred to in paragraph 1 may, on a transparent basis, jointly negotiate the purchase, including the prices or other terms and conditions of the purchasing agreement or use joint purchasing in order to achieve better conditions with their suppliers or to prevent shortages. Participating Union undertakings and Member State authorities shall comply with Union law, including Union competition law.	system referred to in paragraph 1 may, on a transparent basis, jointly negotiate the purchase, including the prices or other terms and conditions of the purchasing agreement or use joint purchasing in order to achieve better conditions with their suppliers or to prevent shortages. Participating Union undertakings ~~and Member State authorities~~ shall comply with Union law, including Union competition law. ITM 24 October 2023 Text Origin: Council Mandate
Article 24(5)				
375	5. Entities shall be excluded from participation as supplier, in the demand aggregation and joint purchasing or as service provider if they are:	5. Entities shall be excluded from participation as supplier, in the demand aggregation and joint purchasing or as service provider if they are:	5. Entities shall be excluded from participation as supplier, in the demand aggregation and joint purchasing or as service provider if they are:	5. Entities shall be excluded from participation as supplier, in the demand aggregation and joint purchasing or as service provider if they are: Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 24(5), point (a)				
376	(a) targeted by Union restrictive measures adopted pursuant to Article 215 TFEU;	(a) targeted by Union restrictive measures adopted pursuant to Article 215 TFEU;	(a) targeted by Union restrictive measures adopted pursuant to Article 215 TFEU;	(a) targeted by Union restrictive measures adopted pursuant to Article 215 TFEU;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 24(5), point (b)				
377	(b) directly or indirectly owned or controlled by, or acting on behalf or at the direction of natural or legal persons, entities or bodies targeted by such Union restrictive measures.	(b) directly or indirectly owned or controlled by, or acting on behalf or at the direction of natural or legal persons, entities or bodies targeted by such Union restrictive measures.	(b) directly or indirectly owned or controlled by, or acting on behalf or at the direction of natural or legal persons, entities or bodies targeted by such Union restrictive measures.	(b) directly or indirectly owned or controlled by, or acting on behalf or at the direction of natural or legal persons, entities or bodies targeted by such Union restrictive measures. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 24(6)				
378	6. By derogation from Article 176 of Regulation (EU, Euratom) 2018/1046, the Commission may contract the necessary services of an entity established in the Union through a procurement procedure under Regulation (EU, Euratom) 2018/1046, acting as a service provider to set up and operate the system under paragraph 1. The Service provider selected shall not have any conflict of interest.	6. By derogation from Article 176 of Regulation (EU, Euratom) 2018/1046, the Commission may contract the necessary services of an entity established in the Union through a procurement procedure under Regulation (EU, Euratom) 2018/1046, acting as a service provider to set up and operate the system under paragraph 1. The Service provider selected shall not have any conflict of interest.	6. By derogation from Article 176 of Regulation (EU, Euratom) 2018/1046, the Commission ~~may~~ shall contract the necessary services of an entity established in the Union through a procurement procedure under Regulation (EU, Euratom) 2018/1046, acting as a service provider to set up and operate the system under paragraph 1. The Service provider selected shall not have any conflict of interest.	6. By derogation from Article 176 of Regulation (EU, Euratom) 2018/1046, the Commission ~~may~~shall contract the necessary services of an entity established in the Union through a procurement procedure under Regulation (EU, Euratom) 2018/1046, acting as a service provider to set up and operate the system under paragraph 1. The Service provider selected shall not have any conflict of interest. Trilogue 24/10/2023 28/09/2023 ITM

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 24(7)				
379	7. The Commission shall define in the service contract the tasks to be provided by the service provider, including the allocation of demand, the allocation of access rights for supply, registration and verification of all participants, publication and reporting of the activities and any other task necessary to set up and operate the system. The service contract shall also deal with practicalities of the operation of the service provider including the use of the IT tool, the security measures, the currency or currencies, the payment regime, and liabilities.	7. The Commission shall define in the service contract the tasks to be provided by the service provider, including the allocation of demand, the allocation of access rights for supply, registration and verification of all participants, publication and reporting of the activities and any other task necessary to set up and operate the system. The service contract shall also deal with practicalities of the operation of the service provider including the use of the IT tool, the security measures, the currency or currencies, the payment regime, and liabilities.	7. The Commission shall define in the service contract the tasks to be provided by the service provider, including the allocation of demand, the allocation of access rights for supply, registration and verification of all participants, publication and reporting of the activities and any other task necessary to set up and operate the system. The service contract shall also deal with practicalities of the operation of the service provider including the use of the IT tool, the security measures, the currency or currencies, the payment regime, and liabilities.	7. The Commission shall define in the service contract the tasks to be provided by the service provider, including the allocation of demand, the allocation of access rights for supply, registration and verification of all participants, publication and reporting of the activities and any other task necessary to set up and operate the system. The service contract shall also deal with practicalities of the operation of the service provider including the use of the IT tool, the security measures, the currency or currencies, the payment regime, and liabilities. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 24(8)				
380	8. The service contract with the service provider shall reserve to the Commission the right to monitor and audit it. For that purpose, the Commission shall have full access to the information held by the service provider in relation to the contract. All servers and information shall be	8. The service contract with the service provider shall reserve to the Commission the right to monitor and audit it. For that purpose, the Commission shall have full access to the information held by the service provider in relation to the contract. All servers and information shall be	8. The service contract with the service provider shall reserve to the Commission the right to monitor and audit it. For that purpose, the Commission shall have full access to the information held by the service provider in relation to the contract. All servers and information shall be	8. The service contract with the service provider shall reserve to the Commission the right to monitor and audit it. For that purpose, the Commission shall have full access to the information held by the service provider in relation to the contract. All servers and information shall be

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	physically located and stored in the territory of the Union.	physically located and stored in the territory of the Union.	physically located and stored in the territory of the Union.	physically located and stored in the territory of the Union. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 24(9)				
381	9. The service contract with the selected service provider shall determine the ownership of the information obtained by the service provider, and shall provide for the possible transfer of that information to the Commission at the termination or expiry of the service contract.	9. The service contract with the selected service provider shall determine the ownership of the information obtained by the service provider, and shall provide for the possible transfer of that information to the Commission at the termination or expiry of the service contract.	9. The service contract with the selected service provider shall determine the ownership of the information obtained by the service provider, and shall provide for the possible transfer of that information to the Commission at the termination or expiry of the service contract.	9. The service contract with the selected service provider shall determine the ownership of the information obtained by the service provider, and shall provide for the possible transfer of that information to the Commission at the termination or expiry of the service contract. Trilogue 24/10/2023 Text Origin: Commission Proposal
Chapter 5				
382	Chapter 5 Sustainability	Chapter 5 Sustainability	Chapter 5 Sustainability	Chapter 5 Sustainability Trilogue 24/10/2023 Text Origin: Commission Proposal
Section 1				
383				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Section 1 Circularity	Section 1 Circularity	Section 1 Circularity	Section 1 Circularity Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 25				
384	Article 25 National measures on circularity	Article 25 National measures on circularity	Article 25 National measures on circularity	Article 25 National measures on circularity Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 25(1)				
385	1. Each Member State shall by [OP please insert: 3 years after the date of entry into force of this Regulation] adopt and implement national programmes containing measures designed to:	1. Each Member State shall by [OP please insert: ~~3 years~~ 24 months after the date of entry into force of this Regulation] adopt and implement national programmes, which may include cross-border actions and collaborations within the European Economic Area containing appropriate measures designed to:	1. Each Member State shall by [OP please insert: ~~32~~ years after the date of entry into force of ~~this Regulation~~ the implementing act referred to in paragraph 7] adopt and implement, or include in , national programmes containing measures designed to:	1. Each Member State shall by ~~OP~~ please insert: 32 years after the date of entry into force of ~~this Regulation~~ the implementing act referred to in paragraph 7 adopt and implement, or include in , national programmes containing measures designed to: 27 October 2023 ITM 14 November Text Origin: Council Mandate
Article 25(1), point (-a)				
385a			(-a) reduce the need for critical	

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			raw materials by increasing resource efficiency and their substitution in applications;	<i>deleted</i> 27 October 2023
Article 25(1), point (-b)				
385b		(-a) mitigate the increase in demand of critical raw materials to achieve the benchmark set out in Article 1(2), point (db);		<u>(-a) incentivise technological progress and resource efficiency in order to moderate the expected increase in Union consumption of critical raw materials;</u> 27 October 2023 ITM 14 November Text Origin: EP Mandate
Article 25(1), point (a)				
386	(a) increase the collection of waste with high critical raw materials recovery potential and ensure their introduction into the appropriate recycling system, with a view to maximising the availability and quality of recyclable material as an input to critical raw material recycling facilities;	(a) increase the collection, sorting and processing of waste, metal scraps and end-of-life products with high critical raw materials recovery as well as the reuse and repair potential in accordance with Article 4 of Directive 2008/98/EC , and ensure their introduction into the appropriate recycling system, with a view to maximising the lifespan of products and availability and quality of recyclable material as an input to critical raw material recycling facilities in compliance with Union law, notably on environment and public health;	~~(a) increase the collection of waste with high critical raw materials recovery potential and ensure their introduction into the appropriate recycling system, with a view to maximising the availability and quality of recyclable material as an input to critical raw material recycling facilities;~~	(a) increase the collection, <u>sorting and processing</u> of waste with high critical raw materials recovery potential, <u>including metal scraps</u> , and ensure their introduction into the appropriate recycling system, with a view to maximising the availability and quality of recyclable material as an input to critical raw material recycling facilities; ITM 14 November Text Origin: EP Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 25(1), point (b)				
387	(b) increase the re-use of products and components with high critical raw materials recovery potential;	(b) increase the waste prevention, re-use, repair, refurbishing, remanufacturing and repurposing re-use of products and components with high critical raw materials recovery potential;	(b) promote and increase the re-use, including durability, reliability, upgradability and repairability , of products and components with high critical raw materials recovery potential;	(b) ~~increase the re-use~~ <u>promote waste prevention and increase re-use and repair</u> of products and components with high critical raw materials recovery potential; 27 October 2023 ITM 14 November Text Origin: EP Mandate
Article 25(1), point (c)				
388	(c) increase the use of secondary critical raw materials in manufacturing, including, where appropriate, by taking recycled content into account in award criteria related to public procurement;	(c) increase the use of secondary critical raw materials ~~in manufacturing~~ , that can be used instead of or alongside primary critical raw materials, including materials originating from metal scraps and end-of-life products, and promote the refurbishment of products including, where appropriate, by taking recycled content into account in award criteria related to public procurement or considering financial incentives for the use of such materials;	(c) increase the ~~use~~ share of secondary critical raw materials in manufacturing, ~~including, where appropriate, by taking recycled content into account in award criteria related to public procurement;~~	(c) increase the use of secondary critical raw materials ~~in manufacturing~~ , including, ~~where appropriate, by~~ <u>through measures such as</u> taking recycled content into account in award criteria related to public procurement <u>or financial incentives for the use of secondary critical raw materials;</u> ITM 14 November
Article 25(1), point (ca)				
388a		(ca) increase the efficient use of critical raw materials throughout the whole value chain;		<i>deleted</i> 27 October 2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 25(1), point (cb)			
388b			(ca) increase the collection of waste with high critical raw materials recovery potential and ensure their introduction into the appropriate recycling system, with a view to maximising the availability and quality of recyclable material as an input to critical raw material recycling facilities;	deleted 27 October 2023
	Article 25(1), point (d)			
389	(d) increase the technological maturity of recycling technologies for critical raw materials and to promote materials efficiency and the substitution of critical raw materials in applications, at least by including support actions to that effect under national research & innovation programmes;	(d) increase the technological maturity of recycling technologies for critical raw materials and to promote materials efficiency and the substitution of critical raw materials in applications while taking into account performance and functionality , at least by including support actions to that effect under national research & innovation programmes;	(d) increase the technological maturity of recycling technologies for critical raw materials and to promote materials efficiency and the substitution of critical raw materials in applications, at least by including support actions to that effect under national research & innovation programmes;	(d) increase the technological maturity of recycling technologies for critical raw materials and ~~to~~ promote [promote circular design] , materials efficiency and ~~the~~ substitution of critical raw materials in [products and] applications, at least by including support actions to that effect under national research & ~~amp;~~ innovation programmes; COM proposal of 14 November ICT in [] 27 October 2023 ITM 14 November Text Origin: Commission Proposal
	Article 25(1), point (e)			

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390	(e) ensure that their workforce is equipped with the skills needed to support circularity of the critical raw materials value chain.	(e) ensure that their workforce is equipped with the skills needed to support circularity of the critical raw materials value chain- by fostering skills, upskilling and reskilling measures;	(e) ~~ensure that their~~ contribute, as appropriate, to developing a workforce ~~that~~ is equipped with the skills needed to support circularity of the critical raw materials value chain- and promote measures for upskilling and reskilling;	(e) ensure that ~~their workforce is equipped~~ measures are in place to equip their workforce with the skills needed to support circularity of the critical raw materials value chain- including measures on upskilling and reskilling; 27 October 2023 Text Origin: EP Mandate
Article 25(1), point (ea)				
390a		(ea) increase the possibilities to recover critical raw materials from products through changes in the design of those products or increasing their recyclability, at least by including support actions to that effect under national R&I programmes;	(ea) promote that financial contributions paid by the producer, where they exist in national law, in compliance with its extended producer responsibility obligations established in accordance with Article 8(1) of Directive 2008/98/EC, incentivise that products contain a larger share of secondary critical raw materials recovered from waste recycled in line with relevant environmental standards established in Union law;	<u>(ea) promote that financial contributions paid by the producer, where they exist in national law, in compliance with its extended producer responsibility obligations established in accordance with Article 8(1) of Directive 2008/98/EC, incentivise that products contain a larger share of secondary critical raw materials recovered from waste recycled in line with relevant environmental standards established in Union law;</u> 27 October 2023 Text Origin: Council Mandate
Article 25(1), point (eb)				
390b		(eb) promote in their national	(eb) take necessary measures to	<u>(eb) [take necessary measures to</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		programs the consolidation of capacity building and technology transfer programs to promote the responsible recycling of critical minerals in producing countries;	ensure that critical raw materials that are exported under an end of waste status fulfill the relevant conditions in accordance with directive 2008/98/EC and other relevant Union law.	<u><i>ensure that critical raw materials that are exported under an end-of-waste status fulfill the relevant conditions in accordance with directive 2008/98/EC and other relevant Union law.</i></u> ITM 31 October ITM 9 November 2023 Text Origin: Council Mandate
Article 25(1), point (ec)				
390c		(ec) support the uptake of quality standards for recycling processes of waste streams containing critical raw materials, such as electronics waste, to ensure optimal material recovery.		<u><i>(ec) where relevant, support the use of Union quality standards for recycling processes of waste streams containing critical raw materials.</i></u> ITM 9 November 2023 Text Origin: EP Mandate
Article 25(1a)				
390d			1a. The programmes referred to in paragraph 1 may be integrated into new or existing waste management plans and waste prevention programmes adopted pursuant to Articles 28 and 29 of Directive 2008/98/EC.	
Article 25(1), second subparagraph				
390e				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		The national programmes referred to in the first subparagraph shall be updated regularly, assessing in particular whether the measures taken in accordance with this paragraph are suitable.		
Article 25(1), third subparagraph				
390f		Member States shall share relevant information and best practices related to such measures with the European Critical Raw Materials Board established pursuant to Article 34. Where feasible, measures related to increasing the technological maturity of recycling technologies, materials efficiency and substitution of critical raw materials are encouraged to be taken in cooperation with other Member States.		
Article 25(2), first subparagraph				
391	2. The programmes referred to in paragraph 1 shall cover in particular products and waste which are not subject to any specific requirement on collection, treatment, recycling or re-use under Union legislation. For other products and waste, the measures shall be implemented in	2. The programmes referred to in paragraph 1 shall cover in particular products and waste which are not subject to any specific requirement on collection, treatment, recycling or re-use under Union legislation. For other products and waste, the measures shall be implemented in	2. The programmes referred to in paragraph 1 shall cover in particular products and waste which are not subject to any specific requirement on collection, treatment, recycling or re-use under Union legislation. For other products and waste, the measures shall be implemented in	2. The programmes referred to in paragraph 1 shall cover in particular products and waste which are not subject to any specific requirement on collection, treatment, recycling or re-use under Union legislation. For other products and waste, the measures shall be implemented in

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	coherence with existing Union legislation.	coherence with existing Union legislation.	coherence with existing Union legislation.	coherence with existing Union legislation. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 25(2), second subparagraph				
392	With respect to points (a) and (b) of paragraph 1, the programmes referred to in that paragraph may include, without prejudice to Articles 107 and 108 of the TFEU, the introduction of financial incentives, such as discounts, monetary rewards or deposit-refund systems, to encourage the re-use of products with high critical raw materials recovery potential and the collection of waste from such products.	With respect to points (a) and (b) of paragraph 1, the programmes referred to in that paragraph may include, without prejudice to Articles 107 and 108 of the TFEU, and where duly substantiated , the introduction of ~~financial incentives~~ economic instruments , such as discounts, monetary rewards or deposit-refund systems, to encourage the re-use of products with high critical raw materials recovery potential and the collection of waste from such products.	With respect to points ~~(a) and (b)~~ (b) and (d) of paragraph 1, the programmes referred to in that paragraph may include, without prejudice to Articles 107 and 108 of the TFEU, the introduction of financial incentives, such as discounts, monetary rewards or deposit-refund systems, to encourage the preparation for re-use and re-use of products with high critical raw materials recovery potential, and the collection and treatment of waste from such products.	
Article 25(3)				
393	3. Each Member State shall by [OP please insert: 4 years after the date of entry into force of this Regulation] adopt and implement measures to promote the recovery of critical raw materials from extractive waste, in particular from closed waste facilities identified in the	3. Each Member State shall by [OP please insert: ~~4 years~~ 30 months after the date of entry into force of this Regulation] adopt and implement measures to promote the recovery of critical raw materials from extractive waste, in particular from closed waste facilities identified in the	3. ~~Each Member State shall by [OP please insert: 4 years after the date of entry into force of this Regulation] adopt and implement measures to promote the recovery of critical raw materials from extractive waste, in particular from closed waste facilities identified in the~~	<i>deleted</i> Moved to line 415 27 October 2023

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	database created in accordance with Article 26 as containing potentially economically recoverable critical raw materials.	database created in accordance with Article 26 as containing potentially economically recoverable critical raw materials.	~~database created in accordance with Article 26 as containing potentially economically recoverable critical raw materials.~~	
Article 25(4)				
394	4. The national measures referred to in paragraphs 1 and 2 shall be designed so as to avoid barriers to trade and distortions of competition in conformity with the TFEU.	4. The national measures referred to in paragraphs 1 and 2 shall be designed so as to avoid barriers to international and intra-Union trade and distortions of competition ~~in~~ on the Union market conformity with the TFEU.	4. The national measures referred to in paragraphs 1 and 2 shall be designed so as to avoid barriers to trade and distortions of competition in conformity with the TFEU.	
Article 25(5)				
395	5. When reporting to the Commission the data concerning the quantities of waste electrical and electronic equipment recycled, pursuant to Article 16(6) of Directive 2012/19/EU on waste electrical and electronic equipment, Member States shall identify separately, and report, the quantities of components containing relevant amounts of critical raw materials removed from such waste equipment and the quantities of critical raw materials recovered from the waste electrical and electronic equipment. The Commission shall adopt implementing acts specifying the format and details of such reporting.	5. When reporting to the Commission the data concerning the quantities of waste electrical and electronic equipment recycled, pursuant to Article 16(6) of Directive 2012/19/EU on waste electrical and electronic equipment, Member States shall identify separately, and report, a substantiated estimate of critical raw materials placed on the market in electrical and electronic equipment , the quantities of components containing relevant amounts of critical raw materials removed from such waste equipment and the quantities of critical raw materials recovered from the waste	5. When reporting to the Commission the data concerning the quantities of waste electrical and electronic equipment recycled, pursuant to Article 16(6) of Directive 2012/19/EU on waste electrical and electronic equipment, Member States shall identify ~~separately~~ , and report, the quantities of components containing relevant amounts of critical raw materials removed from such waste equipment and the quantities of critical raw materials recovered from the waste electrical and electronic equipment. The Commission shall adopt implementing acts specifying the format and details of such reporting.	5. ~~When reporting to the Commission the data concerning the quantities of waste electrical and electronic equipment recycled, pursuant to Article 16(6) of Directive 2012/19/EU on waste electrical and electronic equipment,~~ Member States shall identify <u>[separately,]</u> and report, the quantities of components containing relevant amounts of critical raw materials removed from ~~such~~ <u>waste waste electrical and electronic</u> equipment and the quantities of critical raw materials recovered from ~~the waste electrical and electronic~~ <u>such</u> equipment. The Commission shall adopt

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	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3). The first reporting period shall cover the first full calendar year after the adoption of those implementing acts.	electrical and electronic equipment. The Commission shall adopt implementing acts specifying the format and details of such reporting. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3). The first reporting period shall cover the first full calendar year after the adoption of those implementing acts.	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3). The first reporting period shall cover the ~~first~~ second full calendar year after the adoption of those implementing acts.	implementing acts specifying the format and details of such reporting. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3). The first reporting period shall cover the first full calendar year after the adoption of those implementing acts. <u>Member States shall submit this data when reporting to the Commission the data concerning the quantities of waste electrical and electronic equipment recycled, pursuant to Article 16(6) of Directive 2012/19/EU on waste electrical and electronic equipment.</u> 15/11: technical review by legal services ITM 9 November 2023 ITM 15 November 2023 Text Origin: Commission Proposal
	Article 25(5a)			
395a		5a. On the basis of the reports referred to in paragraph 5 of this Article, the Commission shall review Directive 2012/19/EU to assess the feasibility of introducing targets for the collection and recovery of critical raw materials from waste electrical and		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		electronic equipment.		
Article 25(6)				
396	6. Member States shall, as part of the report referred to in Article 43, provide information on the adoption of the national programmes referred to in paragraph 1 and on progress in the implementation of the measures taken pursuant to paragraphs 1 and 2.	6. Member States shall, as part of the report referred to in Article 43, provide information on the adoption of the national programmes referred to in paragraph 1 and on progress in the implementation and the effects of the measures taken pursuant to paragraphs 1 ~~and 2~~ to 3, as well as their contribution to meeting the benchmarks set out in Article 1.	6. Member States shall, as part of the report referred to in Article 43, provide information on the adoption of the national programmes referred to in paragraph 1 and on progress in the implementation of the measures taken pursuant to paragraphs 1 and 2.	
Article 25(7), first subparagraph				
397	7. The Commission shall adopt implementing acts specifying a list of products, components and waste streams that shall at least be considered as having a high critical raw materials recovery potential within the meaning of paragraph 1 (a) and (b).	7. By ... [1 year after the date of entry into force of this Regulation], the Commission shall adopt ~~implementing acts~~ delegated acts in accordance with Article 36 to supplement this Regulation by specifying a list of products, components and waste streams that shall at least be considered as having a ~~high~~ relevant critical raw materials recovery potential within the meaning of paragraph 1 (a) and (b).	7. The Commission shall adopt implementing acts specifying a list of products, components and waste streams that shall at least be considered as having a high critical raw materials recovery potential within the meaning of paragraph 1 (a) and (b).	7. The Commission shall adopt implementing acts specifying a list of products, components and waste streams that shall at least be considered as having a ~~high~~ relevant critical raw materials recovery potential within the meaning of paragraph 1 (a) and (b). LL: Consistency "relevant critical raw materials" to be checked ITM 14 November 2023 ITM 15 November 2023 Text Origin: Commission Proposal

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Article 25(7), second subparagraph				
398	In drawing up this list, the Commission shall take account of:	In drawing up this list, the Commission shall take account of:	In drawing up this list, the Commission shall take account of:	In drawing up this list, the Commission shall take account of: Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 25(7), second subparagraph, point (a)				
399	(a) the total amount of critical raw materials recoverable from those products, components and waste streams:	(a) the total amount of critical raw materials potentially recoverable from those products, components and waste streams:	(a) the total amount of critical raw materials recoverable from those products, components and waste streams:	
Article 25(7), second subparagraph, point (b)				
400	(b) the extent to which those products, components and waste streams are covered by Union legislation;	(b) the extent to which those products, components and waste streams are covered by Union legislation;	(b) the extent to which those products, components and waste streams are covered by Union legislation;	(b) the extent to which those products, components and waste streams are covered by Union legislation; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 25(7), second subparagraph, point (c)				
401	(c) regulatory gaps;	(c) regulatory gaps;	(c) regulatory gaps;	(c) regulatory gaps; Trilogue 24/10/2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 25(7), second subparagraph, point (d)				
402	(d) particular challenges affecting their collection and waste treatment;	(d) particular challenges affecting their collection and waste treatment;	(d) particular challenges affecting their collection and waste treatment;	(d) particular challenges affecting their collection and waste treatment; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 25(7), second subparagraph, point (e)				
403	(e) existing systems of collection and waste treatment applying to them.	(e) existing systems of collection and waste treatment applying to them.	(e) existing systems of collection and waste treatment applying to them.	(e) existing systems of collection and waste treatment applying to them. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 25(7), third subparagraph				
404	The implementing acts referred to in the first subparagraph shall be adopted in accordance with the examination procedure referred to in Article 37(3).	~~The implementing acts referred to in the first subparagraph shall be adopted in accordance with the examination procedure referred to in Article 37(3).~~	The implementing acts referred to in the first subparagraph shall be adopted by [18 months after the date of entry into force of this Regulation] in accordance with the examination procedure referred to in Article 37(3).	The implementing acts referred to in the first subparagraph shall be adopted <u>by [12 months after the date of entry into force of this Regulation]</u> in accordance with the examination procedure referred to in Article 37(3). ITM 15 November 2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 25(7a)				
404a		7a. The Commission shall, after consultation with concerned stakeholders, develop dedicated waste codes for lithium-ion batteries and intermediate waste streams ('black mass').		
Article 26				
405	Article 26 Recovery of critical raw materials from extractive waste	Article 26 Recovery of critical raw materials from extractive waste	Article 26 Recovery of critical raw materials from extractive waste	Article 26 Recovery of critical raw materials from extractive waste Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 26(1)				
406	1. Operators obliged to submit waste management plans in accordance with Article 5 of Directive 2006/21/EC shall provide to the competent authority as defined in Article 3 of Directive 2006/21/EC a preliminary economic assessment study regarding the potential recovery of critical raw materials from:	1. Operators obliged to submit waste management plans in accordance with Article 5 of Directive 2006/21/EC shall provide to the competent authority as defined in Article 3 of Directive 2006/21/EC a preliminary environmental and economic assessment study regarding the potential recovery of critical raw materials from:	1. Operators obliged to ~~submit~~ draw up waste management plans in accordance with Article 5 of Directive 2006/21/EC shall provide to the competent authority as defined in Article 3(27) of Directive 2006/21/EC a preliminary economic assessment study regarding the potential recovery of critical raw materials, when their extractive waste may contain critical raw	1. Operators obliged to ~~submit~~ draw up waste management plans in accordance with Article 5 of Directive 2006/21/EC shall provide to the competent authority as defined in Article 3(27) of Directive 2006/21/EC a preliminary economic assessment study regarding the potential recovery of critical raw materials, from:

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			materials, from:	ITM 15 November 2023 Text Origin: Council Mandate
Article 26(1), point (a)				
407	(a) the extractive waste stored in the facility; and	(a) the extractive waste stored in the facility; and	(a) the extractive waste stored in the facility; and	(a) the extractive waste stored in the facility; and Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 26(1), point (aa)				
407a		(aa) the extractive waste disposed by the operator since the entry into force of Directive 2006/21/EC; and		<u>(aa)</u> delete ITM 15 November 2023
Article 26(1), point (b)				
408	(b) the extractive waste being generated or, where considered more effective, from the extracted volume prior to it becoming waste.	(b) the extractive waste being generated or, where considered more effective, from the extracted volume prior to it becoming waste.	(b) the extractive waste being generated or, where considered more effective, from the extracted volume prior to it becoming waste.	(b) the extractive waste being generated or, where considered more effective, from the extracted volume prior to it becoming waste. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 26(1), point (ba)				
408a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		1a. Operators are exempted from the obligation under paragraph 1, if they demonstrate to the competent authorities that the extractive waste does not contain critical raw materials that are technically recoverable.	PUBLIC	<u>(ba) Operators are exempted from the obligation under paragraph 1, if they can show with a high degree of certainty to the competent authority that the extractive waste does not contain critical raw materials that are technically recoverable.</u> ITM 9 November 2023
Article 26(2)				
409	2. The study referred to in paragraph 1 shall at least include an estimation of the quantities and concentrations of critical raw materials contained in the extractive waste and in the extracted volume and an assessment of their technical and economic recoverability.	2. The study referred to in paragraph 1 shall at least include an estimation of the quantities and concentrations of critical raw materials contained in the extractive waste and in the extracted volume and an assessment of their technical and economic recoverability, as well as the environmental consequences of recovering them. Operators shall specify the methods used to estimate the quantities and concentrations.	2. The study referred to in paragraph 1 shall at least include an estimation of the quantities and concentrations of critical raw materials contained in the extractive waste and in the extracted volume, and an assessment of their technical and economic recoverability.	2. The study referred to in paragraph 1 shall at least include an estimation of the quantities and concentrations of critical raw materials contained in the extractive waste and in the extracted volume and an assessment of their technical and economic recoverability. <u>Operators shall specify the methods used to estimate the quantities and concentrations.</u> ITM 15 November 2023 Text Origin: EP Mandate
Article 26(3)				
410	3. Operators of existing waste facilities shall submit the study referred to in paragraph 1 to the competent authority as defined in Article 3 of Directive 2006/21/EC	3. Operators of existing waste facilities shall submit the study referred to in paragraph 1 to the competent authority as defined in Article 3 of Directive 2006/21/EC	3. Operators of ~~existing~~ extractive waste facilities shall submit the study referred to in paragraph 1 to the competent authority as defined in Article 3(27) of Directive	3. Operators of ~~existing~~ extractive waste facilities shall submit the study referred to in paragraph 1 to the competent authority as defined in Article 3(27) of Directive

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	by [OP please insert: 3 years after the date of entry into force of this Regulation]. Operators of new waste facilities shall submit this study to the competent authority when submitting their waste management plans in accordance with Article 5 of Directive 2006/21/EC.	by [OP please insert: ~~3~~ 2 years after the date of entry into force of this Regulation]. Operators of new waste facilities shall submit this study to the competent authority when submitting their waste management plans in accordance with Article 5 of Directive 2006/21/EC.	2006/21/EC by [OP please insert: 3 years after the date of entry into force of this Regulation]. Operators of new waste facilities shall submit this study to the competent authority when submitting their waste management plans in accordance with Article ~~5~~ 7 of Directive 2006/21/EC.	2006/21/EC by [OP please insert: ~~3 years~~ <u>30 months</u> after the date of entry into force of this Regulation]. Operators of new waste facilities shall submit this study to the competent authority when submitting their waste management plans in accordance with Article ~~5~~ <u>7</u> of Directive 2006/21/EC. ITM 15 November 2023 Text Origin: Council Mandate
Article 26(4)				
411	4. Member States shall establish a database of all closed waste facilities, including abandoned waste facilities, located on their territory. This database shall contain information on:	4. Member States shall establish a database of all closed waste facilities, including abandoned waste facilities, located on their territory. This database shall contain information on:	4. Member States shall establish a database of ~~all~~ -closed extractive waste facilities, including abandoned extractive waste facilities, located on their territory where available information indicates the presence of potentially economically recoverable quantities of critical raw materials. Such information shall be included in this database. This database shall contain information on:	4. Member States shall establish a database of ~~all~~ -closed <u>extractive</u> waste facilities, including abandoned <u>extractive</u> waste facilities, located on their territory <u>where the characteristics of the waste sites or geological conditions do not make the presence of potentially technically recoverable quantities of critical raw materials unlikely.</u> This database shall contain information on: ITM 15 November 2023 Text Origin: Council Mandate
Article 26(4), point (a)				
412	(a) the location, areal extent and	(a) the location, areal extent and	(a) the location, areal extent and	(a) the location, areal extent and

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	waste volume of the waste facility;	waste volume of the waste facility;	waste volume, or where appropriate, the estimated volume , of the waste facility;	waste volume, <u>or where appropriate, the estimated volume</u> , of the waste facility; ITM 9 November 2023 Text Origin: Council Mandate
Article 26(4), point (b)				
413	(b) the operator or former operator of the waste facility and, where applicable, their legal successor;	(b) the operator or former operator of the waste facility and, where applicable, their legal successor;	(b) the operator or former operator of the waste facility and, where applicable, their legal successor;	(b) the operator or former operator of the waste facility and, where applicable, their legal successor; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 26(4), point (c)				
414	(c) the approximate quantities and concentrations of all raw materials contained in the extractive waste and, where available, in the original mineral deposit, in accordance with paragraph 6 of this Article;	(c) the approximate quantities and concentrations of all raw materials contained in the extractive waste and, where available, in the original mineral deposit, in accordance with paragraph 6 of this Article;	(c) the approximate quantities and concentrations of all raw materials contained in the extractive waste and, where available, in the original mineral deposit, in accordance with paragraph 6 of this Article;	(c) the approximate quantities and concentrations of all raw materials contained in the extractive waste and, where available, in the original mineral deposit, in accordance with paragraph 6 of this Article; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 26(4), point (d)				
415				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(d) any additional information considered relevant by the Member State to enable the recovery of critical raw materials from a waste facility.	(d) any additional information considered relevant by the Member State to enable the recovery of critical raw materials from a waste facility.	(d) any additional information considered relevant by the Member State to enable the recovery of critical raw materials from a waste facility.	(d) any additional information considered relevant by the Member State to enable the recovery of critical raw materials from a waste facility. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 26(4), point (da)				
415a			4a. Member States shall, by [OP please insert: 4 years after the date of entry into force of this Regulation] adopt and implement measures to promote the recovery of critical raw materials from extractive waste, in particular from closed extractive waste facilities identified in the database referred to in paragraph 4 as containing potentially economically recoverable critical raw materials.	<u>4a. Member States shall, by [OP please insert: 42 months after the date of entry into force of this Regulation] adopt and implement measures to promote the recovery of critical raw materials from extractive waste, in particular from closed extractive waste facilities identified in the database referred to in paragraph 4 as containing potentially economically recoverable critical raw materials.</u> 27 October 2023 ITM 15 November 2023 Text Origin: Council Mandate
Article 26(5)				
416	5. The database referred to in paragraph 4 shall be put in place by [OP please insert: 1 year after the	5. The database referred to in paragraph 4 shall be put in place by [OP please insert: ~~1 year~~ 9 months	5. The database referred to in paragraph 4 shall be put in place by [OP please insert: ~~12~~ year after the	5. The database referred to in paragraph 4 shall be put in place by [OP please insert: ~~1 year~~ 18 months

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	date of entry into force of this Regulation] and all information completed by [OP please insert: 3 years after the date of entry into force of this Regulation]. It shall be made available in a publicly accessible and digital form and updated at least every 2 years to incorporate additional available information and newly closed or newly identified facilities.	after the date of entry into force of this Regulation] and all information completed by [OP please insert: 32 years after the date of entry into force of this Regulation]. It shall be made available in a publicly accessible and digital form and updated at least every 2 years to incorporate additional available information and newly closed or newly identified facilities.	date of entry into force of this Regulation] and all information completed by [OP please insert: 34 years after the date of entry into force of this Regulation]. It shall be made available in a publicly accessible and digital form and updated at least every 23 years to incorporate additional available information and newly closed or newly identified facilities.	after the date of entry into force of this Regulation] and all information completed by [OP please insert: 3 years after the date of entry into force of this Regulation]. It shall be made available in a publicly accessible and digital form and updated at least every 23 years to incorporate additional available information and newly closed or newly identified facilities. 27 October 2023 ITM 15 November 2023 Text Origin: Council Mandate
Article 26(6)				
417	6. In order to provide the information referred to in paragraph 4, point (c), Member States shall undertake at least the following activities:	6. In order to provide the information referred to in paragraph 4, point (c), Member States shall undertake at least the following activities:	6. In order to provide the information referred to in paragraph 4, point (c), Member States shall undertake at least the following activities:	6. In order to provide the information referred to in paragraph 4, point (c), Member States shall undertake at least the following activities: Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 26(6), point (a)				
418	(a) for all closed waste facilities, Member States shall comprehensively review the available permitting files by [OP	(a) for all closed waste facilities, Member States shall comprehensively review the available permitting files by [OP	(a) for ~~all~~ -closed extractive waste facilities, Member States shall comprehensively review the available permitting files, or other	(a) for ~~all~~ -closed <u>extractive</u> waste facilities, Member States shall comprehensively review the available permitting files, <u>or other</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	please insert: 1 year after the date of entry into force of this Regulation];	please insert: ~~1 year~~ 9 months after the date of entry into force of this Regulation];	available documentation when permitting files do not exist , by [OP please insert: ~~12~~ year after the date of entry into force of this Regulation];	<u>available documentation when permitting files do not exist</u> , by [OP please insert: ~~1 year~~ 18 months after the date of entry into force of this Regulation]; ITM 9 November 2023 ITM 15 November 2023 Text Origin: Council Mandate
Article 26(6), point (b)				
419	(b) for such waste facilities where available information does not a priori exclude the presence of potentially economically recoverable quantities of critical raw materials, Member States shall additionally conduct, by [OP please insert: 2 years after the date of entry into force of this Regulation], a representative geochemical sampling;	(b) for such waste facilities where available information does not a priori exclude the presence of potentially economically recoverable quantities of critical raw materials, Member States shall additionally conduct, by [OP please insert: ~~2 years~~ 18 months after the date of entry into force of this Regulation], a representative geochemical sampling;	(b) for such extractive waste facilities where available information ~~does not a priori exclude~~ indicates the presence of potentially economically recoverable quantities of critical raw materials, Member States shall additionally conduct, by [OP please insert: ~~23~~ years after the date of entry into force of this Regulation], ~~a~~ representative geochemical sampling;	(b) for such <u>extractive</u> waste facilities where available information ~~does not a priori exclude~~ <u>could indicate</u> the presence of potentially economically recoverable quantities of critical raw materials, Member States shall additionally conduct, by [OP please insert: 2 years after the date of entry into force of this Regulation], ~~a~~ representative geochemical sampling; ITM 15 November 2023 Text Origin: Council Mandate
Article 26(6), point (c)				
420	(c) for such waste facilities where the activities described under points (a) and (b) of this paragraph have indicated potentially economically	(c) for such waste facilities where the activities described under points (a) and (b) of this paragraph have indicated potentially economically	(c) for such extractive waste facilities where the activities described under points (a) and (b) of this paragraph have indicated	(c) for such <u>extractive</u> waste facilities where the activities described under points (a) and (b) of this paragraph have indicated

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	recoverable quantities of critical raw materials, Member States shall additionally carry out, by [OP please insert: 3 years after the date of entry into force of this Regulation], a more detailed analysis involving core logging or equivalent techniques, where this is environmentally sound in accordance with applicable environmental requirements at Union level and with the requirements of Directive 2006/21/EC where relevant.	recoverable quantities of critical raw materials, Member States shall additionally carry out, by [OP please insert: ~~3 years~~ 30 months after the date of entry into force of this Regulation], a more detailed analysis involving core logging or equivalent techniques, where this is environmentally sound in accordance with applicable environmental requirements at Union level and with the requirements of Directive 2006/21/EC where relevant.	potentially economically recoverable quantities of critical raw materials, Member States shall additionally carry out, by [OP please insert: ~~34~~ years after the date of entry into force of this Regulation], a more detailed ~~analysis~~ sampling with subsequent chemical and mineralogical characterisation involving core logging or equivalent techniques, where this is environmentally sound in accordance with applicable environmental requirements at Union level and with the requirements of Directive 2006/21/EC where relevant.	potentially economically recoverable quantities of critical raw materials, Member States shall additionally carry out, by [OP please insert: ~~3 years~~ 34 months after the date of entry into force of this Regulation], a more detailed ~~analysis~~ sampling with subsequent chemical and mineralogical characterisation involving core logging or equivalent techniques, where this is environmentally sound in accordance with applicable environmental requirements at Union level and with the requirements of Directive 2006/21/EC where relevant. ITM 9 November 2023 ITM 15 November 2023 Text Origin: Council Mandate
Article 26(7)				
421	7. The activities described in paragraph 6 shall be carried out within the limits of national legal systems pertaining to property rights, ownership of land, mineral resources and waste, and any other relevant provisions. Where such factors inhibit the activities, the Member State authorities shall seek the cooperation of the operator or owner of the waste facility. The	7. The activities described in paragraph 6 shall be carried out within the limits of national legal systems pertaining to property rights, ownership of land, mineral resources and waste, and any other relevant provisions. Where such factors inhibit the activities, the Member State authorities shall seek the cooperation of the operator or owner of the waste facility. The	7. The activities described in paragraph 6 shall be carried out within the limits of national legal systems pertaining to property rights, ownership of land, mineral resources and waste, environmental and health impacts and any other relevant provisions. Where such factors inhibit the activities, the Member State authorities shall seek the cooperation of the operator or	7. The activities described in paragraph 6 shall be carried out within the limits of national legal systems pertaining to property rights, ownership of land, mineral resources and waste, environmental and health impacts and any other relevant provisions. Where such factors inhibit the activities, the Member State authorities shall seek the cooperation of the operator or

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	results of the activities described under paragraph 6 shall be made accessible as part of the database. Where possible, the Member States shall include in the database a classification of the closed extractive waste facilities according to the United Nations Framework Classification for Resources.	results of the activities described under paragraph 6 shall be made accessible as part of the database referred to in paragraph 4 . Where possible, the Member States shall include in ~~the~~ that database a classification of the closed extractive waste facilities according to the United Nations Framework Classification for Resources.	owner of the waste facility. The results of the activities described under paragraph 6 shall be made accessible as part of the database. Where possible, the Member States shall include in the database a classification of the closed extractive waste facilities according to the United Nations Framework Classification for Resources.	owner of the waste facility. The results of the activities described under paragraph 6 shall be made accessible as part of the database <u>referred to in paragraph 4</u> . Where possible, the Member States shall include in the database a classification of the closed extractive waste facilities according to the United Nations Framework Classification for Resources. ITM 31 October Text Origin: Council Mandate
Article 27				
G 422	Article 27 Recyclability of permanent magnets	Article 27 Recyclability of permanent magnets	Article 27 Recyclability of permanent magnets	Article 27 Recyclability of permanent magnets Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 27(1)				
Y 423	1. From [OP please insert: 3 years after the date of entry into force of this Regulation], any natural or legal person that places on the market magnetic resonance imaging devices, wind energy generators, industrial robots, motor vehicles, light means of transport, cooling	1. From [OP please insert: 3 years after the date of entry into force of this Regulation], any natural or legal person that places on the market magnetic resonance imaging devices, wind energy generators, industrial robots, motor vehicles, light means of transport, cooling	1. From [~~OP please insert: 32~~ years after the date of entry into force of ~~this Regulation~~ the implementing act referred to in paragraph 2], any natural or legal person that places on the market magnetic resonance imaging devices, wind energy generators, industrial robots,	1. From ~~[OP please insert: 32]~~ years after the date of entry into force of ~~this Regulation~~ <u>the implementing act referred to in paragraph 2</u> , any natural or legal person that places on the market magnetic resonance imaging devices, wind energy generators, industrial robots, motor

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	generators, heat pumps, electric motors, including where they are integrated in other products, automatic washing machines, tumble driers, microwaves, vacuum cleaners or dishwashers shall ensure that those products bear a conspicuous, clearly legible and indelible label indicating:	generators, heat pumps, electric motors, including where they are integrated in other products, automatic washing machines, tumble driers, microwaves, vacuum cleaners or dishwashers shall ensure that those products bear a conspicuous, clearly legible and indelible label indicating:	motor vehicles, light means of transport, cooling generators, heat pumps, electric motors, including where they are integrated in other products, automatic washing machines, tumble driers, microwaves, vacuum cleaners or dishwashers shall ensure that those products bear a conspicuous, clearly legible and indelible label indicating:	vehicles, light means of transport, cooling generators, heat pumps, electric motors, including where they are integrated in other products, automatic washing machines, tumble driers, microwaves, vacuum cleaners or dishwashers shall ensure that those products bear a conspicuous, clearly legible and indelible label indicating: COM to draft recital explaining that "including where they are integrated in other products" refers to electric motors only (possibly recital 47/48) ITM 31 October Text Origin: Council Mandate
Article 27(1), point (a)				
424	(a) whether or not those products incorporate one or more permanent magnets;	(a) whether or not those products incorporate one or more permanent magnets;	(a) whether or not those products incorporate one or more permanent magnets;	(a) whether or not those products incorporate one or more permanent magnets; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 27(1), point (b)				
425	(b) if the product incorporates one or more permanent magnets, whether those magnets belong to any	(b) if the product incorporates one or more permanent magnets, whether those magnets belong to any	(b) if the product incorporates one or more permanent magnets, whether those magnets belong to any	(b) if the product incorporates one or more permanent magnets, whether those magnets belong to any

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of the following types:	of the following types:	of the following types:	of the following types: Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 27(1), point (b)(i)				
426	(i) Neodymium-Iron-Boron;	(i) Neodymium-Iron-Boron;	(i) Neodymium-Iron-Boron;	(i) Neodymium-Iron-Boron; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 27(1), point (b)(ii)				
427	(ii) Samarium-Cobalt;	(ii) Samarium-Cobalt;	(ii) Samarium-Cobalt;	(ii) Samarium-Cobalt; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 27(1), point (b)(iii)				
428	(iii) Aluminium-Nickel-Cobalt;	(iii) Aluminium-Nickel-Cobalt;	(iii) Aluminium-Nickel-Cobalt;	(iii) Aluminium-Nickel-Cobalt; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 27(1), point (b)(iv)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
429	(iv) Ferrite.	(iv) Ferrite.	(iv) Ferrite.	(iv) Ferrite. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 27(1), point (b)(iva)				
429a		(ba) if the product incorporates one or more permanent magnets of the types referred to in point (b), how many of each type of magnets is incorporated in the product.		<i>deleted</i> ITM 31 October
Article 27(2)				
430	2. The Commission shall adopt an implementing act establishing the format for the labelling referred to in paragraph 1. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 37(3).	2. The Commission shall adopt an implementing act establishing the format for the labelling referred to in paragraph 1 by [date: 1 years after the date of entry into force of this Regulation] . That implementing act shall be adopted in accordance with the examination procedure referred to in Article 37(3).	2. The Commission shall adopt an implementing act establishing the format for the labelling referred to in paragraph 1. That implementing act shall be adopted by [OP please insert: 30 months after the date of entry into force of this Regulation] in accordance with the examination procedure referred to in Article 37(3).	2. The Commission shall adopt an implementing act establishing the format for the labelling referred to in paragraph 1. That implementing act shall be adopted <u>by [OP please insert: [12/18] months after the date of entry into force of this Regulation]</u> in accordance with the examination procedure referred to in Article 37(3). CONS to check with colleagues working on ESPR ITM 31 October Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 27(3)				
431	3. From [OP please insert: 3 years after the date of entry into force of this Regulation], any natural or legal person that places on the market products referred to in paragraph 1 incorporating one or more permanent magnets of the types referred in paragraph 1, point (b), points (i) to (iii), shall ensure that a data carrier is present on or in the product.	3. From [OP please insert: 3 years after the date of entry into force of this Regulation], any natural or legal person that places on the market products referred to in paragraph 1 incorporating one or more permanent magnets of the types referred in paragraph 1, point (b), points (i) to (iii), shall ensure that a data carrier is present on or in the product. The data carrier shall, under no circumstances, contain or give access to commercially sensitive information.	3. From [OP please insert: 32 years after the date of entry into force of ~~this Regulation~~ the implementing act referred to in paragraph 2], any natural or legal person that places on the market products referred to in paragraph 1 incorporating one or more permanent magnets of the types referred in paragraph 1, point (b); ~~points (i) to (iii)~~ , shall ensure that a data carrier is present on or in the product.	3. From ~~[OP please insert: 32 years after the date of entry into force of this Regulation]~~ the implementing act referred to in paragraph 2 , any natural or legal person that places on the market products referred to in paragraph 1 incorporating one or more permanent magnets of the types referred in paragraph 1, point (b), points (i) to (iii), shall ensure that a data carrier is present on or in the product. CONS to check internally inclusion of "ferrite" ITM 31 October Text Origin: Council Mandate
Article 27(4)				
432	4. The data carrier referred to in paragraph 3 shall be linked to a unique product identifier that provides access to the following:	4. The data carrier referred to in paragraph 3 shall be linked to a unique product identifier that provides targeted access to the following:	4. The data carrier referred to in paragraph 3 shall be linked to a unique product identifier that provides access to the following:	4. The data carrier referred to in paragraph 3 shall be linked to a unique product identifier that provides access to the following: ITM 31 October Text Origin: Commission Proposal
Article 27(4), point (a)				

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433	(a) the name, registered trade name or registered trade mark and the postal address of the responsible natural or legal person and, where available, electronic means of communication where they can be contacted;	(a) the name, registered trade name or registered trade mark and the postal address of the responsible natural or legal person and, where available, electronic means of communication where they can be contacted;	(a) the name, registered trade name or registered ~~trade mark~~ trademark and the postal address of the responsible natural or legal person and, where available, electronic means of communication where they can be contacted;	(a) the name, registered trade name or registered ~~trade mark~~ trademark and the postal address of the responsible natural or legal person and, where available, electronic means of communication where they can be contacted; ITM 31 October Text Origin: Council Mandate
Article 27(4), point (b)				
434	(b) information on the weight, location and chemical composition of all individual permanent magnets included in the product, and on the presence and type of magnet coatings, glues and any additives used;	(b) information on the weight, location and chemical composition of all individual permanent magnets included in the product, and on the presence and type of magnet coatings, glues and any additives used;	(b) information on the weight, location and chemical composition of all individual permanent magnets included in the product, and on the presence and type of magnet coatings, glues and any additives used;	(b) information on the weight, location and chemical composition of all individual permanent magnets included in the product, and on the presence and type of magnet coatings, glues and any additives used; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 27(4), point (c)				
435	(c) information enabling access and removal of all permanent magnets incorporated in the product, at least including the sequence of all removal steps, tools or technologies required for the access and removal	(c) information enabling access and removal of all permanent magnets incorporated in the product, at least including the sequence of all removal steps, tools or technologies required for the access and removal	(c) information enabling access and safe removal of all permanent magnets incorporated in the product, at least including the sequence of all removal steps, tools or technologies required for the access and removal	(c) information enabling access and safe removal of all permanent magnets incorporated in the product, at least including the sequence of all removal steps, tools or technologies required for the access and removal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of the permanent magnet, without prejudice to Article 15(1) of Directive 2012/19/EU.	of the permanent magnet, without prejudice to Article 15(1) of Directive 2012/19/EU.	of the permanent magnet, without prejudice to Article 15(1) of Directive 2012/19/EU.	of the permanent magnet, without prejudice to Article 15(1) of Directive 2012/19/EU. ITM 31 October Text Origin: Council Mandate
Article 27(5)				
436	5. For products where the incorporated permanent magnets are exclusively contained in one or more electric motors incorporated in the product, the information referred to in paragraph 4, point (b), may be replaced by information on the location of those electric motors, and the information referred to in paragraph 4, point (c), may be replaced by information on the access and removal of the electric motors, at least including the sequence of all removal steps, tools or technologies required for the access and removal of the electric motors.	5. For products where the incorporated permanent magnets are exclusively contained in one or more electric motors incorporated in the product, the information referred to in paragraph 4, point (b), may be replaced by information on the location of those electric motors, and the information referred to in paragraph 4, point (c), may be replaced by information on the access and removal of the electric motors, at least including the sequence of all removal steps, tools or technologies required for the access and removal of the electric motors.	5. For products where the incorporated permanent magnets are exclusively contained in one or more electric motors incorporated in the product, the information referred to in paragraph 4, point (b), may be replaced by information on the location of those electric motors, and the information referred to in paragraph 4, point (c), may be replaced by information on the access and removal of the electric motors, at least including the sequence of all removal steps, tools or technologies required for the access and removal of the electric motors.	5. For products where the incorporated permanent magnets are exclusively contained in one or more electric motors incorporated in the product, the information referred to in paragraph 4, point (b), may be replaced by information on the location of those electric motors, and the information referred to in paragraph 4, point (c), may be replaced by information on the access and removal of the electric motors, at least including the sequence of all removal steps, tools or technologies required for the access and removal of the electric motors. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 27(6)				
437	6. For products referred to in	6. For products referred to in	6. For products referred to in	6. For products referred to in

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	paragraph 3 for which a product passport as defined in Regulation XX/XXXX [the Ecodesign for Sustainable Products Regulation] is required pursuant to another Union legislative act, the information referred to in paragraph 4 shall be included in that product passport.	paragraph 3 for which a product passport as defined in Regulation XX/XXXX [the Ecodesign for Sustainable Products Regulation] or XX/XXXX [Batteries and waste batteries Regulation] is required pursuant to another Union legislative act, the information referred to in paragraph 4 shall be included in that product or digital passport. The information referred to in paragraph 3 shall be complete, up-to-date and accurate and shall remain available for a period at least equal to the product's typical lifetime plus ten years, including after an insolvency, a liquidation or a cessation of activity in the Union of the responsible natural or legal person.	paragraph 3 for which a product passport as defined in Regulation XX/XXXX [the Ecodesign for Sustainable Products Regulation] is required pursuant to another Union legislative act, the information referred to in paragraph 4 shall be included in that product passport.	paragraph 3 for which a product passport as defined in Regulation XX/XXXX [the Ecodesign for Sustainable Products Regulation] is required pursuant to another Union legislative act, the information referred to in paragraph 4 shall be included in that product passport. ITM 31 October Text Origin: Commission Proposal

Article 27(7), first subparagraph

438	7. The information referred to in paragraph 3 shall be complete, up-to-date and accurate and shall remain available for a period at least equal to the product's typical lifetime plus ten years, including after an insolvency, a liquidation or a cessation of activity in the Union of the responsible natural or legal person.	7. ~~The information referred to in paragraph 3 shall be complete, up-to-date and accurate and shall remain available for a period at least equal to the product's typical lifetime plus ten years, including after an insolvency, a liquidation or a cessation of activity in the Union of the responsible natural or legal person.~~	7. The ~~information~~ economic operator placing the product, as referred to in paragraph ~~31~~ , on the market shall be ensure that information referred to in paragraph 3 is complete, up-to-date, and accurate and shall remain available for a period at least equal to the product's typical lifetime plus ten years, including after an insolvency, a liquidation or a cessation of activity in the Union of the responsible natural or legal	7. The ~~information~~ economic operator placing the product, as referred to in paragraph ~~31~~ , on the market shall be ensure that information referred to in paragraph 3 is complete, up-to-date, and accurate and shall remain available for a period at least equal to the product's typical lifetime plus ten years, including after an insolvency, a liquidation or a cessation of activity in the Union of the responsible natural or legal

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			person. It may authorise an operator to act on their behalf.	person. <u><i>It may authorise an operator to act on their behalf.</i></u> ITM 31 October Text Origin: Council Mandate
Article 27(7a)				
438a			The data carrier, as referred to in paragraph 3, shall cease to exist after the product has been recycled.	<u><i>[deleted]</i></u> ITM 31 October
Article 27(7), second subparagraph				
439	The information referred to in paragraph 4 shall refer to the product model or, where the information differs between units of the same model, to a particular batch or unit. The information referred to in paragraph 4 shall be accessible to recyclers, market surveillance authorities and customs authorities.	The information referred to in paragraph 4 shall refer to the product model or, where the information differs between units of the same model, to a particular batch or unit. The information referred to in paragraph 4 shall be accessible to refurbishers, repairers , recyclers, market surveillance authorities and customs authorities.	The information referred to in paragraph 4 shall refer to the product model or, where the information differs between units of the same model, to a particular batch or unit. The information referred to in paragraph 4 shall be accessible to recyclers, market surveillance authorities and customs authorities.	The information referred to in paragraph 4 shall refer to the product model or, where the information differs between units of the same model, to a particular batch or unit. The information referred to in paragraph 4 shall be accessible to <u><i>repairers</i></u> , recyclers, market surveillance authorities and customs authorities. ITM 9 November 2023 Text Origin: EP Mandate
Article 27(8), first subparagraph				
440	8. Article 9(1), point (c) and (d) and Articles 10 and 13 of Regulation	8. Article 9(1), point (c) and (d) and Articles 10 and 13 of Regulation	8. Article 9(1), point (c) and (d) and Articles 10 and 13 of Regulation	8. Article 9(1), point (c) and (d) and Articles 10 and 13 of Regulation

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	(EU) .../...[OP: please insert reference to the Ecodesign for Sustainable Products], as well as the corresponding definitions in Article 2 of that Regulation, shall apply.	(EU) .../...[OP: please insert reference to the Ecodesign for Sustainable Products], as well as the corresponding definitions in Article 2 of that Regulation, shall apply.	(EU) .../...[OP: please insert reference to the Ecodesign for Sustainable Products], as well as the corresponding definitions in Article 2 of that Regulation, shall apply.	(EU) .../...[OP: please insert reference to the Ecodesign for Sustainable Products], as well as the corresponding definitions in Article 2 of that Regulation, shall apply. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 27(8), second subparagraph				
441	Before placing a product referred to in paragraph 3 on the market, natural or legal persons shall ensure that the unique product identifier referred to in paragraph 4 is uploaded in the registry referred to in [Article 12(1)] of Regulation (EU) .../... [Ecodesign for Sustainable Products].	Before placing a product referred to in paragraph 3 on the market, natural or legal persons shall ensure that the unique product identifier referred to in paragraph 4 is uploaded in the registry referred to in [Article 12(1)] of Regulation (EU) .../... [Ecodesign for Sustainable Products].	Before placing a product referred to in paragraph 3 on the market, natural or legal persons shall ensure that the unique product identifier referred to in paragraph 4 is uploaded in the registry referred to in [Article 12(1)] of Regulation (EU) .../... [Ecodesign for Sustainable Products].	Before placing a product referred to in paragraph 3 on the market, natural or legal persons shall ensure that the unique product identifier referred to in paragraph 4 is uploaded in the registry referred to in [Article 12(1)] of Regulation (EU) .../... [Ecodesign for Sustainable Products]. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 27(8), third subparagraph				
442	For purposes of the first and second subparagraph, the references to ‘the applicable delegated act adopted pursuant to Article 4’ in Article 10, point (b) and to ‘delegated acts adopted pursuant to Article 4’ in	For purposes of the first and second subparagraph, the references to ‘the applicable delegated act adopted pursuant to Article 4’ in Article 10, point (b) and to ‘delegated acts adopted pursuant to Article 4’ in	For purposes of the first and second subparagraph, the references to ‘the applicable delegated act adopted pursuant to Article 4’ in Article 10, point (b) and to ‘delegated acts adopted pursuant to Article 4’ in	For purposes of the first and second subparagraph, the references to ‘the applicable delegated act adopted pursuant to Article 4’ in Article 10, point (b) and to ‘delegated acts adopted pursuant to Article 4’ in

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	Article 10, point f, and Article 13(2) of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be read as references to this Regulation.	Article 10, point f, and Article 13(2) of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be read as references to this Regulation.	Article 10, point f, and Article 13(2) of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be read as references to this Regulation.	Article 10, point f, and Article 13(2) of Regulation (EU) 2023/xxx [OP: please insert reference to ~~ESPR~~ <u>Ecodesign for Sustainable Products Regulation</u>] shall be read as references to this Regulation. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 27(9)				
443	9. Where information requirements relating to the recycling of permanent magnets are established in delegated acts adopted in accordance with Article 4 of the Regulation XX/XXXX [OP please insert: the Ecodesign for Sustainable Products Regulation] or in other Union harmonisation legislation for any of the products listed in paragraph 1, those requirements shall apply in replacement of the provisions of this Article.	9. Where information requirements relating to the recycling of permanent magnets are established in delegated acts adopted in accordance with Article 4 of the Regulation XX/XXXX [OP please insert: the Ecodesign for Sustainable Products Regulation] or in other Union harmonisation legislation for any of the products listed in paragraph 1, those requirements shall apply in replacement of the provisions of this Article.	9. Where information requirements relating to the recycling of permanent magnets are established in delegated acts adopted in accordance with Article 4 of the Regulation XX/XXXX [OP please insert: the Ecodesign for Sustainable Products Regulation] or in other Union harmonisation legislation for any of the products listed in paragraph 1, those requirements shall apply in replacement of the provisions of this Article.	9. Where information requirements relating to the recycling of permanent magnets are established in delegated acts adopted in accordance with Article 4 of the Regulation XX/XXXX [OP please insert: the Ecodesign for Sustainable Products Regulation] or in other Union harmonisation legislation for any of the products listed in paragraph 1, those requirements shall apply in replacement of the provisions of this Article. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 27(9a)				
443a			9a. Any natural or legal person	

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			that places products on the market referred to in paragraph 1 shall promote that any permanent magnets contained in them are removable in order to allow for their recovery at the product's end-of-life.	<i>deleted</i> ITM 31 October
Article 27(9b)(10)				
444	10. Products primarily designed for defence or space applications shall be exempted from the requirements of this Article	10. Products primarily designed for defence or ~~space~~ aerospace applications shall be exempted from the requirements of this Article.	10. Products primarily designed for defence or space applications shall be exempted from the requirements of this Article.	10. Products primarily designed for defence or space applications shall be exempted from the requirements of this Article. ITM 31 October Text Origin: EP Mandate
Article 27(10), first subparagraph a				
444a		Specific information referred to in paragraphs 1, 3 and 4 may be omitted if it includes commercially sensitive information.		<i>deleted</i> ITM 31 October
Article 27(11)				
445	11. For magnetic resonance imaging devices, motor vehicles and light means of transport that are type-approved vehicles of category L, the requirements of this Article shall apply from [OP please insert: 5 years	11. For magnetic resonance imaging devices, motor vehicles and light means of transport that are type-approved vehicles of category L, the requirements of this Article shall apply from [OP please insert: 5 years	11. For magnetic resonance imaging devices, motor vehicles and light means of transport that are type-approved vehicles of category L, the requirements of this Article shall apply from [OP please insert: 5 years	11. For magnetic resonance imaging devices, motor vehicles and light means of transport that are type-approved vehicles of category L, the requirements of this Article shall apply from [OP please insert: 5 years

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	after the date of entry into force of this Regulation].	after the date of entry into force of this Regulation].	after the date of entry into force of this Regulation].	after the date of entry into force of this Regulation]. ITM 31 October Text Origin: Commission Proposal
Article 27(11a)				
445a				<u><i>11a. This article shall not apply to:</i></u> <u><i>(a) special purpose vehicles as defined in Article 3, point (31), of Regulation (EU) 2018/858;</i></u> <u><i>(b) other parts of a vehicle that have been type-approved in multi-stage type approval of category N1, N2, N3, M2 or M3 than the base vehicle;</i></u> <u><i>(c) vehicles produced in small series, as defined in Article 3, point (30), of Regulation 2018/858.</i></u> ITM 31 October
Article 27(12)				
446	12. The Commission is empowered to adopt delegated acts in accordance with Article 36 to amend Annex VI in order to provide or update a list of Combined Nomenclature ¹ codes and product descriptions corresponding to the products referred to in paragraph 1	12. The Commission is empowered to adopt delegated acts in accordance with Article 36 to amend Annex VI in order to provide or update a list of Combined Nomenclature ¹ codes and product descriptions corresponding to the products referred to in paragraph 1	12. The Commission is empowered to adopt delegated acts in accordance with Article 36 to amend Annex VI in order to provide or update a list of Combined Nomenclature ¹ codes and product descriptions corresponding to the products referred to in paragraph 1	12. The Commission is empowered to adopt <u>a</u> delegated ~~acts~~ <u>act</u> in accordance with Article 36 ~~to amend~~ <u>Annex VI</u> in order to provide ~~or update~~ a list of Combined Nomenclature ¹ codes and product descriptions corresponding to the products referred to in paragraph 1

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	with the aim of facilitating the work of customs authorities in relation to those products and the requirements set out in this Article and in Article 28. 1. Combined Nomenclature in Annex I to Regulation (EEC) No 2658/87	with the aim of facilitating the work of customs authorities in relation to those products and the requirements set out in this Article and in Article 28. 1. Combined Nomenclature in Annex I to Regulation (EEC) No 2658/87	with the aim of facilitating the work of customs authorities in relation to those products and the requirements set out in this Article and in Article 28. 1. [1] Combined Nomenclature in Annex I to Regulation (EEC) No 2658/87	with the aim of facilitating the work of customs authorities in relation to those products and the requirements set out in this Article and in Article 28. 1. Combined Nomenclature in Annex I to Regulation (EEC) No 2658/87 Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 28				
447	Article 28 Recycled content of permanent magnets	Article 28 Recycled content of permanent magnets	Article 28 Recycled content of permanent magnets	Article 28 Recycled content of permanent magnets Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 28(1)				
448	1. From either [OP please insert: 3 years after the date of entry into force of this Regulation] or 2 years after the entry into force of the delegated act referred to in paragraph 2, whichever is later, any natural or legal person that places on the market products referred to in Article 27(1) which incorporate one	1. From either [OP please insert: 3 years after the date of entry into force of this Regulation] or 2 years after the entry into force of the delegated act referred to in paragraph 2, whichever is later, any natural or legal person that places on the market products referred to in Article 27(1) which incorporate one	1. From either [OP please insert: 3 years after the date of entry into force of this Regulation] or 2 years after the entry into force of the ~~delegated~~implementing act referred to in paragraph 2, whichever is later, any natural or legal person that places on the market products referred to in Article 27(1) which	1. From either [OP please insert: 3 years after the date of entry into force of this Regulation] or 2 years after the entry into force of the delegated act referred to in paragraph 2, whichever is later, any natural or legal person that places on the market products referred to in Article 27(1) which incorporate one

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	or more permanent magnets referred to in Article 27(1), point (b)(i) to (iii) and for which the total weight of all such permanent magnets exceeds 0.2 kg shall make publicly available on a free access website the share of neodymium, dysprosium, praseodymium, terbium, boron, samarium, nickel and cobalt recovered from post-consumer waste present in the permanent magnets incorporated in the product.	or more permanent magnets referred to in Article 27(1), point (b)(i) to (iii) and for which the total weight of all such permanent magnets exceeds 0.2 kg shall make publicly available on a free access website the share of neodymium, dysprosium, praseodymium, terbium, boron, samarium, nickel and cobalt recovered from post-consumer waste present in the permanent magnets incorporated in the product.	incorporate– one or more permanent magnets referred to in Article 27(1), point ~~(b)(i)~~ (b), (i) to (iii) and for which the total weight of all such permanent magnets exceeds 0.2 kg shall make publicly available on a free access website the share of neodymium, dysprosium, praseodymium, terbium, boron, samarium, nickel and cobalt recovered from post-consumer waste present in the permanent magnets incorporated in the product.	or more permanent magnets referred to in Article 27(1), point ~~(b)(i) to (iii)~~ (b)], (i) to (iii), and for which the total weight of all such permanent magnets exceeds 0.2 kg shall make publicly available on a free access website the share of neodymium, dysprosium, praseodymium, terbium, boron, samarium, nickel and cobalt recovered from post-consumer waste present in the permanent magnets incorporated in the product. To be checked together with line 439 (whether to include "ferrite", point b(iv)) ITM 31 October Text Origin: Commission Proposal
Article 28(2), first subparagraph				
449	2. By [OP please insert: 2 years after the date of entry into force of this Regulation], the Commission shall adopt a delegated act in accordance with Article 36 to supplement this Regulation by establishing rules for the calculation and verification of the share of neodymium, dysprosium, praseodymium, terbium, boron, samarium, nickel and cobalt	2. By [OP please insert: 2 years after the date of entry into force of this Regulation], the Commission shall adopt a delegated act in accordance with Article 36 to supplement this Regulation by establishing rules for the calculation and verification of the share of neodymium, dysprosium, praseodymium, terbium, boron, samarium, nickel and cobalt	2. By [OP please insert: 2 years after the date of entry into force of this Regulation], the Commission shall adopt ~~a delegated act in accordance with Article 36 to supplement this Regulation by an~~ implementing act establishing rules for the calculation and verification of the share of neodymium, dysprosium, praseodymium, terbium, boron, samarium, nickel	2. By [OP please insert: 2 years after the date of entry into force of this Regulation], the Commission shall adopt a delegated act in accordance with Article 36 to supplement this Regulation by establishing rules for the calculation and verification of the share of neodymium, dysprosium, praseodymium, terbium, boron, samarium, nickel and cobalt

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	recovered from manufacturing waste or post-consumer waste present in the permanent magnets incorporated in the products referred to in paragraph 1.	recovered from manufacturing waste or post-consumer waste present in the permanent magnets incorporated in the products referred to in paragraph 1.	and cobalt recovered from ~~manufacturing waste or post-consumer waste~~ , that is present in the permanent magnets incorporated in the products referred to in paragraph 1.	recovered from ~~manufacturing waste~~ ~~or~~ post-consumer waste present in the permanent magnets incorporated in the products referred to in paragraph 1. ITM 31 October Text Origin: EP Mandate
Article 28(2a)				
449a			The implementing act shall be adopted in accordance with the advisory procedure referred to in Article 37(2).	<i>deleted</i> ITM 31 October
Article 28(2), second subparagraph				
450	The calculation and verification rules shall specify the applicable conformity assessment procedure from among the modules set out in Annex II to Decision No 768/2008/EC, with the adaptations necessary in view of the products concerned. When specifying the applicable conformity assessment procedure, the Commission shall consider the following criteria:	The calculation and verification rules shall specify the applicable conformity assessment procedure from among the modules set out in Annex II to Decision No 768/2008/EC, with the adaptations necessary in view of the products concerned. When specifying the applicable conformity assessment procedure, the Commission shall consider the following criteria:	The calculation and verification rules shall specify the applicable conformity assessment procedure from among the modules set out in Annex II to Decision No 768/2008/EC, with the adaptations necessary in view of the products concerned. When specifying the applicable conformity assessment procedure, the Commission shall consider the following criteria:	The calculation and verification rules shall specify the applicable conformity assessment procedure from among the modules set out in Annex II to Decision No 768/2008/EC, with the adaptations necessary in view of the products concerned. When specifying the applicable conformity assessment procedure, the Commission shall consider the following criteria: Trilogue 24/10/2023 Text Origin: Commission Proposal

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Article 28(2), second subparagraph, point (a)				
451	(a) whether the module concerned is appropriate to the type of product and proportionate to the public interest pursued;	(a) whether the module concerned is appropriate to the type of product and proportionate to the public interest pursued;	(a) whether the module concerned is appropriate to the type of product and proportionate to the public interest pursued;	(a) whether the module concerned is appropriate to the type of product and proportionate to the public interest pursued; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 28(2), second subparagraph, point (b)				
452	(b) the availability of competent and independent third parties able to perform potential third party conformity assessment tasks;	(b) the availability of competent and independent third parties able to perform potential third party conformity assessment tasks;	(b) the ~~availability of competent and independent third parties able to perform potential third party~~ nature of the risks entailed by the product and the extent to which conformity assessment tasks corresponds to the type and degree of risk;	(b) the ~~availability of competent and independent third parties able to perform potential third party~~ nature of the risks entailed by the product and the extent to which conformity assessment ~~tasks~~ corresponds to the type and degree of risk; ITM 31 October Text Origin: Council Mandate
Article 28(2), second subparagraph, point (c)				
453	(c) where third party involvement is mandatory, the need for the manufacturer to have a choice between quality assurance and product certification modules set out in Annex II of Decision No 768/2008/EC.	(c) where third party involvement is mandatory, the need for the manufacturer to have a choice between quality assurance and product certification modules set out in Annex II of Decision No 768/2008/EC.	(c) where third party involvement is mandatory, the need for the manufacturer to have a choice between quality assurance and product certification modules set out in Annex II of Decision No 768/2008/EC.	(c) where third party involvement is mandatory, the need for the manufacturer to have a choice between quality assurance and product certification modules set out in Annex II of Decision No 768/2008/EC.

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				Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 28(3), first subparagraph				
454	3. After 31 December 2030, the Commission may adopt delegated acts supplementing this Regulation by laying down minimum shares for neodymium, dysprosium, praseodymium, terbium, boron, samarium, nickel and cobalt recovered from post-consumer waste that must be present in the permanent magnet incorporated in the products referred to in paragraph 1.	3. ~~After~~No later than 31 December 2030, the Commission ~~may~~shall adopt delegated acts supplementing this Regulation by laying down minimum shares for neodymium, dysprosium, praseodymium, terbium, boron, samarium, nickel and cobalt recovered -from post-consumer waste that must be present in the permanent magnet incorporated in the products referred to in paragraph 1. In duly justified cases, different minimum shares may be applied for different products or certain products may be excluded from this obligation.	3. After the entry into force of the implementing act under paragraph 2 and no later than 31 December ~~2030~~2032 the Commission ~~may~~shall adopt delegated acts under paragraph 3 supplementing this Regulation by laying down minimum shares for neodymium, dysprosium, praseodymium, terbium, boron, samarium, nickel and cobalt recovered -from post-consumer waste that must be present in the permanent magnet incorporated in the products referred to in paragraph 1.	3. After <u>the entry into force of the delegated act under paragraph 2 and no later than</u> 31 December ~~2030~~2031, the Commission ~~may~~shall adopt delegated acts supplementing this Regulation by laying down minimum shares for neodymium, dysprosium, praseodymium, terbium, boron, samarium, nickel and cobalt recovered -from post-consumer waste that must be present in the permanent magnet incorporated in the products referred to in paragraph 1. <u>The delegated act may apply different minimum shares for different products and exclude certain products from this obligation.</u> ITM 31 October Text Origin: Council Mandate
Article 28(3), second subparagraph				
455	Delegated acts referred to in the first subparagraph shall provide for transitional periods adapted to the	Delegated acts referred to in the first subparagraph shall provide for transitional periods adapted to the	~~Delegated~~Implementing acts referred to in the first subparagraph shall provide for transitional periods	Delegated acts referred to in the first subparagraph shall provide for transitional periods adapted to the

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	difficulty of adopting the products covered by the measure to ensure compliance.	difficulty of adopting the products covered by the measure to ensure compliance.	adapted to the difficulty of adopting the products covered by the measure to ensure compliance.	difficulty of adopting the products covered by the measure to ensure compliance. ITM 31 October Text Origin: EP Mandate
Article 28(3), third subparagraph				
456	The minimum share referred to in the first subparagraph shall be based on a prior assessment of impacts, taking into account:	The minimum share referred to in the first subparagraph shall be based on a prior assessment of impacts, taking into account:	The minimum share referred to in the first subparagraph shall be based on a prior assessment of impacts, taking into account:	The minimum share referred to in the first subparagraph shall be based on a prior assessment of impacts, taking into account: Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 28(3), third subparagraph, point (a)				
457	(a) the existing and forecasted availability of neodymium, dysprosium, praseodymium, terbium, boron, samarium, nickel and cobalt recovered from post-consumer waste;	(a) the existing and forecasted availability of neodymium, dysprosium, praseodymium, terbium, boron, samarium, nickel and cobalt recovered from post-consumer waste;	(a) the existing and forecasted availability of neodymium, dysprosium, praseodymium, terbium, boron, samarium, nickel and cobalt recovered from post-consumer waste;	(a) the existing and forecasted availability of neodymium, dysprosium, praseodymium, terbium, boron, samarium, nickel and cobalt recovered from post-consumer waste; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 28(3), third subparagraph, point (b)				

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458	(b) the information collected pursuant to paragraph 1 and the relative distribution of the share of recycled content in permanent magnets incorporated in products referred to in paragraph 1 placed on the market;	(b) the information collected pursuant to paragraph 1 and the relative distribution of the share of recycled content in permanent magnets incorporated in products referred to in paragraph 1 placed on the market;	(b) the information collected pursuant to paragraph 1 and the relative distribution of the share of recycled content in permanent magnets incorporated in products referred to in paragraph 1 placed on the market;	(b) the information collected pursuant to paragraph 1 and the relative distribution of the share of recycled content in permanent magnets incorporated in products referred to in paragraph 1 placed on the market; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 28(3), third subparagraph, point (c)				
459	(c) technical and scientific progress, including considerable changes in permanent magnet technologies impacting the type of materials recovered;	(c) technical and scientific progress, including considerable changes in permanent magnet technologies impacting the type of materials recovered;	(c) technical and scientific progress, including considerable changes in permanent magnet technologies impacting the type of materials recovered;	(c) technical and scientific progress, including considerable changes in permanent magnet technologies impacting the type of materials recovered; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 28(3), third subparagraph, point (d)				
460	(d) the effective and potential contribution of a minimum share to the Union's climate and environmental objectives;	(d) the effective and potential contribution of a minimum share to the Union's climate and environmental objectives;	(d) the effective and potential contribution of a minimum share to the Union's climate and environmental objectives;	(d) the effective and potential contribution of a minimum share to the Union's climate and environmental objectives; Trilogue 24/10/2023

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				Text Origin: Commission Proposal
Article 28(3), third subparagraph, point (e)				
461	(e) possible impacts on the functioning of products incorporating permanent magnets;	(e) possible impacts on the functioning of products incorporating permanent magnets;	(e) possible impacts on the functioning of products incorporating permanent magnets;	(e) possible impacts on the functioning of products incorporating permanent magnets; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 28(3), third subparagraph, point (f)				
462	(f) the need to prevent disproportionate negative impacts on the affordability of permanent magnets and products incorporating permanent magnets.	(f) the need to prevent disproportionate negative impacts on the affordability of permanent magnets and products incorporating permanent magnets.	(f) the need to prevent disproportionate negative impacts on the affordability of permanent magnets and products incorporating permanent magnets.	(f) the need to prevent disproportionate negative impacts on the affordability of permanent magnets and products incorporating permanent magnets. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 28(4)				
463	4. Where requirements relating to the recycled content of permanent magnets are established in delegated acts adopted in accordance with Article 4 of the Regulation XX/XXXX [OP please insert: the	4. Where requirements relating to the recycled content of permanent magnets are established in delegated acts adopted in accordance with Article 4 of the Regulation XX/XXXX [OP please insert: the	4. Where requirements relating to the recycled content of permanent magnets are established in delegated acts adopted in accordance with Article 4 of the Regulation XX/XXXX [OP please insert: the	4. Where requirements relating to the recycled content of permanent magnets are established in delegated acts adopted in accordance with Article 4 of the Regulation XX/XXXX [OP please insert: the

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	Ecodesign for Sustainable Products Regulation] or other Union harmonisation legislation for any of the products listed in paragraph 1, those requirements shall apply in replacement of the provisions of this Article.	Ecodesign for Sustainable Products Regulation] or other Union harmonisation legislation for any of the products listed in paragraph 1, those requirements shall apply in replacement of the provisions of this Article.	Ecodesign for Sustainable Products Regulation] or other Union harmonisation legislation for any of the products listed in paragraph 1, those requirements shall apply in replacement of the provisions of this Article.	Ecodesign for Sustainable Products Regulation] or other Union harmonisation legislation for any of the products listed in paragraph 1, those requirements shall apply in replacement of the provisions of this Article. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 28(5), first subparagraph				
464	5. From the date of application of the requirement of paragraph 1, when offering the products referred to in paragraph 1 for sale, including in case of distance selling, or displaying them in the course of a commercial activity, natural and legal persons placing on the market products referred to in paragraph 1 shall ensure that their customers have access to the information referred to in paragraph 1 before being bound by a sales contract.	5. From the date of application of the requirement of paragraph 1, when offering the products referred to in paragraph 1 for sale, including in case of distance selling, or displaying them in the course of a commercial activity, natural and legal persons placing on the market products referred to in paragraph 1 shall ensure that their customers have access to the information referred to in paragraph 1 before being bound by a sales contract.	5. From the date of application of the requirement of paragraph 1, when offering the products referred to in paragraph 1 for sale, including in case of distance selling, or displaying them in the course of a commercial activity, natural and legal persons placing on the market products referred to in paragraph 1 shall ensure that their customers have access to the information referred to in paragraph 1 before being bound by a sales contract.	5. From the date of application of the requirement of paragraph 1, when offering the products referred to in paragraph 1 for sale, including in case of distance selling, or displaying them in the course of a commercial activity, natural and legal persons placing on the market products referred to in paragraph 1 shall ensure that their customers have access to the information referred to in paragraph 1 before being bound by a sales contract. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 28(5), second subparagraph				
465				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Natural and legal persons placing on the market products referred to in paragraph 1 shall not provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse customers with respect to the information referred to in paragraph 1. Products primarily designed for defence or space applications shall be exempted from the requirements of this Article.	Natural and legal persons placing on the market products referred to in paragraph 1 shall not provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse customers with respect to the information referred to in paragraph 1. Products primarily designed for defence or ~~space~~ aerospace applications shall be exempted from the requirements of this Article.	Natural and legal persons placing on the market products referred to in paragraph 1 shall not provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse customers with respect to the information referred to in paragraph 1. Products primarily designed for defence or space applications shall be exempted from the requirements of this Article.	Natural and legal persons placing on the market products referred to in paragraph 1 shall not provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse customers with respect to the information referred to in paragraph 1. Products primarily designed for defence or space applications shall be exempted from the requirements of this Article. ITM 24 October 2023 ITM 31 October Text Origin: EP Mandate
Article 28(6)				
466	6. For magnetic resonance imaging devices, motor vehicles and light means of transport that are type-approved vehicles of category L, the requirements set out in paragraphs 1 and 6 shall apply from 5 years after the date of entry into force of the delegated act referred to in paragraph 2.	6. For magnetic resonance imaging devices, motor vehicles and light means of transport that are type-approved vehicles of category L, the requirements set out in paragraphs 1 and 6 shall apply from 5 years after the date of entry into force of the delegated act referred to in paragraph 2.	6. For magnetic resonance imaging devices, motor vehicles and light means of transport that are type-approved vehicles of category L, the requirements set out in paragraphs 1 and ~~6~~ 5 shall apply from 5 years after the date of entry into force of the delegated act referred to in paragraph 2.	6. For magnetic resonance imaging devices, motor vehicles and light means of transport that are type-approved vehicles of category L, the requirements set out in paragraphs 1 and ~~6~~ 5 shall apply from 5 years after the date of entry into force of the delegated act referred to in paragraph 2. ITM 31 October Text Origin: Council Mandate
Article 28(6a)				
466a				<u>6a. This article shall not apply to: (a) special purpose vehicles as</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>defined in Article 3, point (31), of Regulation (EU) 2018/858;</u> <u>(b) other parts of a vehicle that have been type-approved in multi-stage type approval of category N1, N2, N3, M2 or M3 than the base vehicle;</u> <u>(c) vehicles produced in small series, as defined in Article 3, point (30), of Regulation 2018/858.</u> ITM 31 October
Section 2				
467	Section 2 Certification and environmental footprint	Section 2 Certification and environmental footprint	Section 2 Certification and environmental footprint	Section 2 Certification and environmental footprint Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 29				
468	Article 29 Recognised schemes	Article 29 Recognised schemes	Article 29 Recognised schemes	Article 29 Recognised schemes Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 29(1), first subparagraph				
469				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Governments or organisations that have developed and oversee certification schemes related to the sustainability of critical raw materials ("scheme owners") may apply to have their schemes recognised by the Commission.	1. Governments, industry associations or groupings of interested ~~or~~ organisations that have developed and oversee certification schemes related to the sustainability of critical raw materials ("scheme owners") may apply to have their schemes recognised by the Commission. The decision of recognition of a scheme shall be published no later than six months after the application submitted by the scheme owner.	1. Governments or organisations that have developed and oversee certification schemes related to the sustainability of critical raw materials ("scheme owners") may apply to have their schemes recognised by the Commission.	1. Governments, <u>industry associations and groupings of interested</u> ~~or~~ organisations that have developed and oversee certification schemes related to the sustainability of critical raw materials ("scheme owners") may apply to have their schemes recognised by the Commission. ITM 31 October Text Origin: EP Mandate
Article 29(1), second subparagraph				
470	Applications referred in the first subparagraph shall contain any relevant evidence related to the fulfilment of the criteria laid down in Annex IV. The Commission shall be empowered to adopt implementing acts specifying the information that applications shall at least contain. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).	Applications referred in the first subparagraph shall contain any relevant evidence related to the fulfilment of the criteria laid down in Annex IV. The Commission shall ~~be empowered to adopt implementing acts~~ adopt implementing acts by ... [three years after the entry into force of the Regulation] specifying the information that applications shall at least contain. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).	Applications referred in the first subparagraph shall contain any relevant evidence related to the fulfilment of the criteria laid down in Annex IV. The Commission shall be empowered to adopt implementing acts specifying the information that applications shall at least contain. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).	Applications referred in the first subparagraph shall contain any relevant evidence related to the fulfilment of the criteria laid down in Annex IV. The Commission shall ~~be empowered to adopt implementing acts~~ <u>adopt an implementing act by [OP please insert: three years after the entry into force of the Regulation]</u> specifying the information that applications shall at least contain. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3). ITM 31 October Text Origin: EP Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 29(1), second subparagraph a				
470a		Those implementing acts shall provide for a single template to cover all information required for the application. The single template shall provide only for information needed for assessing the application. The scope of information required to complete the single template shall be reasonable.		<u>That implementing act shall provide for a single template to cover all information required for the application. The extent of documentation required to complete the single template shall be reasonable.</u> ITM 31 October Text Origin: EP Mandate
Article 29(2)				
471	2. Where, on the basis of the evidence provided pursuant to the paragraph 1, the Commission determines that a certification scheme meets the criteria laid down in Annex IV, it shall adopt an implementing act granting that scheme a recognition. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).	2. Where, on the basis of the evidence provided pursuant to the paragraph 1, the Commission determines that a certification scheme meets the criteria laid down in Annex IV, it shall adopt an implementing act granting that scheme a recognition. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).	2. Where, on the basis of the evidence provided pursuant to the paragraph 1, the Commission determines that a certification scheme meets the criteria laid down in Annex IV, it shall adopt an implementing act granting that scheme a recognition. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).	2. Where, on the basis of the evidence provided pursuant to the paragraph 1, the Commission determines that a certification scheme meets the criteria laid down in Annex IV, <u>or a subset thereof,</u> it shall adopt an implementing act granting that scheme a recognition, <u>specifying the recognised coverage of the scheme.</u> Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3). Trilogue 24/10/2023 ITM 9 November 2023 Text Origin: Commission Proposal
Article 29(2a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	471a			<u>2a. The recognised coverage for each scheme shall be specified along the following dimensions:</u> ITM 9 November 2023
Article 29(2b)				
G	471b			<u>2b. (a) the stages of the value chain covered by the scheme;</u> ITM 9 November 2023
Article 29(2c)				
G	471c			<u>2c. (b) the stages of the life cycle of a project, including before, during and after closure, that are covered by the scheme; and</u> ITM 9 November 2023
Article 29(2d)				
G	471d			<u>2d. (c) the sustainability dimensions and environmental risk categories listed in Annex IV point (b)(i) that are addressed by the scheme.</u> ITM 9 November 2023
Article 29(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
472	3. The Commission shall periodically verify that recognised schemes continue to fulfil the criteria laid down in Annex IV.	3. The Commission shall ~~periodically verify~~ verify at least every two years that recognised schemes continue to fulfil the criteria laid down in Annex IV.	3. The Commission shall ~~periodically~~ every three years verify that recognised schemes continue to fulfil the criteria laid down in Annex IV.	3. The Commission shall ~~periodically verify~~ <u>verify at least every three years</u> that recognised schemes continue to fulfil the criteria laid down in Annex IV, <u>or of the recognised subset of those criteria.</u> ITM 31 October ITM 9 November 2023 Text Origin: EP Mandate
Article 29(4)				
473	4. Owners of recognised schemes shall inform the Commission without delay of any changes or updates made to recognised schemes. The Commission shall assess whether such changes or updates affect the basis for the recognition and take appropriate action.	4. Owners of recognised schemes shall inform the Commission without delay of any relevant changes or updates made to recognised schemes. The Commission shall assess whether such changes or updates affect the basis for the recognition and take appropriate action, if necessary .	4. Owners of recognised schemes shall inform the Commission without delay of any changes or updates made to recognised schemes. The Commission shall assess whether such changes or updates affect the basis for the recognition and take appropriate action.	4. Owners of recognised schemes shall inform the Commission without delay of any changes or updates ~~made to~~ <u>related to the fulfilment of the criteria laid down in Annex IV, or of the recognised subset of those criteria, made to those</u> schemes. The Commission shall assess whether such changes or updates affect the basis for the recognition and take appropriate action. ITM 31 October ITM 9 November 2023 Text Origin: EP Mandate
Article 29(5)				
474	5. If there is evidence of repeated or significant cases where economic	5. If there is evidence of repeated or significant cases where economic	5. If there is evidence of repeated or significant cases where economic	5. If there is evidence of repeated or significant cases where economic

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	operators implementing a recognised scheme have failed to fulfil the requirements of that scheme, the Commission shall examine, in consultation with the owner of the recognised scheme, whether those cases indicate deficiencies in the scheme affecting the basis for the recognition and take appropriate action.	operators implementing a recognised scheme have failed to fulfil the requirements of that scheme, the Commission shall examine, in consultation with the owner of the recognised scheme, whether those cases indicate deficiencies in the scheme affecting the basis for the recognition and take appropriate action, if necessary .	operators implementing a recognised scheme have failed to fulfil the requirements of that scheme, the Commission shall examine, in consultation with the owner of the recognised scheme, whether those cases indicate deficiencies in the scheme affecting the basis for the recognition and take appropriate action.	operators implementing a recognised scheme have failed to fulfil the requirements of that scheme, the Commission shall examine, in consultation with the owner of the recognised scheme, whether those cases indicate deficiencies in the scheme affecting the basis for the recognition and take appropriate action. ITM 31 October Text Origin: Commission Proposal
Article 29(6)				
475	6. Where the Commission identifies deficiencies in a recognised scheme affecting the basis for the recognition, it may grant the scheme owner an appropriate period of time to take remedial action.	6. Where the Commission identifies deficiencies in a recognised scheme affecting the basis for the recognition, it may grant the scheme owner an appropriate period of time to take remedial action, within a maximum of 12 months. After the expiry of that period, if the deficiency persists, the Commission shall no longer recognise the scheme.	6. Where the Commission identifies deficiencies in a recognised scheme affecting the basis for the recognition, it may grant the scheme owner an appropriate period of time to take remedial action.	6. Where the Commission identifies deficiencies in a recognised scheme affecting the basis for the recognition, it may grant the scheme owner an appropriate period of time to take remedial action, <u>which shall not be longer than 12 months.</u> ITM 31 October Text Origin: EP Mandate
Article 29(7)				
476	7. Where the scheme owner fails or refuses to take the necessary remedial action, and where the	7. Where the scheme owner fails or refuses to take the necessary remedial action, and where the	7. Where the scheme owner fails or refuses to take the necessary remedial action, and where the	7. Where the scheme owner fails or refuses to take the necessary remedial action, and where the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Commission has determined that the deficiencies referred to in paragraph 6 mean that the scheme no longer fulfils the criteria laid down in Annex IV, the Commission shall adopt an implementing act withdrawing the recognition of the scheme. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).	Commission has determined that the deficiencies referred to in paragraph 6 mean that the scheme no longer fulfils the criteria laid down in Annex IV, the Commission shall adopt an implementing act withdrawing the recognition of the scheme. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).	Commission has determined that the deficiencies referred to in paragraph 6 mean that the scheme no longer fulfils the criteria laid down in Annex IV, the Commission shall adopt an implementing act withdrawing the recognition of the scheme. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).	Commission has determined that the deficiencies referred to in paragraph 6 mean that the scheme no longer fulfils the criteria laid down in Annex IV, <u>or of the recognised subset of those criteria</u> , the Commission shall adopt an implementing act withdrawing the recognition of the scheme. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3). Trilogue 24/10/2023 ITM 9 November 2023 Text Origin: Commission Proposal
Article 29(8)				
477	8. The Commission shall establish and keep up-to-date a register of recognised schemes. That register shall be made publicly available on a free access website.	8. The Commission shall establish and keep up-to-date a register of recognised schemes. That register shall be made publicly available on a free access website. That website shall also allow for the collection of feedback from all relevant stakeholders concerning the implementation of recognised schemes. Such feedback shall be forwarded to the respective scheme owners for consideration.	8. The Commission shall establish and keep up-to-date a register of recognised schemes. That register shall be made publicly available on a free access website.	8. The Commission shall establish and keep up-to-date a register of recognised schemes. That register shall be made publicly available on a free access website. <u>That website shall also allow for the collection of feedback from all relevant stakeholders concerning the implementation of recognised schemes. Such feedback shall be forwarded to the respective scheme owners for consideration.</u> ITM 31 October

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: EP Mandate
Article 30				
478	Article 30 Environmental footprint declaration	Article 30 Environmental footprint declaration	Article 30 Environmental footprint declaration	Article 30 Environmental footprint declaration Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 30(1)				
479	1. The Commission is empowered to adopt delegated acts in accordance with Article 36 to supplement this Regulation by establishing rules for the calculation and verification of the environmental footprint of different critical raw materials, in accordance with Annex V and taking into account scientifically sound assessment methods and relevant international standards. The calculation and verification rules shall identify which is the most important impact category. The footprint declaration shall be limited to that impact category.	1. By 31 December 2025 , the Commission ~~is empowered to~~ shall adopt delegated acts in accordance with Article 36 to supplement this Regulation by establishing rules for the calculation and verification of the environmental footprint of different critical raw materials, in accordance with Annex V and taking into account scientifically sound assessment methods and relevant international standards. The calculation and verification rules shall identify ~~which is the most important impact category~~ or, in duly justified cases, several impact categories . The footprint declaration shall ~~be limited to that~~ cover that or those impact categorycategories as well as greenhouse gas emissions .	1. The Commission is empowered to adopt delegated acts by [OP please insert: X years after the date of entry into force of this Regulation] in accordance with Article 36 to supplement this Regulation by establishing rules for the calculation and verification of the environmental footprint of different critical raw materials, in accordance with Annex V and taking into account scientifically sound assessment methods and relevant international standards. The calculation and verification rules shall identify ~~which is the most important~~ at least the three most relevant impact categorycategories accounting for at least 80% of the overall environmental footprint . The footprint declaration shall be limited to ~~that~~ these impact	1. The Commission <u>[Drafting under discussion]</u> ~~is empowered to~~ adopt delegated acts in accordance with Article 36 to supplement this Regulation by establishing rules for the calculation and verification of the environmental footprint of different critical raw materials, in accordance with Annex V and taking into account scientifically sound assessment methods and relevant international standards. The calculation and verification rules shall identify ~~which is the most important~~ <u>at least the three most relevant impact categorycategories accounting for the majority of the overall environmental footprint. Greenhouse gas emissions shall be one of the environmental categorycategories.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			categorycategories.	The footprint declaration shall be limited to ~~that~~<u>these</u> impact ~~category~~<u>categories</u>. ITM 15 November 2023 Text Origin: Council Mandate
Article 30(2)				
480	2. The Commission may adopt calculation and verification rules for a specific critical raw material if it has concluded, having considered the various relevant environmental impact categories, that the critical raw material in question has a significant environmental footprint and that therefore an obligation to declare the environmental footprint of that material regarding the most important impact category, when placing it on the market, is necessary and proportionate to contribute to the Union's climate and environmental objectives by facilitating the supply of critical raw materials with lower environmental footprint.	2. The Commission ~~may~~<u>shall</u> adopt calculation and verification rules for a specific critical raw material if it has concluded, having considered the various relevant environmental impact categories and greenhouse gas emissions, that the critical raw material in question has a ~~significant~~<u>relevant</u> environmental footprint and that therefore an obligation to declare the environmental footprint of that material regarding the most important impact category or categories, when placing it on the market, is necessary and proportionate to contribute to the Union's climate and environmental objectives by facilitating the supply of critical raw materials with lower environmental footprint and reducing the climate and environmental impacts of other actions in this Regulation.	2. The Commission may adopt calculation and verification rules for a specific critical raw material if it has concluded, having considered the various relevant environmental impact categories, that the critical raw material in question has a significant environmental footprint and that therefore an obligation to declare the environmental footprint of that material regarding the three most important impact ~~category~~<u>categories accounting for at least 80 % of the overall environmental footprint</u>, when placing it on the market, is necessary and proportionate to contribute to the Union's climate and environmental objectives by facilitating the supply of critical raw materials with lower environmental footprint.	2. The Commission ~~may~~<u>shall</u> adopt calculation and verification rules for a specific critical raw material if it has concluded, having considered the various relevant environmental impact categories, that the critical raw material in question has a significant environmental footprint and that therefore an obligation to declare the environmental footprint of that material regarding the <u>categories referred to in paragraph 1</u> ~~most important impact category~~, when placing it on the market, is necessary and proportionate to contribute to the Union's climate and environmental objectives by facilitating the supply of critical raw materials with lower environmental footprint. ITM 15 November 2023 Text Origin: Council Mandate
Article 30(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
481	3. When considering whether the obligation foreseen in paragraph 2 is necessary, the Commission shall take into account:	3. When considering whether the obligation foreseen in paragraph 2 is necessary, the Commission shall take into account:	3. When considering whether the obligation foreseen in paragraph 2 is necessary, the Commission shall take into account:	3. When considering whether the obligation foreseen in paragraph 2 is necessary, the Commission shall take into account: Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 30(3), point (a)				
482	(a) whether and how the Union's climate and environmental objectives are already being achieved through other Union legislation applicable to the critical raw material in question;	(a) whether and how as well as how effectively the Union's climate and environmental objectives are already being achieved through other Union legislation applicable to the critical raw material in question;	(a) whether and how the Union's climate and environmental objectives are already being achieved through other Union legislation applicable to the critical raw material in question;	(a) whether and how <u>as well as how effectively</u> the Union's climate and environmental objectives are already being achieved through other Union legislation applicable to the critical raw material in question; ITM 9 November 2023 Text Origin: EP Mandate
Article 30(3), point (b)				
483	(b) the existence and uptake of relevant international standards and guidelines, or the prospects of agreeing on such standards at international level, as well as sustainable practices on the market, including the voluntary schemes recognised pursuant to Article 29;	(b) the existence and uptake of relevant international standards and guidelines, or the prospects of agreeing on such standards at international level, as well as sustainable practices on the market, including the voluntary schemes recognised pursuant to Article 29;	(b) the existence and uptake of relevant international standards and guidelines, or the prospects of agreeing on such standards at international level, as well as sustainable practices on the market, including the voluntary schemes recognised pursuant to Article 29;	(b) the existence and uptake of relevant international standards and guidelines, or the prospects of agreeing on such standards at international level, as well as sustainable practices on the market, including the voluntary schemes recognised pursuant to Article 29; Trilogue 24/10/2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 30(3), point (c)				
484	(c) the effectiveness of strategic partnerships, strategic projects, trade agreements and other international instruments and outreach conducted by the Union in achieving the Union's climate and environmental objectives.	(c) the effectiveness of strategic partnerships, strategic projects, trade agreements and other international instruments and outreach conducted by the Union in achieving the Union's climate and environmental objectives.	(c) the effectiveness of strategic partnerships, strategic projects, trade agreements and other international instruments and outreach conducted by the Union in achieving the Union's climate and environmental objectives.	(c) the effectiveness of strategic partnerships, strategic projects, trade agreements and other international instruments and outreach conducted by the Union in achieving the Union's climate and environmental objectives. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 30(3), point (ca)				
484a		(ca) the associated economic costs and administrative burden for economic operators.		<u>(ca) the associated economic costs and administrative burden for economic operators.</u> ITM 15 November 2023 Text Origin: EP Mandate
Article 30(4)				
485	4. The Commission shall conduct a prior assessment of impacts in order to decide whether to adopt a delegated act under paragraph 1.	4. The Commission shall conduct a prior assessment of impacts in order to decide whether to adopt a delegated act under paragraph 1.	4. The Commission shall conduct a prior assessment of impacts in order to decide whether to adopt a delegated act under paragraph 1.	4. The Commission shall conduct a prior assessment of impacts in order to decide whether to adopt a delegated act under paragraph 1.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Such assessment shall:	Such assessment shall:	Such assessment shall:	Such assessment shall: Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 30(4), point (a)				
486	(a) be based, inter alia, on a consultation of:	(a) be based, inter alia, on a consultation of:	(a) be based, inter alia, on a consultation of:	(a) be based, inter alia, on a consultation of: Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 30(4), point (a)(i)				
487	(i) all relevant stakeholders, such as industry including downstream industry, SMEs and, where relevant, the craft industry, social partners, traders, retailers, importers, environmental protection groups and consumer organisations;	(i) all relevant stakeholders, such as industry including downstream industry, SMEs, and, where relevant, the craft industry, social partners, traders, retailers, importers, ~~environmental protection groups and~~ organisations promoting human health and environmental protection , consumer organisations and academia;	(i) all relevant stakeholders, such as industry including downstream industry, SMEs and, where relevant, the craft industry, social partners, traders, retailers, importers, environmental protection groups and consumer organisations;	(i) all relevant stakeholders, such as industry including downstream industry, SMEs, and, where relevant, the craft industry, social partners, traders, retailers, importers, ~~environmental protection groups and~~ organisations promoting human health and environmental protection , consumer organisations and academia; ITM 9 November 2023 Text Origin: EP Mandate
Article 30(4), point (a)(ii)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
488	(ii) third countries whose trade with the Union may be significantly affected by this obligation;	(ii) third countries whose trade with the Union may be significantly affected by this obligation;	(ii) third countries, including OCTs , whose trade with the Union may be significantly affected by this obligation;	(ii) third countries, <u>or OCTs</u> , whose trade with the Union may be significantly affected by this obligation; ITM 24 October 2023 Text Origin: Council Mandate
Article 30(4), point (a)(iii)				
489	(iii) the Board;	(iii) the Board;	(iii) the Board;	(iii) the Board; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 30(4), point (a)(iia)				
489a		(iia) the European Environment Agency, the European Scientific Advisory Board on Climate Change and the European Chemicals Agency;		<u>(iia) Union agencies with competences in the field of environmental protection, as appropriate;</u> ITM 15 November 2023
Article 30(4), point (b)				
490	(b) ensure that any such measure is not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade and is no more	(b) ensure that any such measure is not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade and is no more	(b) ensure that any such measure is not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade and is no more	(b) ensure that any such measure is not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade and is no more

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	trade-restrictive than necessary to achieve the Union's climate and environmental objectives, having regard to the ability of third-country suppliers to comply with such a declaration such that aggregate trade flows and critical raw materials costs are not disproportionately affected;	trade-restrictive than necessary to achieve the Union's climate and environmental objectives, having regard to the ability of third-country suppliers to comply with such a declaration such that aggregate trade flows and critical raw materials costs are not disproportionately affected;	trade-restrictive than necessary to achieve the Union's climate and environmental objectives, having regard to the ability of third-country suppliers to comply with such a declaration such that aggregate trade flows and critical raw materials costs are not disproportionately affected;	trade-restrictive than necessary to achieve the Union's climate and environmental objectives, having regard to the ability of third-country suppliers to comply with such a declaration such that aggregate trade flows and critical raw materials costs are not disproportionately affected; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 30(4), point (ba)				
490a		(ba) assess whether similar obligations under Union law has produced the intended effects and significantly contributed to the achievement of the Union's environmental targets;		<u><i>(ba) assess whether similar obligations under Union law has produced the intended effects and significantly contributed to the achievement of the Union's environmental targets;</i></u> ITM 15 November 2023 Text Origin: EP Mandate
Article 30(4), point (c)				
491	(c) assess whether the measure would contribute to achieving the Union's climate and environmental objectives without disproportionately impacting the ability of Union industry to source the critical raw material in question.	(c) assess whether the measure would contribute to achieving the Union's climate and environmental objectives without disproportionately impacting the ability of Union industry to source the critical raw material in question.	(c) assess whether the measure would contribute to achieving the Union's climate and environmental objectives without disproportionately impacting the ability of Union industry to source the critical raw material in question.	(c) assess whether the measure would contribute to achieving the Union's climate and environmental objectives without disproportionately impacting the ability of Union industry to source the critical raw material in question.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 30(5), first subparagraph				
492	5. Any natural or legal person that places on the market critical raw materials for which the Commission has adopted calculation and verification rules pursuant to paragraph 1 shall make available an environmental footprint declaration.	5. Any natural or legal person that places on the market critical raw materials for which the Commission has adopted calculation and verification rules pursuant to paragraph 1 shall make available an environmental footprint declaration.	5. Any natural or legal person that places on the market critical raw materials, including processed and recycled , for which the Commission has adopted calculation and verification rules pursuant to paragraph 1 shall make available an environmental footprint declaration.	5. Any natural or legal person that places on the market critical raw materials, <u>including processed and recycled</u> , for which the Commission has adopted calculation and verification rules pursuant to paragraph 1 shall make available an environmental footprint declaration. ITM 9 November 2023 Text Origin: Council Mandate
Article 30(5), second subparagraph				
493	The requirement set out in the first subparagraph shall apply to each individual critical raw material type placed on the market and shall not apply to critical raw materials included in intermediate or final products.	The requirement set out in the first subparagraph shall apply to each individual critical raw material type placed on the market and shall ~~not~~ apply to critical raw materials included in intermediate or final products where the critical raw material makes up a non-negligible share of the product's total environmental footprint.	The requirement set out in the first subparagraph shall apply to each individual critical raw material type placed on the market and shall not apply to critical raw materials included in intermediate or final products.	The requirement set out in the first subparagraph shall apply to each individual critical raw material type placed on the market and shall not apply to critical raw materials included in intermediate or final products. ITM 9 November 2023 ITM 15 November 2023 Text Origin: EP Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 30(6)				
494	6. The environmental footprint declaration referred to in paragraph 5 shall contain the following information:	6. The environmental footprint declaration referred to in paragraph 5 shall contain the following information:	6. The environmental footprint declaration referred to in paragraph 5 shall contain the following information:	6. The environmental footprint declaration referred to in paragraph 5 shall contain the following information: Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 30(6), point (a)				
495	(a) the name, registered trade name or registered trade mark and the postal address of the responsible natural or legal person and, where available, electronic means of communication where they can be contacted;	(a) the name, registered trade name or registered trade mark and the postal address of the responsible natural or legal person and, ~~where available,~~ electronic means of communication where they can be contacted;	(a) the name, registered trade name or registered ~~trade mark~~ trademark and the postal address of the responsible natural or legal person and, where available, electronic means of communication where they can be contacted;	(a) the name, registered trade name or registered ~~trade mark~~ trademark and the postal address of the responsible natural or legal person and, ~~where available,~~ <u>electronic</u> means of communication where they can be contacted; ITM 9 November 2023 Text Origin: EP Mandate
Article 30(6), point (b)				
496	(b) information about the critical raw material type for which the declaration applies;	(b) information about the critical raw material type for which the declaration applies;	(b) information about the critical raw material type for which the declaration applies;	(b) information about the critical raw material type for which the declaration applies; Trilogue 24/10/2023 Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 30(6), point (c)			
497	(c) information about the country and region where the critical raw material was extracted, processed, refined and recycled, as applicable;	(c) information about the country and region where the critical raw material was extracted, processed, refined and recycled, as applicable;	(c) information about the country and region where the critical raw material was extracted, processed, refined and recycled, as applicable;	(c) information about the country and region where the critical raw material was extracted, processed, refined and recycled, as applicable; Trilogue 24/10/2023 Text Origin: Commission Proposal
	Article 30(6), point (d)			
498	(d) the environmental footprint of critical raw material, calculated in accordance with the applicable verification and calculation rules adopted pursuant to paragraph 1;	(d) the environmental footprint of critical raw material, calculated in accordance with the applicable verification and calculation rules adopted pursuant to paragraph 1;	(d) the environmental footprint of critical raw material, calculated in accordance with the applicable verification and calculation rules adopted pursuant to paragraph 1;	(d) the environmental footprint of critical raw material, calculated in accordance with the applicable verification and calculation rules adopted pursuant to paragraph 1; Trilogue 24/10/2023 Text Origin: Commission Proposal
	Article 30(6), point (e)			
499	(e) the environmental footprint performance class that the critical raw material corresponds to, established in accordance with the applicable delegated act adopted pursuant to paragraph 7;	(e) the environmental footprint performance class that the critical raw material corresponds to, established in accordance with the applicable delegated act adopted pursuant to paragraph 7;	(e) the environmental footprint performance class that the critical raw material corresponds to, established in accordance with the applicable delegated act adopted pursuant to paragraph 7;	(e) the environmental footprint performance class that the critical raw material corresponds to, established in accordance with the applicable delegated act adopted pursuant to paragraph 7;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 30(6), point (f)				
500	(f) a web link providing access to a public version of the study supporting the environmental footprint declaration results.	(f) a web link providing access to a public version of the study supporting the environmental footprint declaration results.	(f) a web link providing access to a public version of the study supporting the environmental footprint declaration results.	Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 30(7)				
501	7. The Commission may adopt delegated acts in accordance with Article 36 to supplement this Regulation by establishing environmental footprint performance classes for critical raw materials for which calculation and verification rules have been adopted pursuant to paragraph 1, in accordance with Annex V.	7. The Commission ~~may~~ shall adopt delegated acts in accordance with Article 36 to supplement this Regulation by establishing environmental footprint performance classes within 2 years for critical raw materials for which calculation and verification rules have been adopted pursuant to paragraph 1, in accordance with Annex V.	7. The Commission may adopt delegated acts in accordance with Article 36 to supplement this Regulation by establishing environmental footprint performance classes for critical raw materials for which calculation and verification rules have been adopted pursuant to paragraph 1, in accordance with Annex V.	7. The Commission ~~may~~ shall adopt delegated acts in accordance with Article 36 to supplement this Regulation by establishing environmental footprint performance classes <u>within a reasonable timeframe</u> for critical raw materials for which calculation and verification rules have been adopted pursuant to paragraph 1, in accordance with Annex V. ITM 15 November 2023 Text Origin: EP Mandate
Article 30(7a)				

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501a		7a. Where intermediate or final products containing critical raw materials are covered by Union environmental footprint requirements in other legislation, the environmental and carbon footprint of each critical raw material shall, where possible, be incorporated into the calculation of the environmental footprint of the whole product.	PUBLIC	<u>7a. The Commission shall, when setting calculation rules for the environmental footprint of intermediate and final products containing critical raw materials, require the use of the environmental footprint calculation rules referred to in this article, where possible.</u> ITM 15 November 2023
Article 30(7b)				
501b		7b. By 31 December 2030, the Commission shall submit a report to the European Parliament and to Council analysing options to limit the access to the Union market only to raw materials belonging to the best performing environmental footprint performance classes referred to in paragraph 7 for all or certain products placed on the Union market. The Commission shall, where appropriate, accompany that report with legislative proposals.		<i>deleted</i> ITM 15 November 2023
Article 30(8), first subparagraph				
502	8. The environmental footprint declaration shall be made available	8. The environmental footprint declaration shall be made available	8. The environmental footprint declaration shall be made available	8. The environmental footprint declaration shall be made available

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	on a free access website.	on a free access website in an easily understandable manner .	on a free access website.	on a free access website <u>in an easily understandable manner</u> . ITM 15 November 2023 Text Origin: EP Mandate
Article 30(8), second subparagraph				
503	The Commission is empowered to adopt an implementing act establishing the format for the environmental footprint declaration referred to in paragraph 5. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 37(3).	The Commission is empowered to adopt an implementing act establishing the format for the environmental footprint declaration referred to in paragraph 5. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 37(3).	The Commission is empowered to adopt an implementing act establishing the format for the environmental footprint declaration referred to in paragraph 5. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 37(3).	The Commission is empowered to adopt an implementing act establishing the format for the environmental footprint declaration referred to in paragraph 5. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 37(3). Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 30(9), first subparagraph				
504	9. When offering critical raw materials for sale, including in case of distance selling, or displaying them in the course of a commercial activity, natural and legal persons placing on the market critical raw materials shall ensure that their customers have access to the environmental footprint declaration before being bound by a sales	9. When offering critical raw materials for sale, including in case of distance selling, or displaying them in the course of a commercial activity, natural and legal persons placing on the market critical raw materials shall ensure that their customers have access to the environmental footprint declaration before being bound by a sales	9. When offering critical raw materials for sale, including in case of distance selling, or displaying them in the course of a commercial activity, natural and legal persons placing on the market critical raw materials shall ensure that their customers have access to the environmental footprint declaration before being bound by a sales	9. When offering critical raw materials for sale, including in case of distance selling, or displaying them in the course of a commercial activity, natural and legal persons placing on the market critical raw materials shall ensure that their customers have access to the environmental footprint declaration before being bound by a sales

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	contract.	contract.	contract.	contract. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 30(9), second subparagraph				
505	Natural and legal persons placing on the market critical raw materials shall not provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse customers with respect to the information included in the environmental footprint declaration.	Natural and legal persons placing on the market critical raw materials shall not provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse customers with respect to the information included in the environmental footprint declaration.	Natural and legal persons placing on the market critical raw materials shall not provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse customers with respect to the information included in the environmental footprint declaration.	Natural and legal persons placing on the market critical raw materials shall not provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse customers with respect to the information included in the environmental footprint declaration. Trilogue 24/10/2023 Text Origin: Commission Proposal
Section 3				
506	Section 3 Free movement, conformity and market surveillance	Section 3 Free movement, conformity and market surveillance	Section 3 Free movement, conformity and market surveillance	Section 3 Free movement, conformity and market surveillance Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 31				
507	Article 31	Article 31	Article 31	Article 31

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Free movement	Free movement	Free movement	Free movement Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 31(1)				
508	1. Member States shall not, for reasons relating to information for recycling or recycled content of permanent magnets or for reasons relating to information on the environmental footprint of critical raw material covered by this Regulation, prohibit, restrict or impede the making available on the market or the putting into service of products incorporating permanent magnets or of critical raw materials that comply with this Regulation.	1. Member States shall not, for reasons relating to information for recycling or recycled content of permanent magnets or for reasons relating to information on the environmental footprint of critical raw material covered by this Regulation, prohibit, restrict or impede the making available on the market or the putting into service of products incorporating permanent magnets or of critical raw materials that comply with this Regulation.	1. Member States shall not, for reasons relating to information for recycling or recycled content of permanent magnets or for reasons relating to information on the environmental footprint of critical raw material covered by this Regulation, prohibit, restrict or impede the making available on the market or the putting into service of products incorporating permanent magnets or of critical raw materials that comply with this Regulation.	1. Member States shall not, for reasons relating to information for recycling or recycled content of permanent magnets or for reasons relating to information on the environmental footprint of critical raw material covered by this Regulation, prohibit, restrict or impede the making available on the market or the putting into service of products incorporating permanent magnets or of critical raw materials that comply with this Regulation. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 31(2)				
509	2. At trade fairs, exhibitions, demonstrations or similar events, Member States shall not prevent the showing of products incorporating permanent magnets or of critical raw materials which do not comply with	2. At trade fairs, exhibitions, demonstrations or similar events, Member States shall not prevent the showing of products incorporating permanent magnets or of critical raw materials which do not comply with	2. At trade fairs, exhibitions, demonstrations or similar events, Member States shall not prevent the showing of products incorporating permanent magnets or of critical raw materials which do not comply with	2. At trade fairs, exhibitions, demonstrations or similar events, Member States shall not prevent the showing of products incorporating permanent magnets or of critical raw materials which do not comply with

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	this Regulation, provided that a visible sign clearly indicates that such products or materials do not comply with this Regulation and that they cannot be made available on the market until they have been brought into conformity.	this Regulation, provided that a visible sign clearly indicates that such products or materials do not comply with this Regulation and that they cannot be made available on the market until they have been brought into conformity.	this Regulation, provided that a visible sign clearly indicates that such products or materials do not comply with this Regulation and that they cannot be made available on the market until they have been brought into conformity.	this Regulation, provided that a visible sign clearly indicates that such products or materials do not comply with this Regulation and that they cannot be made available on the market until they have been brought into conformity. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 32				
510	Article 32 Conformity and market surveillance	Article 32 Conformity and market surveillance	Article 32 Conformity and market surveillance	Article 32 Conformity and market surveillance Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 32(1)				
511	1. Before placing a product covered by Article 27 or 28 on the market, the responsible natural or legal persons shall ensure that the applicable conformity assessment procedure has been carried out and that the required technical documentation has been drawn up. Where compliance of a product with the applicable requirements have been demonstrated by the	1. Before placing a product covered by Article 27 or 28 on the market, the responsible natural or legal persons shall ensure that the applicable conformity assessment procedure has been carried out and that the required technical documentation has been drawn up. Where compliance of a product with the applicable requirements have been demonstrated by the	1. Before placing a product covered by Article 27 or 28 on the market, the responsible natural or legal persons shall ensure that the applicable conformity assessment procedure has been carried out and that the required technical documentation has been drawn up. Where compliance of a product with the applicable requirements have been demonstrated by the	1. Before placing a product covered by Article 27 or 28 on the market, the responsible natural or legal persons shall ensure that the applicable conformity assessment procedure has been carried out and that the required technical documentation has been drawn up. Where compliance of a product with the applicable requirements have been demonstrated by the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	conformity assessment procedure, the responsible natural or legal persons shall ensure that an EU declaration of conformity has been drawn up and the CE marking has been affixed.	conformity assessment procedure, the responsible natural or legal persons shall ensure that an EU declaration of conformity has been drawn up and the CE marking has been affixed.	conformity assessment procedure, the responsible natural or legal persons shall ensure that an EU declaration of conformity has been drawn up and the CE marking has been affixed.	conformity assessment procedure, the responsible natural or legal persons shall ensure that an EU declaration of conformity has been drawn up and the CE marking has been affixed. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 32(2)				
512	2. The conformity assessment procedure for products covered by the requirements set out in Article 27 shall be the procedure set out in Annex IV of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], unless those products are also covered by the requirements set out in Article 28, in which case the conformity assessment procedure shall be the procedure set out in the calculation and verification rules adopted pursuant to Article 28(2).	2. The conformity assessment procedure for products covered by the requirements set out in Article 27 shall be the procedure set out in Annex IV of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], unless those products are also covered by the requirements set out in Article 28, in which case the conformity assessment procedure shall be the procedure set out in the calculation and verification rules adopted pursuant to Article 28(2).	2. The conformity assessment procedure for products covered by the requirements set out in Article 27 shall be the procedure set out in Annex IV of– Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], unless those products are also covered by the requirements set out in Article 28, in which case the conformity assessment procedure shall be the procedure set out in the calculation and verification rules adopted pursuant to Article 28(2).	2. The conformity assessment procedure for products covered by the requirements set out in Article 27 shall be the procedure set out in Annex IV of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], unless those products are also covered by the requirements set out in Article 28, in which case the conformity assessment procedure shall be the procedure set out in the calculation and verification rules adopted pursuant to Article 28(2). Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 32(3)				
513				

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	3. Chapter IX and Articles 37, 38 and 39 of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], as well as the corresponding definitions in Article 2 of that Regulation, shall apply with respect to the requirements applicable to products placed on the Union market laid down in Articles 27 and 28.	3. Chapter IX and Articles 37, 38 and 39 of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], as well as the corresponding definitions in Article 2 of that Regulation, shall apply with respect to the requirements applicable to products placed on the Union market laid down in Articles 27 and 28.	3. Chapter IX and Articles 37, 38 and 39 of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], as well as the corresponding definitions in Article 2 of that Regulation, shall apply with respect to the requirements applicable to products placed on the Union market laid down in Articles 27 and 28.	3. Chapter IX and Articles 37, 38 and 39 of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], as well as the corresponding definitions in Article 2 of that Regulation, shall apply with respect to the requirements applicable to products placed on the Union market laid down in Articles 27 and 28. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 32(4)				
514	4. Regarding market surveillance, the following rules shall apply:	4. Regarding market surveillance, the following rules shall apply:	4. Regarding market surveillance, the following rules shall apply:	4. Regarding market surveillance, the following rules shall apply: Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 32(4), point (a)				
515	(a) Chapter XII of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], as well as the corresponding definitions in Article 2 of that Regulation, shall apply with respect to the requirements applicable to products placed on the Union market laid down in Articles 27, 28 or 30.	(a) Chapter XII of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], as well as the corresponding definitions in Article 2 of that Regulation, shall apply with respect to the requirements applicable to products placed on the Union market laid down in Articles 27, 28 or 30.	(a) Chapter XII of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], as well as the corresponding definitions in Article 2 of that Regulation, shall apply with respect to the requirements applicable to products placed on the Union market laid down in Articles 27, 28 or 30.	(a) Chapter XII of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], as well as the corresponding definitions in Article 2 of that Regulation, shall apply with respect to the requirements applicable to products placed on the Union market laid down in Articles 27, 28 or 30.

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				Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 32(4), point (b)				
516	(b) Member States shall, in addition to the ecodesign requirements set under Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], consider the requirements laid down in Articles 27, 28 and 30 in the context of the action plan referred to in Article 59(1) of that Regulation;	(b) Member States shall, in addition to the ecodesign requirements set under Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], consider the requirements laid down in Articles 27, 28 and 30 in the context of the action plan referred to in Article 59(1) of that Regulation;	(b) Member States shall, in addition to the ecodesign requirements set under Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], consider the requirements laid down in Articles 27, 28 and 30 in the context of the ~~action plan~~ market surveillance activities referred to in Article 59(1) of that Regulation;	
Article 32(4), point (c)				
517	(c) Article 60 and 61(1) of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall also apply for the requirements laid down in Articles 27, 28 and 30;	(c) Article 60 and 61(1) of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall also apply for the requirements laid down in Articles 27, 28 and 30;	(c) ~~Article 60 and 61(1) of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR]~~ shall also apply for the requirements laid down in Articles 27, 28 and 30;	
Article 32(4), point (d)				
518	(d) the Commission shall, in addition to the ecodesign requirements set under Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], include	(d) the Commission shall, in addition to the ecodesign requirements set under Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], include	(d) the Commission shall, in addition to the ecodesign requirements set under Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], include	(d) the Commission shall, in addition to the ecodesign requirements set under Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], include

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	information related to the requirements laid down in Articles 27, 28 and 30 in the report referred to in Article 61(2) and (3) of that Regulation;	information related to the requirements laid down in Articles 27, 28 and 30 in the report referred to in Article 61(2) and (3) of that Regulation;	information related to the requirements laid down in Articles 27, 28 and 30 in the report referred to in Article 61(2) and (3) of that Regulation;	information related to the requirements laid down in Articles 27, 28 and 30 in the report referred to in Article 61(2) and (3) of that Regulation; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 32(4), point (e)				
519	(e) in implementing Article 62 of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], the administrative cooperation group ('ADCO') referred to that Article and the Commission shall also take into account the requirements laid down in Articles 27, 28 and 30.	(e) in implementing Article 62 of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], the administrative cooperation group ('ADCO') referred to that Article and the Commission shall also take into account the requirements laid down in Articles 27, 28 and 30.	(e) in implementing Article 62 of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR], the administrative cooperation group ('ADCO') referred to that Article and the Commission shall also take into account the requirements laid down in Articles 27, 28 and 30.	
Article 32(5)				
520	5. For purposes of paragraphs 3 and 4, the relevant parts of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be applied as follows:	5. For purposes of paragraphs 3 and 4, the relevant parts of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be applied as follows:	5. For purposes of paragraphs 3 and 4, the relevant parts of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be applied as follows:	5. For purposes of paragraphs 3 and 4, the relevant parts of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be applied as follows: Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 32(5), point (a)				

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521	(a) references to ‘ecodesign requirements specified in the applicable delegated acts adopted pursuant to Article 4’ in Article 37(1), ‘requirements laid down in the applicable delegated acts adopted pursuant to Article 4’ in Article 63(1) and ‘requirements set out in the relevant delegated act adopted pursuant to Article 4’ in Article 63(5) of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be read as references to ‘the requirements laid down in Articles Articles 27 and 28 of this Regulation’;	(a) references to ‘ecodesign requirements specified in the applicable delegated acts adopted pursuant to Article 4’ in Article 37(1), ‘requirements laid down in the applicable delegated acts adopted pursuant to Article 4’ in Article 63(1) and ‘requirements set out in the relevant delegated act adopted pursuant to Article 4’ in Article 63(5) of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be read as references to ‘the requirements laid down in Articles Articles 27 and 28 of this Regulation’;	(a) references to ‘ecodesign requirements specified in the applicable delegated acts adopted pursuant to Article 4’ in Article 37(1), ‘requirements laid down in the applicable delegated acts adopted pursuant to Article 4’ in Article 63(1) and ‘requirements set out in the relevant delegated act adopted pursuant to Article 4’ in Article 63(5) of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be read as references to ‘the requirements laid down in Articles ~~Articles~~ 27 and 28 of this Regulation’;	(a) references to ‘ecodesign requirements specified in the applicable delegated acts adopted pursuant to Article 4’ in Article 37(1), ‘requirements laid down in the applicable delegated acts adopted pursuant to Article 4’ in Article 63(1) and ‘requirements set out in the relevant delegated act adopted pursuant to Article 4’ in Article 63(5) of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be read as references to ‘the requirements laid down in Articles ~~Articles~~ 27 and 28 of this Regulation’; Trilogue 24/10/2023 Text Origin: Council Mandate
Article 32(5), point (b)				
522	(b) references to ‘product covered by a delegated act adopted pursuant to Article 4’ in Article 37(3) and 63(1) of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be read as a reference to ‘product or materials covered by the requirements laid down in Articles 27 and 28 of this Regulation’;	(b) references to ‘product covered by a delegated act adopted pursuant to Article 4’ in Article 37(3) and 63(1) of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be read as a reference to ‘product or materials covered by the requirements laid down in Articles 27 and 28 of this Regulation’;	(b) references to ‘product covered by a delegated act adopted pursuant to Article 4’ in Article 37(3) and 63(1) of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be read as a reference to ‘product or materials covered by the requirements laid down in ~~Articles~~ Articles 27 and 28 of this Regulation’;	(b) references to ‘product covered by a delegated act adopted pursuant to Article 4’ in Article 37(3) and 63(1) of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be read as a reference to ‘product or materials covered by the requirements laid down in ~~Articles~~ ~~Articles~~ Articles 27 and 28 of this Regulation’; Trilogue 24/10/2023

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				Text Origin: Council Mandate
Article 32(5), point (c)				
523	(c) references to ‘conformity assessment tasks provided for under the delegated acts adopted pursuant to Article 4’ in Article 41 and ‘conformity assessment tasks under the relevant delegated acts adopted pursuant to Article 4’ in Article 45(10) of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be read as a reference to ‘conformity assessment tasks provided for under the calculation and verification rules adopted pursuant to Article 28(2) of this Regulation’;	(c) references to ‘conformity assessment tasks provided for under the delegated acts adopted pursuant to Article 4’ in Article 41 and ‘conformity assessment tasks under the relevant delegated acts adopted pursuant to Article 4’ in Article 45(10) of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be read as a reference to ‘conformity assessment tasks provided for under the calculation and verification rules adopted pursuant to Article 28(2) of this Regulation’;	(c) references to ‘conformity assessment tasks provided for under the delegated acts adopted pursuant to Article 4’ in Article 41 and ‘conformity assessment tasks under the relevant delegated acts adopted pursuant to Article 4’ in Article 45(10) of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be read as a reference to ‘conformity assessment tasks provided for under the calculation and verification rules adopted pursuant to Article 28(2) of this Regulation’;	(c) references to ‘conformity assessment tasks provided for under the delegated acts adopted pursuant to Article 4’ in Article 41 and ‘conformity assessment tasks under the relevant delegated acts adopted pursuant to Article 4’ in Article 45(10) of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be read as a reference to ‘conformity assessment tasks provided for under the calculation and verification rules adopted pursuant to Article 28(2) of this Regulation’; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 32(5), point (d)				
524	(d) references to ‘conformity assessment procedures provided for under the delegated acts adopted pursuant to Article 4’ in Article 53(1) of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be read as a reference to ‘conformity assessment procedures	(d) references to ‘conformity assessment procedures provided for under the delegated acts adopted pursuant to Article 4’ in Article 53(1) of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be read as a reference to ‘conformity assessment procedures	(d) references to ‘conformity assessment procedures provided for under the delegated acts adopted pursuant to Article 4’ in Article 53(1) of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be read as a reference to ‘conformity assessment procedures	(d) references to ‘conformity assessment procedures provided for under the delegated acts adopted pursuant to Article 4’ in Article 53(1) of Regulation (EU) 2023/xxx [OP: please insert reference to ESPR] shall be read as a reference to ‘conformity assessment procedures

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	provided for under the calculation and verification rules adopted pursuant to Article 28(2) of this Regulation’.	provided for under the calculation and verification rules adopted pursuant to Article 28(2) of this Regulation’.	provided for under the calculation and verification rules adopted pursuant to Article 28(2) of this Regulation’.	provided for under the calculation and verification rules adopted pursuant to Article 28(2) of this Regulation’. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 32(6)				
525	6. This Article shall not apply to products covered by type approval under Regulation 2018/858 and Regulation 168/2013.	6. This Article shall not apply to products covered by type approval under Regulation 2018/858 and Regulation 168/2013.	6. This Article shall not apply to products covered by type approval under Regulation 2018/858 and Regulation 168/2013.	6. This Article shall not apply to products covered by type approval under Regulation 2018/858 and Regulation 168/2013. Trilogue 24/10/2023 Text Origin: Commission Proposal
Chapter 6				
526	Chapter 6 Strategic Partnerships	Chapter 6 Strategic Partnerships	Chapter 6 Strategic Partnerships	Chapter 6 ~~Strategic Partnerships~~ ITM 26 October Text Origin: Council Mandate
Article 33				
527	Article 33 Strategic Partnerships	Article 33 Strategic Partnerships	Article 33 Strategic Partnerships	Article 33 ~~Strategic Partnerships~~

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				Moved to Art 35a ITM 26 October Text Origin: Council Mandate
Article 33(1)				
528	1. The Board shall periodically discuss:	1. The Board shall periodically discuss by ... [OJ please insert: within 1 year after entry into force of this Regulation] and thereafter every two years, issue a report covering:	1. The Board shall periodically discuss:	1. ~~The Board shall periodically discuss:~~ Moved to Art35a ITM 26 October Text Origin: Commission Proposal
Article 33(1), point (-a)				
528a		(-a) an up-to-date list of existing Strategic Partnerships and ongoing negotiations for Strategic Partnerships as well as Strategic Projects in third countries;		deleted ITM 26 October
Article 33(1), point (a)				
529	(a) the extent to which Strategic Partnerships concluded by the Union contribute towards:	(a) the extent to which Strategic Partnerships concluded by the Union contribute towards:	(a) the extent to which Strategic Partnerships concluded by the Union contribute towards:	(a) ~~the extent to which Strategic Partnerships concluded by the Union contribute towards:~~ Moved Art 35a

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				ITM 26 October Text Origin: Commission Proposal
Article 33(1), point (a)(i)				
530	(i) improving the Union's security of supply;	(i) improving the Union's security of supply in a short and long-term perspective, taking into account the benchmarks set out in Article 1(2);	(i) improving the Union's security of supply;	(i) ~~improving the Union's security of supply;~~ Moved to Art35a ITM 10 October 2023 ITM 26 October Text Origin: EP Mandate
Article 33(1), point (a)(ii)				
531	(ii) the benchmark set out in Article 1, paragraph 2, point (b);	(ii) ~~the benchmark set out in Article 1, paragraph 2, point (b);~~	(ii) ~~the benchmark set out in Article 1, paragraph 2, point (b);~~	(ii) ~~the benchmark set out in Article 1, paragraph 2, point (b);~~ <u>delete</u> Trilogue 24/10/2023
Article 33(1), point (a)(iii)				
532	(iii) improving cooperation along the critical raw materials value chain between the Union and partner countries;	(iii) improving cooperation along the critical raw materials value chain between the Union including overseas countries and territories referred to in Annex II of TFEU, and partner countries as well as the Union's independence from non-partner third countries, and with a particular focus on cooperation with like-minded partners;	(iii) ~~improving cooperation along the critical raw materials value chain between the Union and partner countries;~~	(iii) ~~improving cooperation along the critical raw materials value chain between the Union and partner countries;~~ Moved to Art35a ITM 26 October Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 33(1), point (a)(iiia)			
G	532a	(iiia) the economic and social developments in partner countries, in particular for emerging and developing countries, while also promoting the uptake in those countries of environmentally sustainable and circular economy practices and decent working conditions as well as human rights;		<i>deleted</i> Moved to Art35a ITM 26 October
	Article 33(1), point (b)			
G	533	(b) the coherence and potential synergies between Member States' bilateral cooperation with relevant third countries and the actions carried out by the Union in the context of Strategic Partnerships, including the Union pursuit and negotiation of free trade agreements with third countries;	(b) ~~the coherence and potential synergies between Member States' bilateral cooperation with relevant third countries and the actions carried out by the Union in the context of Strategic Partnerships;~~	(b) ~~the coherence and potential synergies between Member States' bilateral cooperation with relevant third countries and the actions carried out by the Union in the context of Strategic Partnerships;~~ Moved to Art35a ITM 26 October Text Origin: Commission Proposal
	Article 33(1), point (ba)			
Y	533a	(ba) critical raw materials projects envisaged or created with		Moved to Art35a (EP to readraft)

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		or in third countries that are neither covered by strategic partnerships nor by free trade agreements, but pursued within the scope of the platform set out in paragraph 3b;		ITM 26 October
Article 33(1), point (c)				
534	(c) which third countries should be prioritised for the conclusion of Strategic Partnerships, taking into account the following criteria:	(c) ~~which third~~ establishing a list of countries which should be prioritised for the conclusion of Strategic Partnerships, taking into account the following criteria:	(c) ~~which third countries should be prioritised for the conclusion of Strategic Partnerships, taking into account the following criteria:~~	(c) ~~which third countries should be prioritised for the conclusion of Strategic Partnerships, taking into account the following criteria:~~ Moved to Art35a ITM 26 October Text Origin: Commission Proposal
Article 33(1), point (c)(i)				
535	(i) the potential contribution to security of supply, taking into account a third country's potential reserves, extraction, processing and recycling capacities related to critical raw materials;	(i) the potential contribution to security of supply as well as resilience thereof , taking into account a third country's potential reserves, extraction, processing and recycling capacities related to critical raw materials;	(i) ~~the potential contribution to security of supply, taking into account a third country's potential reserves, extraction, processing and recycling capacities related to critical raw materials;~~	(i) ~~the potential contribution to security of supply, taking into account a third country's potential reserves, extraction, processing and recycling capacities related to critical raw materials;~~ Moved to Art35a ITM 10 October 2023 ITM 26 October Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 33(1), point (c)(ii)			
536	(ii) whether a third country's regulatory framework ensures the monitoring, prevention and minimisation of environmental impacts, the use of socially responsible practices including respect of human and labour rights and meaningful engagement with local communities, the use of transparent business practices and the prevention of adverse impacts on the proper functioning of public administration and the rule of law;	(ii) whether a cooperation between the Union and a third country could improve a third country's regulatory framework ensures ability to ensure the monitoring, prevention and minimisation of adverse environmental impacts through its regulatory framework and the implementation thereof , the use of socially responsible practices including respect of human and labour rights, including policies to combat forced and child labour , and meaningful engagement with local communities, including indigenous peoples , the use of transparent and responsible business practices and the prevention of adverse impacts on the proper functioning of public administration and the rule of law; and in which ways the Union can contribute through its partnerships policies, for example with vocational training and technical support, to strengthening the third countries' regulatory frameworks;	(ii) whether a third country's regulatory framework ensures the monitoring, prevention and minimisation of environmental impacts, the use of socially responsible practices including respect of human and labour rights and meaningful engagement with local communities, the use of transparent business practices and the prevention of adverse impacts on the proper functioning of public administration and the rule of law;	(ii) ~~whether a third country's regulatory framework ensures the monitoring, prevention and minimisation of environmental impacts, the use of socially responsible practices including respect of human and labour rights and meaningful engagement with local communities, the use of transparent business practices and the prevention of adverse impacts on the proper functioning of public administration and the rule of law;~~ Moved to Art35a ITM 26 October Text Origin: Commission Proposal
	Article 33(1), point (c)(iii)			
537	(iii) whether there are existing cooperation agreements between a	(iii) whether there are existing or potential cooperation agreements	(iii) ~~whether there are existing cooperation agreements between a~~	(iii) ~~whether there are existing cooperation agreements between a~~

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	third country and the Union and, for emerging markets and developing economies, the potential for the deployment of Global Gateway investment projects.	between a third country and the Union and, for– emerging markets and developing ~~economies~~ countries , the potential for the deployment of Global Gateway investment projects.	~~third country and the Union and, for emerging markets and developing economies, the potential for the deployment of Global Gateway investment projects.~~	~~third country and the Union and, for emerging markets and developing economies, the potential for the deployment of Global Gateway investment projects.~~ Moved to Art35a Trilogue 24/10/2023 ITM 10 October 2023 ITM 26 October Text Origin: Commission Proposal
Article 33(1), point (c)(iv)				
538	(iv) for emerging markets and developing economies, whether and how a partnership could contribute to local value addition and would be mutually beneficial for the partner country and the Union.	(iv) for emerging markets and developing ~~economies~~ countries , whether and how a partnership could contribute to in-country value creation as well as local value addition, including downstream activities , and would be mutually beneficial for the partner country and the Union.	(iv) ~~for emerging markets and developing economies, whether and how a partnership could contribute to local value addition and would be mutually beneficial for the partner country and the Union.~~	(iv) ~~for emerging markets and developing economies, whether and how a partnership could contribute to local value addition and would be mutually beneficial for the partner country and the Union.~~ Moved to Art35a Trilogue 24/10/2023 ITM 10 October 2023 ITM 26 October Text Origin: EP Mandate
Article 33(1), point (c)(iva)				
538a		(iva) for emerging markets and developing countries, the extent to which existing Union finance, funding and de-risking tools in		<i>deleted</i> Moved to Art35a

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		particular under Global Gateway, are used, and to what extent obstacles exist to the use of such tools in the context of Strategic Projects.		ITM 26 October
Article 33(2)				
539	2. The Board shall, in the context of paragraph 1 and in so far as relates to emerging market and developing economies, ensure cooperation with other relevant coordination fora, including those established as part of the Global Gateway strategy.	2. The Commission and the Board shall, in the context of paragraph 1 and in so far as relates to emerging market and developing economies, ensure cooperation and coherence with other relevant coordination fora, including those established as part of the Global Gateway strategy.	2. The Board shall, in the context of paragraph 1 and in so far as relates to emerging market and developing economies, ensure cooperation with other relevant coordination fora, including those established as part of the Global Gateway strategy.	2. ~~The Board shall, in the context of paragraph 1 and in so far as relates to emerging market and developing economies, ensure cooperation with other relevant coordination fora, including those established as part of the Global Gateway strategy.~~ Moved to Art35a ITM 10 October 2023 ITM 26 October Text Origin: Commission Proposal
Article 33(3)				
540	3. Member States shall:	3. Member States shall:	3. ~~Member States shall:~~	3. ~~Member States shall:~~ Moved to Art35a ITM 26 October Text Origin: Commission Proposal
Article 33(3), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
541	(a) coordinate with the Commission to ensure coherence between their bilateral cooperation with relevant third countries and the Union's non-binding Strategic Partnerships with third countries, whose scope at least includes critical raw materials value chain;	(a) coordinate with the Commission to ensure coherence between their bilateral cooperation with relevant third countries and the Union's non-binding Strategic Partnerships with third countries, whose scope at least includes critical raw materials value chain as well as to ensure the consolidation of capacity building and technology transfer programs to promote the responsible recycling of critical raw materials in producing countries;	(a) ~~coordinate with the Commission to ensure coherence between their bilateral cooperation with relevant third countries and the Union's non-binding Strategic Partnerships with third countries, whose scope at least includes critical raw materials value chain;~~	(a) ~~coordinate with the Commission to ensure coherence between their bilateral cooperation with relevant third countries and the Union's non-binding Strategic Partnerships with third countries, whose scope at least includes critical raw materials value chain;~~ Moved to Art35a ITM 10 October 2023 ITM 26 October Text Origin: Commission Proposal
Article 33(3), point (b)				
542	(b) support the Commission in the implementation of the cooperation measures set out in Strategic Partnerships.	(b) support the Commission in the effective implementation of ~~the~~ concrete cooperation measures set out in Strategic Partnerships.	(b) ~~support the Commission in the implementation of the cooperation measures set out in Strategic Partnerships.~~	(b) ~~support the Commission in the implementation of the cooperation measures set out in Strategic Partnerships.~~ Moved to Art35a ITM 26 October Text Origin: Commission Proposal
Article 33(3), point (ba)				
542a		(ba) coordinate the activities of their development banks, export credit agencies and other public		<i>deleted</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		institutions under their supervision to support the implementation and financing of Strategic Projects conducted in third countries in close cooperation with each other.		ITM 10 October 2023
Article 33(3a)				
G	542b	3a. The Board shall issue each new report to the relevant committees of the European Parliament.		deleted Trilogue 24/10/2023 ITM 10 October 2023
Article 33(3b)				
Y	542c	3b. By ... [OJ please insert: 6 months after the date of entry into force of this regulation], the Commission shall set up a platform bringing together company representatives along the critical raw materials value chain with the aim to support exploration, processing and recycling in third countries, in line with the objectives set out in Article 1, with which the Union does not yet have strategic partnerships or free trade agreements. The platform shall enable the Commission to facilitate and support strategic relations between project		Moved to Art35a (EP to redraft) ITM 26 October

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		promoters and relevant national governments.		
	Article 33(3c)			
Y	542d	3c. The Commission shall request the European Standardisation organisations to develop European standards or European standardisation deliverables to support the objectives of this Regulation.		3c. To be discussed with the final provisions. ITM 26 October
	Article 33(3d)			
G	542e	3d. Strategic partnerships concluded by the Union with third countries shall contain measures contributing towards:		<i>deleted</i> ITM 26 October
	Article 33(3d), point (a)			
G	542f	(a) improving the resilience, diversification and sustainability of the Union's supply of strategic raw materials in line with the benchmarks set out in Article 1, paragraph 2;		<i>deleted</i> ITM 26 October
	Article 33(3d), point (b)			
G	542g	(b) improving cooperation and shared responsibility along the		<i>deleted</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		critical raw materials value chain between the Union and partner countries in achieving the agreed partnership objectives;		ITM 26 October
Article 33(3d), point (c)				
542h		(c) the economic and social development in partner countries, in particular for emerging markets and developing economies;		deleted ITM 26 October
Article 33(3d), point (d)				
542i		(d) for emerging markets and developing economies, increasing local value addition by supporting the development of processing and recycling capacities alongside newly developed extraction capacities as well as measures to facilitate knowledge and skill transfers;		deleted ITM 26 October
Article 33(3e)				
542j		The Commission shall inform the European Parliament upon starting discussions regarding the establishment of a new strategic partnership.		deleted Trilogue 24/10/2023 ITM 10 October 2023
Article 33(3f)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
542k		Once the negotiations on a strategic partnership are concluded, the Commission shall inform the Parliament thereof as well.		<i>deleted</i> Trilogue 24/10/2023 ITM 10 October 2023
Chapter 7				
543	Chapter 7 Governance	Chapter 7 Governance	Chapter 7 Governance	Chapter 7 Governance Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 34				
544	Article 34 European Critical Raw Materials Board	Article 34 European Critical Raw Materials Board	Article 34 European Critical Raw Materials Board	Article 34 European Critical Raw Materials Board Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 34(1)				
545	1. The European Critical Raw Materials Board is established.	1. The European Critical Raw Materials Board (the ‘Board’) is established.	1. The European Critical Raw Materials Board is established.	1. The European Critical Raw Materials Board (<i>the ‘Board’</i>) is established. ITM 26 October

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: EP Mandate
Article 34(2)				
546	2. The Board shall perform the tasks set out in this Regulation.	2. The Board shall perform the tasks set out in this Regulation.	2. The Board shall have an advisory role to the Commission and perform the tasks set out in this Regulation.	2. The Board shall <u>have an advisory role to the Commission and</u> perform the tasks set out in this Regulation. ITM 26 October Text Origin: Council Mandate
Article 35				
547	Article 35 Composition and functioning of the European Critical Raw Materials Board	Article 35 Composition and functioning of the European Critical Raw Materials Board	Article 35 Composition and functioning of the European Critical Raw Materials Board	Article 35 Composition and functioning of the European Critical Raw Materials Board Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 35(1)				
548	1. The Board shall be composed of Member States and the Commission. It shall be chaired by the Commission.	1. The Board shall be composed of Member States and the Commission. It shall be chaired by the Commission.	1. The Board shall be composed of representatives from all Member States and– the Commission. It shall be chaired by– the Commission.	1. The Board shall be composed of <u>representatives from all</u> Member States and– <u>the</u> Commission. It shall be chaired by– <u>the</u> Commission. ITM 26 October Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 35(1a)(2)				
549	2. Each Member State shall appoint a high-level representative to the Board. Where relevant as regards the function and expertise, a Member State may appoint different representatives in relation to different tasks of the Board. Each member of the Board shall have an alternate.	2. Each Member State shall appoint a high-level representative to the Board. Where relevant as regards the function and expertise, a Member State may appoint different representatives in relation to different tasks of the Board. Each member of the Board shall have an alternate.	2. Each Member State shall appoint a high-level representative to the Board. Where relevant as regards the function and expertise, a Member State may appoint different representatives in relation to different tasks of the Board. Each member of the Board shall have an alternate. Only Member States shall have voting rights. Each Member State shall have only one vote regardless the number of representatives.	2. Each Member State shall appoint a high-level representative to the Board. Where relevant as regards the function and expertise, a Member State may appoint different representatives in relation to different tasks of the Board. Each member of the Board shall have an alternate. <u>Only Member States shall have voting rights. Each Member State shall have only one vote regardless the number of representatives.</u> ITM 26 October Text Origin: Council Mandate
Article 35(2), second subparagraph				
549a		The Board shall invite representatives of the European Parliament to attend, as observers, its meetings, including of the standing or temporary sub-groups referred to in paragraph 6.		<u>The Chair shall invite representatives of the European Parliament to attend, as observers, its meetings, including of the standing or temporary sub-groups referred to in paragraph 6.</u> ITM 26 October Text Origin: EP Mandate
Article 35(2a)				
549b		2a. The European Defence		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Agency, the European Chemical Agency, the European Environmental Agency, and the European External Action Service shall each appoint a high-level representative as an observer to the Board.		
Article 35(1b)				
549c		2b. Each Member State shall appoint a representative from its one-stop-shop as an observer to the Board.		<u>1b. delete</u> ITM 26 October
Article 35(3)				
550	3. The Board shall, on a proposal by the Commission, adopt its rules of procedure by a simple majority of its members.	3. The Board shall, on a proposal by the Commission, adopt its rules of procedure by a simple majority of its members.	3. At its first meeting the Board shall, on a proposal by the Commission, adopt its rules of procedure by a simple majority of its members.	3. <u>At its first meeting</u> the Board shall, on a proposal by the Commission, adopt its rules of procedure by a simple majority of its members. ITM 26 October Text Origin: Council Mandate
Article 35(4), first subparagraph				
551	4. The Board shall meet at regular intervals in order to allow the effective performance of its tasks specified in this Regulation. Where necessary, the Board shall meet at	4. The Board shall meet at regular intervals in order to allow the effective performance of its tasks specified in this Regulation. Where necessary, the Board shall meet at	4. The Board shall meet at regular intervals in order to allow the effective performance of its tasks specified in this Regulation. Where necessary, the Board shall ~~meet~~ hold	4. The Board shall meet at regular intervals in order to allow the effective performance of its tasks specified in this Regulation. Where necessary, the Board shall ~~meet~~ hold

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the reasoned request of the Commission.	the reasoned request of the Commission.	extraordinary meetings at the reasoned request of the Commission or a Member State.	<u>meetings</u> at the reasoned request of the Commission <u>for a Member State.</u> <u>CION to draft to narrow the last part.</u> ITM 26 October Text Origin: Council Mandate
Article 35(4), second subparagraph				
552	The Board shall meet at least:	The Board shall meet at least:	The Board shall meet at least:	The Board shall meet at least: Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 35(4), second subparagraph, point (a)				
553	(a) every 3 months for the assessment of applications for Strategic Projects pursuant to Chapter 3, Section 1;	(a) every 3 months for the assessment of applications for Strategic Projects pursuant to Chapter 3, Section 1;	(a) every 3 months for the assessment of applications for Strategic Projects pursuant to Chapter 3, Section 1;	(a) every 3 months for the assessment of applications for Strategic Projects pursuant to Chapter 3, Section 1; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 35(4), second subparagraph, point (b)				
554	(b) every 6 months for the	(b) every 6 months for the	(b) every 6 months for the	(b) every 6 months for the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	development of monitoring pursuant to Chapter 4;	development of monitoring pursuant to Chapter 4;	development of monitoring pursuant to Chapter 4;	development of monitoring pursuant to Chapter 4; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 35(4), second subparagraph, point (ba)				
554a		(ba) every 6 months for the assessment of Strategic Projects in order to discuss the progress with respective representatives of industry;		<u>(ba) delete</u> ITM 26 October
Article 35(4), second subparagraph, point (c)				
555	(c) once a year in order to discuss the progress of the implementation of Member State obligations linked to exploration set out in Chapter 3, Section 4, including in light of updates to the lists of critical or strategic raw materials.	(c) once a year in order to discuss the progress of the implementation of Member State obligations linked to exploration set out in Chapter 3, Section 4, including in light of updates to the lists of critical or strategic raw materials.	(c) once a year in order to discuss the progress of the implementation of Member State obligations linked to exploration set out in Chapter 3, Section 4, including in light of updates to the lists of critical or strategic raw materials.	(c) once a year in order to discuss the progress of the implementation of Member State obligations linked to exploration set out in Chapter 3, Section 4, including in light of updates to the lists of critical or strategic raw materials. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 35(5)				
556	5. The Commission shall assist the Board by means of an executive	5. The Commission shall ~~assist~~ coordinate the work of the	5. The Commission shall assist the Board by means of an executive	5. The Commission shall ~~assist~~ <u>coordinate the work of</u> the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	secretariat that provides technical and logistical support.	Board by means of an executive secretariat that fulfils agenda-setting duties and provides technical and logistical support.	secretariat that provides technical and logistical support.	Board by means of an executive secretariat that provides technical and logistical support. ITM 26 October Text Origin: EP Mandate
Article 35(5a)				
556a			5a. The Board shall:	<u>5a. The Board shall:</u> ITM 26 October Text Origin: Council Mandate
Article 35(5a), point (a)				
556b			(a) periodically discuss the implementation of Article 8 and share best-practices for speeding up permitting procedure for critical and strategic raw material projects;	<u>(a) periodically discuss the implementation of Article 8 and share best-practices for speeding up permitting procedure for critical raw material projects, as well as to improve their public participation and consultation;</u> ITM 26 October Text Origin: Council Mandate
Article 35(5a), point (b)				
556c			(b) where relevant, propose to the Commission guidelines for the implementation of Article 8	<u>(b) where relevant, propose to the Commission guidelines for the implementation of Article 8</u>

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			paragraph 1 to be taken into account by contact points;	<u>paragraph 1 to be taken into account by [contact points];</u> <u>(double check final wording art 8)</u> ITM 26 October Text Origin: Council Mandate
Article 35(5a), point (c)				
556d			(c) 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 pursuant to Article 14;	<u>(c) 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 pursuant to Article 14;</u> ITM 26 October Text Origin: Council Mandate
Article 35(5a), point (d)				
556e			(c1) provide advice to the Commission on the assessment of the set up of the system pursuant to Article 24;	<u>(c1) provide advice to the Commission on the assessment of the set up of the system pursuant to Article 24;</u> ITM 26 October Text Origin: Council Mandate

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	Article 35(5a), point (e)			
556f			(d) facilitate the exchange of best practices between Member States, on how to improve their national programmes pursuant to Article 25.	<u>(d) facilitate the exchange of best practices between Member States, on how to improve their national programmes pursuant to Article 25.</u> ITM 26 October Text Origin: Council Mandate
	Article 35(6), first subparagraph			
557	6. The Board may establish standing or temporary sub-groups to deal with specific questions and tasks.	6. The Board may establish standing or temporary sub-groups to deal with specific questions and tasks.	6. The Board may establish standing or temporary sub-groups to deal with specific questions and tasks.	6. The Board may establish standing or temporary sub-groups to deal with specific questions and tasks. Trilogue 24/10/2023 Text Origin: Commission Proposal
	Article 35(6), second subparagraph			
558	The Board shall at least establish the following standing sub-groups:	The Board shall at least establish the following standing sub-groups:	The Board shall at least establish the following standing sub-groups:	The Board shall at least establish the following standing sub-groups: Trilogue 24/10/2023 Text Origin: Commission Proposal
	Article 35(6), second subparagraph, point (a)			
559				

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	(a) a subgroup to discuss and coordinate financing for Strategic Projects pursuant to Article 15; representatives of national promotional banks and institutions, the European development financial institutions, the European Investment Bank Group, other international financial institutions including the European Bank for Reconstruction and Development and, as appropriate, private financial institutions shall be invited as observers;	(a) a subgroup to discuss and coordinate financing for Strategic Projects pursuant to Article 15; representatives of national promotional banks and institutions, export credit agencies , the European development financial institutions, the European Investment Bank Group, other international financial institutions including the European Bank for Reconstruction and Development and, as appropriate, private financial institutions shall be invited as observers;	(a) a subgroup to discuss and coordinate financing for Strategic Projects pursuant to Article 15; representatives of national promotional banks and institutions, the European development financial institutions, Export credit agencies , the European Investment Bank Group, other international financial institutions including the European Bank for Reconstruction and Development and, as appropriate, private financial institutions shall be invited as observers;	(a) a subgroup to discuss and coordinate financing for Strategic Projects pursuant to Article 15; representatives of national promotional banks and institutions, <u>export credit agencies</u> , the European development financial institutions, the European Investment Bank Group, other international financial institutions including the European Bank for Reconstruction and Development and, as appropriate, private financial institutions shall be invited as observers; ITM 26 October Text Origin: EP Mandate
Article 35(6), second subparagraph, point (aa)				
559a		(aa) a subgroup to discuss the implementation of the provisions pursuant to Articles 8, 10 and 11, including to share best practices concerning public participation and stakeholders involvement, including from other relevant mining regions, in order to ensure structured and predictable formats of permit granting processes, for which representatives of civil society organisations shall be invited as observers;	(aa) a subgroup to discuss and exchange views on measures to increase public knowledge on the critical raw materials supply chain and public acceptance of critical raw materials projects;	<u>(aa) a subgroup to discuss and exchange views on measures to increase public knowledge on the critical raw materials supply chain and share best practices concerning public participation and stakeholders involvement in critical raw materials projects; for which representatives of civil society organisations shall be regularly invited, as observers;</u> ITM 26 October

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 35(6), second subparagraph, point (b)				
560	(b) a subgroup bringing together national geological institutes or surveys or, in the absence of such institute or survey, the relevant national authority in charge of general exploration, with the purpose of contributing to the coordination of national exploration programmes referred to in Article 18;	(b) a subgroup bringing together national geological institutes or surveys or, in the absence of such institute or survey, the relevant national authority in charge of general exploration, with the purpose of contributing to the coordination of national exploration programmes referred to in Article 18;	(b) a subgroup bringing together national or, where relevant, regional geological institutes or surveys or, in the absence of such institute or survey, the relevant national authority in charge of general exploration, with the purpose of contributing to the coordination of national exploration programmes referred to in Article 18;	(b) a subgroup bringing together national <u>or, where relevant, regional</u> geological institutes or surveys or, in the absence of such institute or survey, the relevant national authority in charge of general exploration, with the purpose of contributing to the coordination of national exploration programmes referred to in Article 18; ITM 26 October Text Origin: Council Mandate
Article 35(6), second subparagraph, point (ba)				
560a			(ba) a subgroup to discuss and exchange views on measures to promote circularity, resource efficiency and substitution of critical raw materials;	<u>(ba) a subgroup to discuss and exchange views on measures to promote circularity, resource efficiency and substitution of critical raw materials;</u> ITM 26 October Text Origin: Council Mandate
Article 35(6), second subparagraph, point (c)				
561	(c) a subgroup bringing together national supply and information agencies covering critical raw materials or, in the absence of such agency, the relevant national	(c) a subgroup bringing together national supply and information agencies covering critical raw materials or, in the absence of such agency, the relevant national	(c) a subgroup bringing together national supply and information agencies covering critical raw materials or, in the absence of such agency, the relevant national	(c) a subgroup bringing together national supply and information agencies covering critical raw materials or, in the absence of such agency, the relevant national

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	authority in charge of that matter, with the purpose of contributing to the monitoring tasks as set out in Article 19;	authority in charge of that matter, with the purpose of contributing to the monitoring tasks as set out in Article 19;	authority in charge of that matter, with the purpose of contributing to the monitoring tasks as set out in Article 19;	authority in charge of that matter, with the purpose of contributing to the monitoring tasks as set out in Article 19; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 35(6), second subparagraph, point (d)				
562	(d) a subgroup bringing together national emergency agency and national authorities responsible for strategic stocks or, in the absence of such agency and authority, the relevant national authority in charge of that matter, with the purpose of contributing to the coordination of strategic stocks as set out in Article 22.	(d) a subgroup bringing together national emergency agency and national authorities responsible for strategic stocks or, in the absence of such agency and authority, the relevant national authority in charge of that matter, with the purpose of contributing to the ~~coordination~~ monitoring of strategic stocks as set out in Article 22-; this subgroup may in particular invite like-minded third-country partners to exchange on best practices related to strategic stocks;	(d) a subgroup bringing together national emergency agency and national authorities responsible for strategic stocks or, in the absence of such agency and authority, the relevant national authority in charge of that matter, with the purpose of contributing to the coordination of strategic stocks as set out in Article 22.	(d) a subgroup bringing together national emergency agency and national authorities responsible for strategic stocks or, in the absence of such agency and authority, the relevant national authority in charge of that matter, with the purpose of contributing to the <u>[coordination]</u> of strategic stocks as set out in Article 22. <u>to be aligned with wording in art 22.</u> TM 26 October Text Origin: Council Mandate
Article 35(6), second subparagraph, point (da)				
562a		(da) a subgroup bringing together industrial alliances and other relevant industry stakeholders covering the entire critical raw		<u>(da) delete</u> <u>(to considered in line 564)</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		materials value chain, with the purpose of contributing to the process of any possible request for amending the list of strategic or critical raw materials set out in Articles 3(3) and 4(4) as well as to the evaluation of Strategic Projects and Strategic Partnership in accordance with Article 33, which will also focus on representatives of SMEs across Member States to discuss the involvement of SMEs in raw material value chains and possibilities to enhance the involvement of SMEs;		ITM 26 October

Article 35(6), second subparagraph, point (db)

562b		(db) a subgroup to hold discussions and coordinate the work on the Strategic Partnerships pursuant to Article 33, ensuring cooperation with other relevant coordination fora, including those established as part of the Global Gateway strategy, and company representatives along the critical raw materials value chain; representatives of civil society organisations and academia shall, where appropriate, be invited as observers to meetings of this subgroup;		~~(db)~~ ~~delete~~ ITM 26 October

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 35(6), second subparagraph, point (dc)				
562c		6a. The Board shall keep the European Parliament informed about its upcoming meetings, including of standing or temporary sub-groups, and the corresponding agendas.		(dc) delete ITM 26 October
Article 35(7), first subparagraph				
563	7. The Board shall invite representatives of the European Parliament to attend, as observers, its meetings, including of the standing or temporary sub-groups referred to in paragraph 6.	7. ~~The Board shall invite representatives of the European Parliament to attend, as observers, its meetings, including of the standing or temporary sub-groups referred to in paragraph 6~~ such meetings, the Board shall keep the European Parliament regularly informed of the discussions carried out in those meetings.	7. The ~~Board~~ Chair shall invite representatives of the European Parliament to attend, as observers, its meetings, including of the standing or temporary sub-groups referred to in paragraph 6.	7. ~~The Board shall invite representatives of the European Parliament to attend, as observers, its meetings, including of the standing or temporary sub-groups referred to in paragraph 6.~~ delete (move to 549a) ITM 26 October
Article 35(7), second subparagraph				
564	Where appropriate, the Board may invite experts, other third parties or representatives of third countries to attend meetings of the standing or temporary sub-groups referred to in paragraph 6 as observers or to provide written contributions.	Where appropriate, members of the Board may ~~shall~~ , invite experts representing industry, civil society, academia, trade unions, other third parties or representatives of third countries, as well as representatives of local and regional authorities to attend meetings of the standing or temporary sub-groups referred to in	Where appropriate, the ~~Board~~ Chair may invite experts with specific expertise on the subject matter, including from industry and stakeholder organisations, other third parties or representatives of third countries, including OCTs to attend meetings of the standing or temporary sub-groups referred to in paragraph 6 as observers or to	~~Where appropriate, the Board may invite experts, other third parties or representatives of third countries to attend meetings of the standing or temporary sub-groups referred to in paragraph 6 as observers or to provide written contributions.~~ [CION redrafting to include SMEs] ITM 26 October

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		paragraph 6 as observers or to provide written contributions. Particular weight shall be given to representatives of SMEs, who shall be invited to participate in all meetings and discussions that concern them or their involvement in the raw materials value chain, both on Board and subgroup level.	provide written contributions. Observers shall not participate in the formulation of advice of the Board and its subgroups.	
Article 35(7), third subparagraph				
565	In performing its tasks, the Board shall, where appropriate, ensure coordination, cooperation and information exchange with the relevant crisis response and crisis preparedness structures established under Union law.	In performing its tasks, the Board shall, where appropriate, ensure coordination, cooperation and information exchange with the relevant crisis response and crisis preparedness structures established under Union law.	In performing its tasks, the Board shall, where appropriate, ensure coordination, cooperation and information exchange with the relevant crisis response and crisis preparedness structures established under Union law.	In performing its tasks, the Board shall, where appropriate, ensure coordination, cooperation and information exchange with the relevant crisis response and crisis preparedness structures established under Union law. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 35(8)				
566	8. The Board shall take the necessary measures to ensure the safe handling and processing of confidential and commercially sensitive information.	8. The Board shall take the necessary measures to ensure the safe handling and processing of confidential and commercially sensitive information in accordance with Article 44.	8. The Board shall take the necessary measures to ensure the safe handling and processing of confidential and commercially sensitive information in accordance with Article 44.	8. The Board shall take the necessary measures to ensure the safe handling and processing of confidential and commercially sensitive information <u>in accordance with Article 44.</u> Trilogue 24/10/2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 35(9)				
567	9. The Board shall use its best endeavours to reach consensus.	9. The Board shall use its best endeavours to reach consensus.	9. The Board shall use its best endeavours to reach consensus.	9. The Board shall use its best endeavours to reach consensus. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 35(9a)				
567a			Article 35a International cooperation and Strategic Partnerships	<u>Article 35a International cooperation and Strategic Partnerships</u> ITM 26 October Text Origin: Council Mandate
Article 35(9b)				
567b			1. The board shall periodically discuss:	<u>1. The board shall periodically discuss:</u> ITM 26 October Text Origin: Council Mandate
Article 35(9b), point (a)				
567c			(a) the extent to which Strategic Partnerships concluded by the	<u>(a) the extent to which Strategic Partnerships concluded by the</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Union contribute towards:	<u>Union contribute towards:</u> ITM 26 October Text Origin: Council Mandate
	Article 35(9b), point (a)(i)			
567d			(i) improving the Union's security of supply including the benchmarks set out in Article 5 paragraph 0, point (b);	<u>(i) improving the Union's security of supply including the benchmarks set out in Article 4a point (b);</u> ITM 26 October Text Origin: Council Mandate
	Article 35(9b), point (a)(ii)			
567e			(ii) improving cooperation along the critical raw materials value chain between the Union and partner countries;	<u>(ii) improving cooperation along the critical raw materials value chain between the Union and partner countries, including capacity building and technology transfer programs to promote circularity and responsible recycling of critical raw materials in producing countries;</u> (From: EP amendment in line 532a) ITM 26 October ITM 31 October Text Origin: Council Mandate
	Article 35(9b), point (a)(iii)			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	567f		PUBLIC	<u>(iii) the economic and social development of partner countries, including by promoting sustainable and circular economy practices, decent working conditions and respect for human rights along their raw material value chains;</u> ITM 26 October
Article 35(9b), point (a)(iv)				
Y	567g		(b) the coherence and potential synergies between Member States' bilateral cooperation with relevant third countries and the actions carried out by the Union in the context of Strategic Partnerships;	<u>(iv) the coherence and potential synergies between Member States' bilateral cooperation with relevant third countries and the actions carried out by the Union in the context of Strategic Partnerships;</u> [EP to redraft on 533a and 542c] ITM 26 October
Article 35(9), point (a)				
G	567h		(c) which third countries could be prioritised for the conclusion of Strategic Partnerships, taking into account the following criteria:	<u>(c) which third countries could be prioritised for the conclusion of Strategic Partnerships, taking into account the following criteria:</u> ITM 10 October 2023ITM 26 October Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 35(9), point (a)(i)				
567i			(i) the potential contribution to security of supply, taking into account a third country's potential reserves, extraction, processing and recycling capacities related to critical raw materials;	<u>(i) the potential contribution to security of supply as well as resilience thereof, taking into account a third country's potential reserves, extraction, processing and recycling capacities related to critical raw materials;</u> ITM 26 October Text Origin: Auxiliary 1
Article 35(9), point (a)(ii)				
567j			(ii) whether a third country's regulatory framework and its implementation ensures the monitoring, prevention and minimisation of environmental impacts, the use of socially responsible practices including respect of human and labour rights and meaningful and equitable engagement with local communities, the use of transparent business practices and the prevention of adverse impacts on the proper functioning of public administration and the rule of law;	<u>(ii) whether a cooperation between the Union and a third country could improve a third country's ability to ensure the monitoring, prevention and minimisation of adverse environmental impacts through its regulatory framework and the implementation thereof, the use of socially responsible practices including respect of human and labour rights, notably on forced and child labour, meaningful engagement with local communities, including indigenous peoples, the use of transparent and responsible business practices, the prevention of adverse impacts on the proper functioning of public administration and the rule of law;</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				LINKED to art 5(1)(c) line 170 ITM 9 November 2023
	Article 35(9), point (a)(iii)			
G	567k		(iii) whether there are existing cooperation agreements between a third country and the Union and, for emerging markets and developing economies, the potential for the deployment of Global Gateway investment projects;	<u>(iii) whether there are existing cooperation agreements between a third country and the Union and, for emerging markets and developing economies, the potential for the deployment of Global Gateway investment projects, including with a view to facilitating investment in Strategic Projects.</u> ITM 26 October
	Article 35(9), point (a)(iv)			
G	567l		(iv) for emerging markets and developing economies, whether and how a partnership could contribute to local value addition and would be mutually beneficial for the partner country and the Union.	<u>(iv) for emerging markets and developing economies, whether and how a partnership could contribute to local value addition, including downstream activities, and would be mutually beneficial for the partner country and the Union.</u> ITM 26 October
	Article 35(9), point (b)			
G	567m		(d) advice the Commission on how	<u>(d) advice the Commission on how</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			to ensure that the strategic partnerships referred to in the context of paragraph 1 are coherent with the Union's policies with emerging markets and developing economies.	<u>to ensure that the strategic partnerships referred to in the context of paragraph 1 are coherent with the Union's policies with emerging markets and developing economies.</u> ITM 10 October 2023 ITM 26 October Text Origin: Council Mandate
Article 35(9c)				
567n			2. The provisions under paragraph 1 shall be without prejudice to the prerogatives of the Council in accordance with the Treaties.	<u>2. The provisions under paragraph 1 shall be without prejudice to the prerogatives of the Council in accordance with the Treaties.</u> ITM 26 October Text Origin: Council Mandate
Article 35(9d)				
567o			3. Member States shall inform the Commission on their bilateral cooperation with relevant third countries, whose scope at least includes critical raw materials value chain.	<u>3. Member States:</u> <u>(a) shall inform the Commission on their bilateral cooperation with relevant third countries, when its scope includes critical raw materials value chain;</u> <u>(b) may support the Commission in the implementation of the cooperation measures set out in Strategic Partnerships along the</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>raw materials value chain.</u> ITM 26 October
Article 35(9e)				
567p				<u>3a. Once a year, the Commission shall inform the European Parliament and the Council on the content and outcome of the discussion referred to in the [precedent paragraphs].</u> (From EP AMD line 542j) Related provisions, To be considered, in Art 42: [the Board/COM shall present a report containing an up-to-date list of all existing Union Strategic Partnerships when their scope includes critical raw materials as well as information on benefits/projects/capacities brought by these partnerships. The Commission shall present the report to the relevant committees of the European Parliament/Council.] ITM 26 October
Chapter 8				
568	Chapter 8 Delegated powers and committee procedure	Chapter 8 Delegated powers and committee procedure	Chapter 8 Delegated powers and committee procedure	Chapter 8 Delegated powers and committee procedure

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 36				
569	Article 36 Exercise of the delegation	Article 36 Exercise of the delegation	Article 36 Exercise of the delegation	Article 36 Exercise of the delegation Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 36(1)				
570	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 36(2)				
571	2. The power to adopt delegated acts referred to in Article 3(2), Article 4(2), Article 5(2), Article 27(12), Article 28(2) and Article 30(1) and (5) shall be conferred on the Commission for a period of eight	2. The power to adopt delegated acts referred to in Article 3(2), Article 4(2), Article 5(2), Article 27(12), Article– 28(2) and Article 30(1) and (5) shall be conferred on the Commission for a period of eight	2. The power to adopt delegated acts referred to in Article 3(2), Article 4(2), Article 5(2), Article 27(12), ~~Article 28(2)~~ and Article 30(1) and (5) shall be conferred on the Commission for a period of eight	2. The power to adopt delegated acts referred to in <u>Article 3(2)</u> , Article 4(2), Article 5(2), Article 27(12), ~~Article 28(2)~~ and Article 30(1) and (5) <u>shall</u> be conferred on the Commission for a period of eight

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	years from [OP please insert: one month after the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the six-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	years from [OP please insert: one month after the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the ~~six-year~~ eight-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	years from [OP please insert: one month after the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the ~~six-year~~ eight year period. The delegation of power shall be tacitly extended for periods of an identical duration; unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	years from [OP please insert: one month after the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the ~~six-year~~ eight year period. The delegation of power shall be tacitly extended for periods of an identical duration; unless the European Parliament or the Council opposes such extension not later than three months before the end of each period. Text Origin: Council Mandate
Article 36(3)				
572	3. The delegation of power referred to in Article 3(2), Article 4(2), Article 5(2), Article 27(12), Article 28(2) and Article 30(1) and (5) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Article 3(2), Article 4(2), Article 5(2), Article 27(12), Article 28(2) and Article 30(1) and (5) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Article 3(2), Article 4(2), Article 5(2), Article 27(12), ~~Article 28(2)~~ and Article 30(1) and (5) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in <u>Article</u> 3(2), Article 4(2), Article 5(2), Article 27(12), Article 28(2) and Article 30(1) and (5) <u>l</u> may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: EP Mandate
Article 36(4)				
573	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. The consultation of Member States' experts shall take place after the consultation pursuant to Article 14.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. The consultation of Member States' experts shall take place after the consultation pursuant to Article 14.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. The consultation of Member States' experts shall take place after the consultation pursuant to Article 14.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. The consultation of Member States' experts shall take place after the consultation pursuant to Article 14. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 36(5)				
574	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 36(6)				
575	6. A delegated act adopted pursuant	6. A delegated act adopted pursuant	6. A delegated act adopted pursuant	6. A delegated act adopted pursuant

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to Article 3(2), Article 4(2), Article 5(2), Article 27(12), Article 28(2) and Article 30(1) and (5) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period may be extended by two months at the initiative of the European Parliament or of the Council.	to Article 3(2), Article 4(2), Article 5(2), Article 27(12), Article– 28(2) and Article 30(1) and (5) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period ~~may~~ shall be extended by [two months] at the initiative of the European Parliament or of the Council.	to Article 3(2), Article 4(2), Article 5(2), Article 27(12), Article– 28(2) and Article 30(1) and (5) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period may be extended by two months at the initiative of the European Parliament or of the Council.	to <u>Article</u> 3(2), Article 4(2), Article 5(2), Article 27(12), Article– <u>28</u> (2) and Article 30(1) and (5) <u>l</u> shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period may be extended by two months at the initiative of the European Parliament or of the Council. Text Origin: Council Mandate
Article 37				
576	Article 37 Committee procedure	Article 37 Committee procedure	Article 37 Committee procedure	Article 37 Committee procedure Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 37(1)				
577	1. The Commission shall be assisted by the Committee on the implementation of [OP: please insert reference to this act]. That	1. The Commission shall be assisted by the Committee on the implementation of [OP: please insert reference to this act]. That	1. The Commission shall be assisted by the Committee on– the implementation of [OP: please insert reference to this act]. That	1. The Commission shall be assisted by the Committee on the implementation of [OP: please insert reference to this act]. That

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	committee shall be a committee within the meaning of Regulation (EU) No 182/2011. Text Origin: Commission Proposal
Article 37(2)				
578	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 37(3)				
579	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Trilogue 24/10/2023 Text Origin: Commission Proposal
Chapter 9				
580	Chapter 9 Amendments	Chapter 9 Amendments	Chapter 9 Amendments	Chapter 9 Amendments Trilogue 24/10/2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 38				
581	Article 38 Amendment to Regulation (EU) 2018/1724	Article 38 Amendment to Regulation (EU) 2018/1724	Article 38 Amendment to Regulation (EU) 2018/1724	Article 38 Amendment to Regulation (EU) 2018/1724 Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 38, first paragraph				
582	Regulation (EU) 2018/1724 is amended as follows:	Regulation (EU) 2018/1724 is amended as follows:	Regulation (EU) 2018/1724 is amended as follows:	Regulation (EU) 2018/1724 is amended as follows: Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 38, first paragraph, point (1)				
583	(1) in Annex I, in the first column, a new row 'S. Critical raw materials projects' is added.	(1) in Annex I, in the first column, a new row 'S. Critical raw materials projects' is added.	(1) in Annex I, in the first column, a new row 'S. Critical raw materials projects' is added.	(1) in Annex I, in the first column, a new row 'S. Critical raw materials projects' is added. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 38, first paragraph, point (2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	584	(2) in Annex I, in the second column, in the row ‘S. Critical raw materials projects’, the following point are added:	(2) in Annex I, in the second column, in the row ‘S. Critical raw materials projects’, the following point are added:	(2) in Annex I, in the second column, in the row ‘ ~~S~~ <u>AJ</u> . Critical raw materials projects’, the following point are added: Trilogue 24/10/2023 ITM 6 November 2023 Text Origin: Commission Proposal
Article 38, first paragraph, point (2), amending provision, numbered paragraph (-1)				
Y	584a		‘ -1. the contact points referred to in Article 8 paragraph 1;	
Article 38, first paragraph, point (2), amending provision, numbered paragraph (1)				
G	585	‘ 1. information on the permit-granting process. ’	‘ 1. information on the permit-granting process including information on dispute settlement. ’	‘ 1. information on the permit-granting process. ITM 6 November 2023 Text Origin: EP Mandate ’
Article 38, first paragraph, point (2), amending provision, numbered paragraph (2)				
G	586	‘ 2. information on financing and investment services ’	‘ 2. information on financing and investment services ’	‘ 2. information on financing and investment services ’

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 38, first paragraph, point (2), amending provision, numbered paragraph (3)				
587	‘ 3. information on funding possibilities at Union or Member State level ’	‘ 3. information on funding possibilities at Union or Member State level ’	‘ 3. information on funding possibilities at Union or Member State level ’	‘ 3. information on funding possibilities at Union or Member State level ’ Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 38, first paragraph, point (2), amending provision, numbered paragraph (4)				
588	‘ 4. information on business support services, including but not limited to corporate tax declaration, local tax laws, labour law ’	‘ 4. information on business support services, including but not limited to corporate tax declaration, local tax laws, labour law ’	‘ 4. information on business support services, including but not limited to corporate tax declaration, local tax laws, labour law ’	‘ 4. information on business support services, including but not limited to corporate tax declaration, local tax laws, labour law ’ Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 38, first paragraph, point (3)				
589	(3) in Annex II, in the first column,	(3) in Annex II, in the first column,	(3) in Annex II, in the first column,	(3) in Annex II, in the first column,

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	a new row 'Critical raw materials projects' is added.	a new row 'Critical raw materials projects' is added.	a new row 'Critical raw materials projects' is added.	a new row 'Critical raw materials projects' is added. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 38, first paragraph, point (4)				
590	(4) in Annex II, in the second column, in the row 'Critical raw materials projects', the following points are added:	(4) in Annex II, in the second column, in the row 'Critical raw materials projects', the following points are added:	(4) in Annex II, in the second column, in the row 'Critical raw materials projects', the following points are added:	(4) in Annex II, in the second column, in the row 'Critical raw materials projects', the following points are added: Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 38, first paragraph, point (4), amending provision, first paragraph				
591	Procedure related to all relevant administrative permits to plan, build and operate net-zero technology manufacturing projects, including building, chemical and grid connection permits and environmental assessments and authorisations where these are required, and encompassing all administrative applications and procedures.	Procedure related to all relevant administrative permits to plan, build and operate net-zero technology manufacturing projects, including building, chemical and grid connection permits and environmental assessments and authorisations where these are required, and encompassing all administrative applications and procedures.	Procedure related to all relevant administrative permits to plan, build and operate net-zero technology manufacturing critical raw materials projects, including building, chemical and grid connection permits and environmental assessments and authorisations where these are required, and encompassing all administrative applications and procedures and encompassing all applications and procedures from	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			the acknowledgment that the application is complete to the notification of the comprehensive decision.	
Article 38, first paragraph, point (5)				
592	(5) in Annex II, in the third column, in the row 'Critical raw materials projects', the following point is added:	(5) in Annex II, in the third column, in the row 'Critical raw materials projects', the following point is added:	(5) in Annex II, in the third column, in the row 'Critical raw materials projects', the following point is added:	(5) in Annex II, in the third column, in the row 'Critical raw materials projects', the following point is added: Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 38, first paragraph, point (5), amending provision, first paragraph				
593	All outputs pertaining to the procedures ranging 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.	All outputs pertaining to the procedures ranging 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.	All outputs pertaining to the procedures ranging 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. that the application is complete	
Article 38, first paragraph, point (6)				
594				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(6) in Annex III, the following point is added:	(6) in Annex III, the following point is added:	(6) in Annex III, the following point is added:	(6) in Annex III, the following point is added: Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 38, first paragraph, point (6), amending provision, numbered paragraph (9)				
595	‘ (9) The national competent authorities referred to in Article 8(1) of [OP: please insert reference to this proposal]. ’	‘ (9) The national competent authorities referred to in Article 8(1) of [OP: please insert reference to this proposal]. ’	‘ (9) The ~~national competent authorities~~ contact point(s) referred to in Article 8(1) of [OP: please insert reference to this proposal]. ’	
Article 39				
596	Article 39 Amendment to Regulation (EU) 2019/1020	Article 39 Amendment to Regulation (EU) 2019/1020	Article 39 Amendment to Regulation (EU) 2019/1020	Article 39 Amendment to Regulation (EU) 2019/1020 Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 39, first paragraph				
597	Regulation (EU) 2019/1020 is amended as follows:	Regulation (EU) 2019/1020 is amended as follows:	Regulation (EU) 2019/1020 is amended as follows:	Regulation (EU) 2019/1020 is amended as follows: Trilogue 24/10/2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 39, first paragraph, point (1)				
598	(1) in Article 4(5), the text “(EU) 2016/425(35) and (EU) 2016/426(36)” is replaced by the following: “(EU) 2016/425 (*), (EU) 2016/426 (**) and [(EU) [...] [year of adoption of this Regulation]/...(***)]”;	(1) in Article 4(5), the text “(EU) 2016/425(35) and (EU) 2016/426(36)” is replaced by the following: “(EU) 2016/425 (*), (EU) 2016/426 (**) and [(EU) [...] [year of adoption of this Regulation]/...(***)]”;	(1) in Article 4(5), the text “(EU) 2016/425(35) and (EU) 2016/426(36)” is replaced by the following: “(EU) 2016/425 (*), (EU) 2016/426 (**) and [(EU) [...] [year of adoption of this Regulation]/...(***)]”;	(1) in Article 4(5), the text “(EU) 2016/425(35) and (EU) 2016/426(36)” is replaced by the following: “(EU) 2016/425 (*), (EU) 2016/426 (**) and [(EU) [...] [year of adoption of this Regulation]/...(***)]”; Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 39, first paragraph, point (2)				
599	(2) in Annex I, the following point is added: ‘X [OP please insert the next consecutive number] Regulation (EU).../... establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulation (EU) 2019/1020 [OP please insert the publication details of this Regulation], in so far as it concerns the requirements set out Articles 27, 28 or 30 of that Regulation.	(2) in Annex I, the following point is added: ‘X [OP please insert the next consecutive number] Regulation (EU).../... establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulation (EU) 2019/1020 [OP please insert the publication details of this Regulation], in so far as it concerns the requirements set out Articles 27, 28 or 30 of that Regulation.	(2) in Annex I, the following point is added: ‘X [OP please insert the next consecutive number] Regulation (EU).../... establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulation (EU) 2019/1020 [OP please insert the publication details of this Regulation], in so far as it concerns the requirements set out Articles 27, 28 or 30 of that Regulation.	(2) in Annex I, the following point is added: ‘X [OP please insert the next consecutive number] Regulation (EU).../... establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulation (EU) 2019/1020 [OP please insert the publication details of this Regulation], in so far as it concerns the requirements set out Articles 27, 28 or 30 of that Regulation. Trilogue 24/10/2023 Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Proposal
Article 40				
600	Article 40 Amendment to Regulation (EU) 2018/858	Article 40 Amendment to Regulation (EU) 2018/858	Article 40 Amendment to Regulation (EU) 2018/858	Article 40 Amendment to Regulation (EU) 2018/858 ITM 6 November 2023 Text Origin: Commission Proposal
Article 40, first paragraph				
601	Annex II to Regulation (EU) 2018/858 is amended as follows:	Annex II to Regulation (EU) 2018/858 is amended as follows:	Annex II to Regulation (EU) 2018/858 is amended as follows:	Annex II to Regulation (EU) 2018/858 is amended as follows: Text Origin: Commission Proposal
Article 40, first paragraph, first paragraph				
602	In Part I, in the table, the following entry is added:	In Part I, in the table, the following entry is added:	In Part I, in the table, the following entry is added:	In Part I, in the table, the following entry is added: Text Origin: Commission Proposal
Article 40, first paragraph, first paragraph, amending provision, first paragraph				
603	"		"	" Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 40, first paragraph, first paragraph, amending provision, Table 1, Column 1, Row 1			
604	[OP Please insert the next consecutive number under heading G]	" [OP Please insert the next consecutive number under heading G]	[OP Please insert the next consecutive number under heading G]	[OP Please insert the next consecutive number under heading G] Text Origin: EP Mandate
	Article 40, first paragraph, first paragraph, amending provision, Table 1, Column 2, Row 1			
605	Permanent magnet circularity requirements	Permanent magnet circularity requirements	Permanent magnet circularity requirements	Permanent magnet circularity requirements Text Origin: Commission Proposal
	Article 40, first paragraph, first paragraph, amending provision, Table 1, Column 3, Row 1			
606	Regulation (EU) XX/XXXX [OP please insert: OJ publication details of this Regulation]	Regulation (EU) XX/XXXX [OP please insert: OJ publication details of this Regulation]	Regulation (EU) XX/XXXX [OP please insert: OJ publication details of this Regulation]	Regulation (EU) XX/XXXX [OP please insert: OJ publication details of this Regulation] Text Origin: Commission Proposal
	Article 40, first paragraph, first paragraph, amending provision, Table 1, Column 4, Row 1			
607	X	X	X	X Text Origin: Commission Proposal
	Article 40, first paragraph, first paragraph, amending provision, Table 1, Column 5, Row 1			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
G	608	X	X	X Text Origin: Commission Proposal	G
Article 40, first paragraph, first paragraph, amending provision, Table 1, Column 6, Row 1					
G	609	X	X	X Text Origin: Commission Proposal	G
Article 40, first paragraph, first paragraph, amending provision, Table 1, Column 7, Row 1					
G	610	X	X	X Text Origin: Commission Proposal	G
Article 40, first paragraph, first paragraph, amending provision, Table 1, Column 8, Row 1					
G	611	X	X	X Text Origin: Commission Proposal	G
Article 40, first paragraph, first paragraph, amending provision, Table 1, Column 9, Row 1					
G	612	X	X	X Text Origin: Commission Proposal	G
Article 40, first paragraph, first paragraph, amending provision, Table 1, Column 10, Row 1					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
613				Text Origin: Council Mandate	
Article 40, first paragraph, first paragraph, amending provision, Table 1, Column 11, Row 1					
614				Text Origin: Council Mandate	
Article 40, first paragraph, first paragraph, amending provision, Table 1, Column 12, Row 1					
615				Text Origin: Council Mandate	
Article 40, first paragraph, first paragraph, amending provision, Table 1, Column 13, Row 1					
616				Text Origin: Council Mandate	
Article 40, first paragraph, first paragraph, amending provision, Table 1, Column 14, Row 1					
617	X	X	X	X Text Origin: Commission Proposal	
Article 40, first paragraph, first paragraph, amending provision, Table 1, Column 15, Row 1					
618	X	X	X	X	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 40, first paragraph, first paragraph, amending provision, second paragraph				
619	"		"	Text Origin: Council Mandate"
Article 41				
620	Article 41 Amendment to Regulation (EU) 168/2013	Article 41 Amendment to Regulation (EU) 168/2013	Article 41 Amendment to Regulation (EU) 168/2013	Article 41 Amendment to Regulation (EU) 168/2013 Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 41, first paragraph				
621	Annex II to Regulation (EU) 168/2013 is amended as follows:	Annex II to Regulation (EU) 168/2013 is amended as follows:	Annex II to Regulation (EU) 168/2013 is amended as follows:	Annex II to Regulation (EU) 168/2013 is amended as follows: Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 41, first paragraph, first paragraph				
622	In Part I, in the table, the following entry is added:	In Part I, in the table, the following entry is added:	In Part I, in the table, the following entry is added:	In Part I, in the table, the following entry is added:

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 41, first paragraph, first paragraph, amending provision, first paragraph				
623	"		"	Trilogue 24/10/2023 Text Origin: Council Mandate
Article 41, first paragraph, first paragraph, amending provision, Table 2, Column 1, Row 1				
624	[OP Please insert the next consecutive number under heading C1]	" [OP Please insert the next consecutive number under heading C1]	[OP Please insert the next consecutive number under heading C1]	Trilogue 24/10/2023 Text Origin: EP Mandate
Article 41, first paragraph, first paragraph, amending provision, Table 2, Column 2, Row 1				
625	Permanent magnet circularity requirements	Permanent magnet circularity requirements	Permanent magnet circularity requirements	Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 41, first paragraph, first paragraph, amending provision, Table 2, Column 3, Row 1				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
626	Regulation (EU) XX/XXXX [OP please insert: OJ publication details of this Regulation]	Regulation (EU) XX/XXXX [OP please insert: OJ publication details of this Regulation]	Regulation (EU) XX/XXXX [OP please insert: OJ publication details of this Regulation]	Regulation (EU) XX/XXXX [OP please insert: OJ publication details of this Regulation] Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 41, first paragraph, first paragraph, amending provision, Table 2, Column 4, Row 1				
627	X	X	X	X Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 41, first paragraph, first paragraph, amending provision, Table 2, Column 5, Row 1				
628	X	X	X	X Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 41, first paragraph, first paragraph, amending provision, Table 2, Column 6, Row 1				
629	X	X	X	X Trilogue 24/10/2023 Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 41, first paragraph, first paragraph, amending provision, Table 2, Column 7, Row 1			
G 630	X	X	X	X Trilogue 24/10/2023 Text Origin: Commission Proposal
	Article 41, first paragraph, first paragraph, amending provision, Table 2, Column 8, Row 1			
G 631	X	X	X	X Trilogue 24/10/2023 Text Origin: Commission Proposal
	Article 41, first paragraph, first paragraph, amending provision, Table 2, Column 9, Row 1			
G 632	X	X	X	X Trilogue 24/10/2023 Text Origin: Commission Proposal
	Article 41, first paragraph, first paragraph, amending provision, Table 2, Column 10, Row 1			
G 633	X	X	X	X Trilogue 24/10/2023 Text Origin: Commission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Proposal
Article 41, first paragraph, first paragraph, amending provision, Table 2, Column 11, Row 1				
634	X	X	X	X Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 41, first paragraph, first paragraph, amending provision, Table 2, Column 12, Row 1				
635	X	X	X	X Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 41, first paragraph, first paragraph, amending provision, Table 2, Column 13, Row 1				
636	X	X	X	X Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 41, first paragraph, first paragraph, amending provision, Table 2, Column 14, Row 1				
637	X	X	X	X Trilogue 24/10/2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 41, first paragraph, first paragraph, amending provision, Table 2, Column 15, Row 1				
638	X	X	X	X Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 41, first paragraph, first paragraph, amending provision, Table 2, Column 16, Row 1				
639	X	X	X	X Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 41, first paragraph, first paragraph, amending provision, Table 2, Column 17, Row 1				
640	X	X	X	X Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 41, first paragraph, first paragraph, amending provision, second paragraph				
641	"	"	"	"

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Trilogue 24/10/2023 Text Origin: Council Mandate
Chapter 10				
642	Chapter 10 Final provisions	Chapter 10 Final provisions	Chapter 10 Final provisions	Chapter 10 Final provisions Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 42				
643	Article 42 Monitoring progress	Article 42 Monitoring progress	Article 42 Monitoring progress	Article 42 Monitoring progress Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 42(-1)				
643a			-1. By [OP please insert 18 months after the date of entry into force of this Regulation], the Commission shall present a report including indicative benchmarks per strategic raw material with a view to meet the benchmarks set in Article 5(0)(a), for 2030.	<u>-1. By [OP please insert: 18 months after the date of entry into force of this Regulation], the Commission shall present a report including indicative projections of the annual consumption of each critical raw material in 2030, 2040 and 2050, including a low, a high and a reference projection, as well as</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>indicative benchmarks per strategic raw material with a view to meet the benchmarks set in Article 4a(a), for 2030.</u> ITM 9 November 2023 ITM 14 November Text Origin: Council Mandate
Article 42(1), first subparagraph				
644	1. The Commission shall, taking into account the advice of the Board, monitor progress towards the objectives set out in Article 1(2) and publish, at least every 3 years, a report detailing the Union's progress towards achieving those objectives.	1. The Commission shall, taking into account the advice of the Board, monitor progress towards the objectives set out in Article 1(2) and publish, at least every 3 years, a report detailing the Union's progress towards achieving those objectives.	1. The Commission shall, taking into account the advice of the Board, monitor progress towards the ~~objectives~~benchmarks set out pursuant to paragraph 0 and set out in Article ~~4(2)~~5(0) and publish, at least every 3 years, a report detailing the Union's progress towards achieving those ~~objectives~~benchmarks.	1. The Commission shall, taking into account the advice of the Board, monitor progress towards the ~~objectives~~benchmarks set out in Article ~~4(2)~~4a(1), as well as the moderation of the expected increase in Union consumption of critical raw materials referred in Article 4a(2) and publish, at least every 3 years, a report detailing the Union's progress towards achieving those ~~objectives~~benchmarks and that moderation. ITM 6 November 2023 ITM 14 November Text Origin: Commission Proposal
Article 42(1), second subparagraph				
645	The first report shall be drawn up by [OP please insert: 4 years after the	The first report shall be drawn up by [OP please insert: 4 years after the	The first report shall be drawn up by [OP please insert: 43 years after the	The first report shall be drawn up by [OP please insert: ~~4~~3 years after the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	date of entry into force of this Regulation].	date of entry into force of this Regulation].	date of entry into force of this Regulation].	date of entry into force of this Regulation]. ITM 6 November 2023 Text Origin: Council Mandate
	Article 42(2)			
y	646 2. The report referred to in paragraph 1 shall include quantitative information on the extent of the Union's progress towards the benchmarks set out in Article 1(2), points (a) and (b).	2. The report referred to in paragraph 1 shall include quantitative information on the extent of the Union's progress towards the benchmarks set out in Article 1(2), points (a) and (b).	2. The report referred to in paragraph 1 shall include quantitative information on the extent of the Union's progress towards the benchmarks set out in Article ~~1(2)~~ 5(0), points (a) and (b).	2. The report referred to in paragraph 1 shall include quantitative information on the extent of the Union's progress towards the benchmarks set out in Article ~~1(2)~~ 4a, points (a) and (b). Text Origin: EP Mandate
	Article 42(2a)			
y	646a	2a. The monitoring tasks provided for in this Article shall not create any obligations for undertakings or other economic operators in the raw materials value chain to submit any information to the Commission, authorities in the Board or any other authority. Any information that is provided by undertakings pursuant to this Article shall be provided on a purely voluntary basis and shall at all times be treated in accordance with Article 44.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 42(2a)				
Y	646b	2b. The Commission shall continuously monitor the implementation of this Regulation in order to prevent any inconsistency of other Union law with and this Regulation. For this purpose, the Commission shall publish, within [OJ please insert: 1 year after the date of entry into force of this Regulation], a report on the consistency of this Regulation with other Union law.	PUBLIC	<u>2b. The Commission shall continuously monitor the implementation of this Regulation in order to prevent any inconsistency of other Union law with and this Regulation. For this purpose, the Commission shall publish, within [OJ please insert: 1 year after the date of entry into force of this Regulation], a report on the consistency of this Regulation with other Union law.</u> Text Origin: EP Mandate
Article 42(2b)				
Y	646c		2a. Where, based on the report referred to in Paragraph 1, the Commission concludes that the Union is likely not to achieve the benchmarks set out in Article 5(0), it shall assess the feasibility and proportionality of proposing measures in order to ensure the achievement of those benchmarks.	<u>2a. Where, based on the report referred to in Paragraph 1, the Commission concludes that the Union is likely not to achieve the benchmarks set out in Article 4a, it shall assess the feasibility and proportionality of proposing measures in order to ensure the achievement of those benchmarks.</u> ITM 11 October Trilogue 24/10/2023 Text Origin: Council Mandate
Article 43				
G	647			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 43 Reporting of Member States	Article 43 Reporting of Member States	Article 43 Reporting of Member States	Article 43 Reporting of Member States Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 43(1)				
648	1. Member States shall each year send a report to the Commission containing the information referred to in Article 18(4), Article 20(1) and (2), Article 21(1), Article 22(5) and Article 25(6). The first report shall be sent [OP please insert: one year after the date of entry into force of this Regulation].	1. Member States shall each year send a report to the Commission containing the information referred to in Article 18(4), Article 20(1) and (2), Article 21(1), Article 22(5) and Article 25(6). The first report shall be sent [OP please insert: one year after the date of entry into force of this Regulation].	1. Member States shall each year send a report to the Commission containing the information referred to in Article 18(4), Article 20(1) and (2), Article 21(1), Article 22(5) and Article 25(6). The first report shall be sent [OP please insert: ~~one~~ year two years after the date of entry into force of this Regulation].	
Article 43(2)				
649	2. The Commission is empowered to adopt implementing acts setting out a template for the reports 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).	2. The Commission is empowered to adopt implementing acts setting out a template for the reports 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).	2. The Commission is empowered to adopt implementing acts setting out a template for the reports 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).	2. The Commission is empowered to adopt implementing acts setting out a template for the reports 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). Trilogue 24/10/2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 43(3)				
G	650	3. The information contained in the reports referred to in paragraph 1 shall be treated in accordance with Article 44.	3. The information contained in the reports referred to in paragraph 1 shall be treated in accordance with Article 44.	3. The information contained in the reports referred to in paragraph 1 shall be treated in accordance with Article 44. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 43(3a)				
Y	650a	3a. The reporting provided for in this Article shall not create any obligations for undertakings or other economic operators in the raw materials value chain to submit any information to the Commission, authorities in the Board or any other authority. Any information that is provided by undertakings pursuant to this Article shall be provided on a purely voluntary basis and shall at all times be treated in accordance with Article 44.		
Article 44				
G	651	Article 44	Article 44	Article 44

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Treatment of confidential information	Treatment of confidential information	Treatment of confidential information	Treatment of confidential information Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 44(1)				
652	1. Information acquired in the course of implementing this Regulation shall be used only for the purposes of this Regulation and shall be protected by the relevant Union and national legislation.	1. Information acquired in the course of implementing this Regulation shall be used only for the purposes of this Regulation and shall be protected by the relevant Union and national legislation.	1. Information acquired in the course of implementing this Regulation shall be used only for the purposes of this Regulation and shall be protected by the relevant Union and national legislation.	1. Information acquired in the course of implementing this Regulation shall be used only for the purposes of this Regulation and shall be protected by the relevant Union and national legislation. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 44(2)				
653	2. Member States and the Commission shall ensure the protection of trade and business secrets and other sensitive, confidential and classified information acquired and generated in application of this Regulation, including recommendations and measures to be taken, in accordance with Union and the respective national law.	2. Member States and the Commission shall ensure the protection of trade and business secrets and other sensitive, confidential and classified information acquired and generated in application of this Regulation, including recommendations and measures to be taken, in accordance with Union and the respective national law.	2. Member States and the Commission shall ensure the protection of trade and business secrets and other sensitive, confidential and classified information acquired and generated in application of this Regulation, including recommendations and measures to be taken, in accordance with Union and the respective national law.	2. Member States and the Commission shall ensure the protection of trade and business secrets and other sensitive, confidential and classified information acquired and generated in application of this Regulation, including recommendations and measures to be taken, in accordance with Union and the respective national law.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 44(3)				
y	654 3. Member States and the Commission shall ensure that classified information provided or exchanged under this Regulation is not downgraded or declassified without the prior written consent of the originator.	3. Member States and the Commission shall ensure that classified information provided or exchanged under this Regulation is not downgraded or declassified without the prior written consent of the originator.	3. Member States and the Commission shall ensure that classified information provided or exchanged under this Regulation is not downgraded or declassified without the prior written consent of the originator in accordance with relevant national or Union law.	
Article 44(4)				
g	655 4. If a Member State assesses that the presentation of aggregated information in the context of Article 21 may nonetheless compromise its national security interest, it may object to the Commission's presentation through a justified notice.	4. If a Member State assesses that the presentation of aggregated information in the context of Article 21 may nonetheless compromise its national security interest, it may object to the Commission's presentation through a justified notice.	4. If a Member State assesses that the presentation of aggregated information in the context of Article 21 may nonetheless compromise its national security interest, it may object to the Commission's presentation through a justified notice.	4. If a Member State assesses that the presentation of aggregated information in the context of Article 21 may nonetheless compromise its national security interest, it may object to the Commission's presentation through a justified notice. Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 44(5)				
y	656 5. The Commission and the national	5. The Commission and the national	5. The Commission and the national	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	authorities, their officials, employees and other persons working under the supervision of these authorities shall ensure the confidentiality of information obtained in carrying out their tasks and activities. This obligation also applies to all representatives of Member States, observers, experts and other participants attending meetings of the Board pursuant to Article 35.	authorities, their officials, employees and other persons working under the supervision of these authorities shall ensure the confidentiality of information obtained in carrying out their tasks and activities. This obligation also applies to all representatives of Member States, observers, experts and other participants attending meetings of the Board pursuant to Article 35.	authorities, their officials, employees and other persons working under the supervision of these authorities shall ensure the confidentiality of information obtained in carrying out their tasks and activities in accordance with relevant national or Union law . This obligation also applies to all representatives of Member States, observers, experts and other participants attending meetings of the Board pursuant to Article 35.	
Article 44(5a)				
G 656a			5a. The Commission shall provide for standardised and secure means for the collection, processing and storage of the information acquired pursuant to this Regulation.	<u>5a. The Commission shall provide for standardised and secure means for the collection, processing and storage of the information acquired pursuant to this Regulation.</u> ITM 7 November 2023 Text Origin: Council Mandate
Article 44(5b)				
G 656b			5b. Any obligations on sharing information pursuant to this Regulation shall not apply to data that concerns national security or defence.	<u>5b. Any obligations on sharing information pursuant to this Regulation shall not apply to data that concerns the essential interests of the Member States' security or defence.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				ITM 14 November Text Origin: Council Mandate
Article 45				
657	Article 45 Penalties	Article 45 Penalties	Article 45 Penalties	Article 45 Penalties Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 45, first paragraph				
658	By 12 months after entry into force of the Regulation, Member States shall lay down rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.	By 12 months after entry into force of the Regulation, Member States shall lay down rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.	~~By 12~~No later than 18 months after entry into force of the Regulation, Member States shall lay down rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.	~~By 12~~No later than 18 months after entry into force of the Regulation, Member States shall lay down rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them. ITM 7 November 2023 Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 46				
G 659	Article 46 Evaluation	Article 46 Evaluation	Article 46 Evaluation	Article 46 Evaluation Trilogue 24/10/2023 Text Origin: Commission Proposal
Article 46(1)				
Y 660	1. By [OP please insert: 5 years after the date of entry into force of this Regulation], the Commission shall carry out an evaluation of this Regulation in light of the objectives that it pursues and shall present a report thereon to the European Parliament, to the Council and to the European Economic and Social Committee.	1. By [OP please insert: 5 years after the date of entry into force of this Regulation], the Commission shall carry out an evaluation of this Regulation in light of the objectives that it pursues and shall present a report thereon to the European Parliament, to the Council and to the European Economic and Social Committee.	1. By [OP please insert: 54 years after the date of entry into force of this Regulation], the Commission shall carry out an evaluation of this Regulation in light of the objectives that it pursues and shall present a report thereon, to the European Parliament, to the Council and to the European Economic and Social Committee.	
Article 46(1a)(2)				
G 661	2. The report referred to in paragraph shall at least assess the appropriateness of establishing maximum environmental footprint thresholds for critical raw materials for which calculation and verification rules have been adopted.	2. The report referred to in paragraph shall at least assess the appropriateness of establishing maximum environmental footprint thresholds for critical raw materials for which calculation and verification rules have been adopted as well as the need to further strengthen the critical raw materials supply chains after 2030.	2. The report referred to in paragraph 1 shall at least assess:- - the appropriateness of establishing maximum environmental footprint thresholds for critical raw materials for which calculation and verification rules have been adopted-;	2. The report referred to in paragraph <u>1</u> shall at least assess:- <u>- the appropriateness of establishing maximum environmental footprint thresholds for critical raw materials for which calculation and verification rules have been adopted- as well as the need to further strengthen the critical raw materials supply chains</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>after 2030;</u> ITM 11 October Text Origin: Council Mandate
	Article 46(1a), second subparagraph			
Y	661a		- the appropriateness of establishing benchmarks targeting 2040 and 2050 on aggregated level and per strategic raw material;	
	Article 46(1a), (2) a			
G	661b		- the consistency between the Union environmental legislation and this regulation, in particular in relation to the priority status of the strategic projects;	- <u>the consistency between the Union environmental legislation and this regulation, in particular in relation to the priority status of the strategic projects;</u> ITM 7 November 2023 Text Origin: Council Mandate
	Article 46(1b)			
G	661c		- the impact of the Joint purchasing system set up pursuant to Article 24 on competition in the internal market.	- <u>the impact of the Joint purchasing system set up pursuant to Article 24 on competition in the internal market;</u> ITM 7 November 2023 Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 46(1c)			
Y	661d			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	that of its publication in the Official Journal of the European Union.	that of its publication in the Official Journal of the European Union.	that of its publication in the Official Journal of the European Union.	that of its publication in the Official Journal of the European Union. ITM 7 November 2023 Text Origin: Commission Proposal
Article 47, first paragraph a				
663a				<u>2. Articles 40 and 41 shall apply from.. [5years after the entry into force]</u> ITM 7 November 2023
Article 47, second paragraph				
664	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States. Trilogue 24/10/2023 Text Origin: Commission Proposal
Formula				
665	Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels, Trilogue 24/10/2023 Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
666	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament Trilogue 24/10/2023 Text Origin: Commission Proposal
Formula				
667	The President	The President	The President	The President Trilogue 24/10/2023 Text Origin: Commission Proposal
Formula				
668	For the Council	For the Council	For the Council	For the Council Trilogue 24/10/2023 Text Origin: Commission Proposal
Formula				
669	The President	The President	The President	The President Trilogue 24/10/2023 Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex I				
670	Annex I	Annex I	Annex I	Annex I Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex I, first paragraph				
671	Strategic raw materials	Strategic raw materials	Strategic raw materials	Strategic raw materials Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex I, Section 1				
672	Section 1 List of strategic raw materials	Section 1 List of strategic raw materials	Section 1 List of strategic raw materials	Section 1 List of strategic raw materials Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex I, second paragraph				
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:	The following raw materials shall be considered strategic: Trilogue 24/10/2023 Text Origin: Commission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Proposal
Annex I, second paragraph a				
G 673a		(-a) Aluminium	(-a) Bauxite/Alumina/Aluminium	<u>(-a) Bauxite/Alumina/Aluminium</u> ITM 9 November 2023 Text Origin: Council Mandate
Annex I, second paragraph, point (a)				
G 674	(a) Bismuth	(a) Bismuth	(a) Bismuth	(a) Bismuth Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex I, second paragraph, point (b)				
Y 675	(b) Boron - metallurgy grade	(b) Boron - metallurgy grade	(b) Boron—metallurgy grade	
Annex I, second paragraph, point (c)				
G 676	(c) Cobalt	(c) Cobalt	(c) Cobalt	(c) Cobalt Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex I, second paragraph, point (d)				
G 677				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(d) Copper	(d) Copper	(d) Copper	(d) Copper Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex I, second paragraph, point (e)				
678	(e) Gallium	(e) Gallium	(e) Gallium	(e) Gallium Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex I, second paragraph, point (f)				
679	(f) Germanium	(f) Germanium	(f) Germanium	(f) Germanium Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex I, second paragraph, point (g)				
680	(g) Lithium - battery grade	(g) Lithium - battery grade	(g) Lithium—battery grade	
Annex I, second paragraph, point (h)				
681	(h) Magnesium metal	(h) Magnesium metal	(h) Magnesium metal	(h) Magnesium metal Trilogue 24/10/2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
	Annex I, second paragraph, point (i)			
Y	682	(i) Manganese - battery grade	(i) Manganese - battery grade	(i) Manganese—battery grade
	Annex I, second paragraph, point (j)			
Y	683	(j) Natural Graphite - battery grade	(j) Natural Graphite - battery grade	(j) Natural Graphite—battery grade
	Annex I, second paragraph, point (k)			
Y	684	(k) Nickel - battery grade	(k) Nickel - battery grade	(k) Nickel—battery grade
	Annex I, second paragraph, point (l)			
G	685	(l) Platinum Group Metals	(l) Platinum Group Metals	(l) Platinum Group Metals Trilogue 24/10/2023 Text Origin: Commission Proposal
	Annex I, second paragraph, point (m)			
Y	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)
	Annex I, second paragraph, point (n)			
G	687			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(n) Silicon metal	(n) Silicon metal	(n) Silicon metal	(n) Silicon metal Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex I, second paragraph, point (o)				
688	(o) Titanium metal	(o) Titanium metal	(o) Titanium metal	(o) Titanium metal Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex I, second paragraph, point (p)				
689	(p) Tungsten	(p) Tungsten	(p) Tungsten	(p) Tungsten Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex I, Section 2				
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	Section 2 Methodology to select strategic raw materials Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex I, point 1.				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
691	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:	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~~ <u>according to the following criteria:</u> Trilogue 24/10/2023 ITM 10 October 2023 Text Origin: Council Mandate
Annex I, point 1.(a)				
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;	(a) the amount of strategic technologies using a raw material as an input; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex I, point 1.(b)				
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;	(b) the amount of a raw material needed for manufacturing relevant strategic technologies; Trilogue 24/10/2023 Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex I, point 1.(c)				
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.	(c) the expected global demand for relevant strategic technologies. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex I, point 2., first subparagraph				
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:	2. The forecasted demand growth ($D_{F/C}$) shall be calculated as follows: Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
Annex I, point 2., second subparagraph				
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	~~The element is not present in the annex, as it is not supported. Please consult the original document~~ $D_{F/C,\tau} = \frac{DF_{\tau}}{GS_{\tau_0}}$ Trilogue 24/10/2023 ITM 14 November

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex I, point 2., third subparagraph				
697	where:	where:	where:	where: Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex I, third paragraph				
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;	~~D_F is a~~ <u>DF_τ is the global annual</u> demand forecast for a raw material ~~for a reference year~~ <u>in year τ</u> ; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex I, fourth paragraph				
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.	GS _{τ₀} is the global annual production of a raw material for a reference period, <u>τ₀</u> . Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
Annex I, point 3.				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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:	3. The difficulty of increasing production shall be determined taking into account at least: Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex I, point 3.(a)				
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:	(a) the current <u>global annual</u> production scale ~~(PS)~~ of a raw material ~~for a reference period, calculated as follows:~~ Trilogue 24/10/2023 ITM 14 November Text Origin: EP Mandate
Annex I, point 3.(b), first subparagraph				
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	<i>deleted</i> Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
Annex I, point 3.(b), second subparagraph				
703	where:	where:	where:	<i>deleted</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
Annex I, fifth paragraph				
704	log ₁₀ is a common logarithm;	log ₁₀ is a common logarithm;	log ₁₀ is a common logarithm;	deleted Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
Annex I, sixth paragraph				
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;	deleted Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
Annex I, sixth paragraph, point (a)				
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:	(b) the reserves-production ratio ~~R/P~~ of a raw material, ~~calculated as follows:~~ <u>based on known reserves of economically extractable geological resources and current global annual production;</u> Trilogue 24/10/2023 ITM 14 November

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Annex I, ninth paragraph				
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	<i>deleted</i> ITM 14 November Text Origin: Commission Proposal
Annex I, tenth paragraph				
708	where:	where:	where:	<i>deleted</i> Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
Annex I, eleventh paragraph				
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;	<i>deleted</i> Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
Annex I, twelfth paragraph				
710				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	<i>deleted</i> Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
Annex I, twelfth paragraph, point (a)				
710a				<u>(c) lead-times for new projects increasing supply capacity, when reliable information is available.</u> ITM 14 November
Annex II				
711	Annex II	Annex II	Annex II	Annex II Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, first paragraph				
712	Critical raw materials	Critical raw materials	Critical raw materials	Critical raw materials Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, Section 1				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
713	Section 1 List of critical raw materials	Section 1 List of critical raw materials	Section 1 List of critical raw materials	Section 1 List of critical raw materials Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, second paragraph				
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:	The following raw materials shall be considered critical: Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, second paragraph, point (a)				
715	(a) Antimony	(a) Antimony	(a) Antimony	(a) Antimony Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, second paragraph, point (b)				
716	(b) Arsenic	(b) Arsenic	(b) Arsenic	(b) Arsenic Trilogue 24/10/2023 Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Annex II, second paragraph, point (c)			
717	(c) Bauxite	(c) Bauxite	(c) Bauxite/Alumina/Aluminium	(c) ~~Bauxite~~ <u>Bauxite/Alumina/Aluminium</u> ITM 9 November 2023 Text Origin: Council Mandate
	Annex II, second paragraph, point (d)			
718	(d) Baryte	(d) Baryte	(d) Baryte	(d) Baryte Trilogue 24/10/2023 Text Origin: Commission Proposal
	Annex II, second paragraph, point (e)			
719	(e) Beryllium	(e) Beryllium	(e) Beryllium	(e) Beryllium Trilogue 24/10/2023 Text Origin: Commission Proposal
	Annex II, second paragraph, point (f)			
720	(f) Bismuth	(f) Bismuth	(f) Bismuth	(f) Bismuth Trilogue 24/10/2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex II, second paragraph, point (g)				
721	(g) Boron	(g) Boron	(g) Boron	(g) Boron Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, second paragraph, point (h)				
722	(h) Cobalt	(h) Cobalt	(h) Cobalt	(h) Cobalt Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, second paragraph, point (i)				
723	(i) Coking Coal	(i) Coking Coal	(i) Coking Coal	(i) Coking Coal Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, second paragraph, point (j)				
724	(j) Copper	(j) Copper	(j) Copper	(j) Copper Trilogue 24/10/2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex II, second paragraph, point (k)				
725	(k) Feldspar	(k) Feldspar	(k) Feldspar	(k) Feldspar Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, second paragraph, point (l)				
726	(l) Fluorspar	(l) Fluorspar	(l) Fluorspar	(l) Fluorspar Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, second paragraph, point (m)				
727	(m) Gallium	(m) Gallium	(m) Gallium	(m) Gallium Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, second paragraph, point (n)				
728	(n) Germanium	(n) Germanium	(n) Germanium	(n) Germanium

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, second paragraph, point (o)				
729	(o) Hafnium	(o) Hafnium	(o) Hafnium	Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, second paragraph, point (p)				
730	(p) Helium	(p) Helium	(p) Helium	Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, second paragraph, point (q)				
731	(q) Heavy Rare Earth Elements	(q) Heavy Rare Earth Elements	(q) Heavy Rare Earth Elements	Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, second paragraph, point (r)				
732	(r) Light Rare Earth Elements	(r) Light Rare Earth Elements	(r) Light Rare Earth Elements	(r) Light Rare Earth Elements

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, second paragraph, point (s)				
733	(s) Lithium	(s) Lithium	(s) Lithium	Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, second paragraph, point (t)				
734	(t) Magnesium	(t) Magnesium	(t) Magnesium	Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, second paragraph, point (u)				
735	(u) Manganese	(u) Manganese	(u) Manganese	Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, second paragraph, point (v)				
736				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(v) Natural Graphite	(v) Natural Graphite	(v) Natural Graphite	(v) Natural Graphite Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, second paragraph, point (w)				
737	(w) Nickel – battery grade	(w) Nickel – battery grade	(w) Nickel – battery grade	
Annex II, second paragraph, point (x)				
738	(x) Niobium	(x) Niobium	(x) Niobium	(x) Niobium Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, second paragraph, point (y)				
739	(y) Phosphate rock	(y) Phosphate rock	(y) Phosphate rock	(y) Phosphate rock Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, second paragraph, point (z)				
740	(z) Phosphorus	(z) Phosphorus	(z) Phosphorus	(z) Phosphorus Trilogue 24/10/2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex II, second paragraph, point (aa)				
741	(aa) Platinum Group Metals	(aa) Platinum Group Metals	(aa) Platinum Group Metals	(aa) Platinum Group Metals Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, second paragraph, point (bb)				
742	(bb) Scandium	(bb) Scandium	(bb) Scandium	(bb) Scandium Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, second paragraph, point (cc)				
743	(cc) Silicon metal	(cc) Silicon metal	(cc) Silicon metal	(cc) Silicon metal Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, second paragraph, point (dd)				
744	(dd) Strontium	(dd) Strontium	(dd) Strontium	(dd) Strontium Trilogue 24/10/2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex II, second paragraph, point (ee)				
745	(ee) Tantalum	(ee) Tantalum	(ee) Tantalum	(ee) Tantalum Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, second paragraph, point (ff)				
746	(ff) Titanium metal	(ff) Titanium metal	(ff) Titanium metal	(ff) Titanium metal Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, second paragraph, point (gg)				
747	(gg) Tungsten	(gg) Tungsten	(gg) Tungsten	(gg) Tungsten Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, second paragraph, point (hh)				
748	(hh) Vanadium	(hh) Vanadium	(hh) Vanadium	(hh) Vanadium

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, Section 2				
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	Section 2 Calculation of economic importance and supply risk Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, point 1., first subparagraph				
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:	1. The economic importance (EI) of <i>the assessed</i>-a raw material is calculated as follows: Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
Annex II, point 1., second subparagraph				
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	<i>The element is not present in the annex, as it is not supported. Please consult the original document</i> $EI = \sum_s (A_s * Q_s) * SI_{EI}$

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				ITM 14 November
	Annex II, point 1., third subparagraph			
G 752	where:	where:	where:	where: Trilogue 24/10/2023 Text Origin: Commission Proposal
	Annex II, second paragraph a			
G 752a				<u>s denotes the NACE (2-digit level) sectors of the economy;</u> ITM 14 November
	Annex II, third paragraph			
G 753	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;	A _s is the share of end use of the <u>assessed</u> raw material in a NACE (2-digit level) sector <u>(using EU values when available, global shares otherwise);</u> Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
	Annex II, fourth paragraph			
G 754				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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);	Q _s is the value added of the relevant sector at the NACE (2-digit level). <u>as a share of the total economy</u> ; Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
Annex II, fifth paragraph				
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.	SI _{EI} is the substitution index related to economic importance. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, point 2., first subparagraph				
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:	2. The substitution index of <u>the assessed</u> raw material related to economic importance (SI _{EI}) is calculated, <u>based on its most relevant industrial applications</u> , as follows: Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
Annex II, point 2., second subparagraph				
757				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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	<i>The element is not present in the annex, as it is not supported. Please consult the original document</i> $SI_{it} = \sum_l \sum_a SPP_{l,a,rit} * Sub\_share_{l,a} * Share_a$ ITM 14 November Text Origin: Commission Proposal
Annex II, point 2., third subparagraph				
758	where:	where:	where:	Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, sixth paragraph				
759	i denotes an individual substitute material;	i denotes an individual substitute material;	i denotes an individual substitute material;	Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, seventh paragraph				
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;	a denotes an individual application of the raw material;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, eighth paragraph				
761	SCP is the substitute cost performance parameter;	SCP is the substitute cost performance parameter;	SCP is the substitute cost performance parameter;	~~SCP~~ <u>SPP_{i,a;EI}</u> is the <u>Economic Importance performance parameter of each</u> substitute <u>material, i, compared to the assessed raw material, based on technical performance, including functionality, and</u> cost performance, <u>for each application, a</u> ~~parameter~~ ; Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
Annex II, ninth paragraph				
762	Share is the share of the raw materials in an end-use application;	Share is the share of the raw materials in an end-use application;	Share is the share of the raw materials in an end-use application;	Share _a is the share of the raw materials in an end-use application; Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
Annex II, tenth paragraph				
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	Sub-share is the sub-share of each substitute within each application.	~~Sub-share~~ <u>Sub- share_{i,a}</u> is the sub-share of each substitute within each

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		application.		application. Trilogue 24/10/2023 ITM 14 November Text Origin: EP Mandate
Annex II, point 3., first subparagraph				
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:	3. The supply risk (SR) of ~~the~~ <u>assessed</u> raw material is calculated as follows. Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
Annex II, point 3., second subparagraph				
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	<i>The element is not present in the annex, as it is not supported. Please consult the original document</i> $SR = \left[(HFF_{PALL})_{AB} \cdot \frac{dH}{2} + (HFF_{PALL})_{CF, EXCITQ} \cdot \left(1 - \frac{dH}{2} \right) \right] \cdot (1 - EFF_{dAB}) \cdot SR_{AB}$ ITM 14 November
Annex II, point 3., third subparagraph				
766	where:	where:	where:	where: Trilogue 24/10/2023 Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Annex II, eleventh paragraph			
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;	<u>GS denotes</u> ~~GS is~~ the global annual production of <u>the assessed</u> raw material ~~for a reference period~~; Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
	Annex II, twelfth paragraph			
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;	~~EU sourcing is~~ <u>EU sourcing denotes</u> the actual sourcing of the supply to the EU, i.e. EU domestic production plus ~~other countries importing to the EU~~ <u>EU imports from extra-EU countries</u>; ITM 14 November
	Annex II, thirteenth paragraph			
769	HHI is the Herfindahl-Hirschman Index (used as a proxy for country concentration);	HHI is the Herfindahl-Hirschman Index (used as a proxy for country concentration);	HHI is the Herfindahl-Hirschman Index (used as a proxy for country concentration);	HHI is the Herfindahl-Hirschman Index (used as a proxy for ~~country concentration~~ <u>concentration of supply across countries</u>); Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex II, fourteenth paragraph				
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);	WGI is <u>an index based on</u> the scaled World <u>Bank Worldwide</u> Governance ~~Index~~ <u>Indicators</u> (used as a proxy for country governance); Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
Annex II, fifteenth paragraph				
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.	t _c 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, <u>c</u> . Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
Annex II, sixteenth paragraph				
772	IR is import reliance;	IR is import reliance;	IR is import reliance;	<i>deleted</i> Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex II, seventeenth paragraph				
773	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 material (primary and secondary);	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 material (primary and secondary);	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 material (primary and secondary);	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 material (primary and secondary); Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, eighteenth paragraph				
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.	SI _{SR} is the substitution index related to supply risk. Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
Annex II, eighteenth paragraph a				
774a				<u>IR is import reliance.</u> ITM 14 November
Annex II, point 4., first subparagraph				
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:	4. The import reliance, <u>IR</u> , of raw materials is calculated as follows: Trilogue 24/10/2023 ITM 14 November

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex II, point 4., second subparagraph				
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	<i>The element is not present in the annex, as it is not supported. Please consult the original document</i> $IR = \max \left\{ 0, \frac{\text{Import} - \text{Export}}{\text{Domestic Production} + \text{Import} - \text{Export}} \right\}$ ITM 14 November
Annex II, point 4a., first subparagraph				
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:	5. The Herfindahl-Hirschman Index (HHI_{WGI}) of <u>the assessed</u> a raw material is calculated as follows: Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
Annex II, point 4a., second subparagraph				
778	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	<i>The element is not present in the annex, as it is not supported. Please consult the original document</i> $HHI_{WGI,t_c} = \sum_c (S_c)^2 * WGI_c * t_c$

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				ITM 14 November
	Annex II, point 4a., third subparagraph			
G 779	where:	where:	where:	where: Trilogue 24/10/2023 Text Origin: Commission Proposal
	Annex II, nineteenth paragraph			
G 779a				<u>c denotes the countries supplying the assessed raw material;</u> ITM 14 November
	Annex II, nineteenth paragraph			
G 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;	S _c is the share of country c in the ~~global~~ supply (~~or EU sourcing~~ <u>GS or EU sourcing</u>) of the <u>assessed</u> raw material; Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
	Annex II, twentieth paragraph			
G 781	WGI _c is the scaled World	WGI _c is the scaled World	WGI _c is the scaled World	WGI _c is <u>an index based on</u> the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Governance Index of country c;	Governance Index of country c;	Governance Index of country c;	scaled World Bank Worldwide Governance ~~Index~~ Indicators of country c; Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
Annex II, twenty-first paragraph				
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 trade agreement in force), physical export quotas or export prohibitions imposed by a country.	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 force), physical export quotas or export prohibitions imposed by a country.	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 force), physical export quotas or export prohibitions imposed by a country.	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 force), physical export quotas or export prohibitions imposed by a country, c . Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
Annex II, point 6., first subparagraph				
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:	6. The substitution index of ~~a~~ the assessed raw material related to supply risk (SI _{SR}) is calculated as follows: Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex II, point 6., second subparagraph				
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	<i>The element is not present in the annex, as it is not supported. Please consult the original document</i> $SI_{SR} = \sum_i \sum_a SPP_{i;SR} + Sub\_share_{i,a} + Share_a$ ITM 14 November
Annex II, point 6., third subparagraph				
785	where:	where:	where:	where: Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, twenty-second paragraph				
786	i denotes an individual substitute material;	i denotes an individual substitute material;	i denotes an individual substitute material;	i denotes an individual substitute material; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, twenty-third paragraph				
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;	a denotes an individual application of the candidate material;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, twenty-fourth paragraph				
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;	deleted Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, twenty-fifth paragraph				
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;	deleted Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, twenty-sixth paragraph				
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;	deleted Trilogue 24/10/2023 Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex II, twenty-sixth paragraph a				
790a				<u><i>SPP_{i,SR} is the Supply Risk performance parameter of each substitute material, i, based on its global production, criticality and economic significance (primary product, co-product, by-product)</i></u> ITM 14 November
Annex II, twenty-seventh paragraph				
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;	Share_a is the share of the candidate materials in an end-use application; Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
Annex II, twenty-eighth paragraph				
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.	~~Sub-share~~ <u>Sub share_{i,a}</u> is the sub-share of each substitute within each application. Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
Annex II, point 7., first subparagraph				
793	7. Where structural or statistical	7. Where structural or statistical	7. Where structural or statistical	7. Where structural or statistical

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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.	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.	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. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex II, point 7., second subparagraph				
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.	<u>The calculations of the formulas in this section</u> 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. Trilogue 24/10/2023 ITM 14 November Text Origin: Commission Proposal
Annex III				
795	Annex III	Annex III	Annex III	Annex III Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex III, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	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 Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex III, point 1., first subparagraph				
G	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: Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex III, point 1., first subparagraph, point (a)				
Y	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);	
Annex III, point 1., first subparagraph, point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	799	(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;	(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; Trilogue 24/10/2023 ITM 10 October 2023 Text Origin: Commission Proposal
	Annex III, point 1., first subparagraph, point (ba)			
Y	799a	(ba) whether the project does not present an obstacle to the achievement of the Union's 2030 and 2050 climate objectives.		
	Annex III, point 1., first subparagraph, point (ba)			
R	799b			<u>(ba) whether the project contributes to strengthening Union capacity to produce innovative raw materials able to substitute any strategic raw material in one or more strategic technologies, while taking measures to achieve an equal or lower environmental footprint. Research and innovation projects shall not be considered to contribute to strengthening Union</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>capacity to produce innovative raw materials.</u> Linked to 168-168b ITM 30/10/2023
Annex III, point 1., second subparagraph				
800	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.	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. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex III, point 2., first subparagraph				
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:	2. Whether a project in a third country, <u>or OCTs</u> , fulfils the criterion referred to in Article 5(1), point (a) shall be assessed taking into account: ITM 10 October 2023 ITM 24 October 2023 Text Origin: Council Mandate
Annex III, point 2., first subparagraph, point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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;	(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; Trilogue 24/10/2023 ITM 10 October 2023 Text Origin: Commission Proposal
Annex III, point 2., first subparagraph, point (b)				
803	(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;	(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;	(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;	(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, <u>or OCTs</u> , and is consistent with the Union's common commercial policy; ITM 24 October 2023 Text Origin: Council Mandate
Annex III, point 2., first subparagraph, point (c)				
804				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(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;	(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; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex III, point 2., first subparagraph, point (d)				
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.	(d) whether the project is in line with the Union's development cooperation and foreign policy objectives. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex III, point 2., second subparagraph				
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 as the share of the project's output that is covered by existing or	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 output that is covered by existing or	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 output that is covered by existing or	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 output that is covered by existing or

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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.	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.	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. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex III, point 3., first subparagraph				
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:	3. Whether a project fulfils the criterion referred to in Article 5(1), point (b), shall be assessed taking into account: Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex III, point 3., first subparagraph, point (a)				
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;	(a) the quality of the feasibility studies performed on the potential of development of the project; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex III, point 3., first subparagraph, point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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.	(b) whether the technology intended to be used has been demonstrated in the relevant environment. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex III, point 3., second subparagraph				
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:	The feasibility studies referred to in point (a) shall be designed to: Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex III, point 3., second subparagraph, point (a)				
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;	(a) assess whether or not a proposed project is likely to be successful by analysing technological and environmental considerations; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex III, point 3., second subparagraph, point (b)				
812	(b) identify potential technical issues and problems that could arise	(b) identify potential technical issues and problems that could arise	(b) identify potential technical issues and problems that could arise	(b) identify potential technical issues and problems that could arise

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	while pursuing the project.	while pursuing the project.	while pursuing the project.	while pursuing the project. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex III, point 3., third subparagraph				
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.	Further studies may be required to confirm the feasibility of the project. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex III, point 4., first subparagraph				
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 instruments:	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 international instruments may include in particular:	
Annex III, point 4., first subparagraph, point (a)				
815	(a) [OP please insert: reference to the Corporate Sustainability Due Diligence Directive], in so far as it applies to the project promoter;	(a) [OP please insert: reference to the Corporate Sustainability Due Diligence Directive], in so far as it applies to the project promoter;	(a) ~~[OP please insert: reference to the Corporate Sustainability Due Diligence Directive], in so far as it applies to the project promoter;~~	<i>deleted</i> ITM 7 November 2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<i>Annex III, point 4., first subparagraph, point (b)</i>			
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;~~	<i>deleted</i> ITM 7 November 2023
	<i>Annex III, point 4., first subparagraph, point (c)</i>			
817	(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;	(c) ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy; Trilogue 24/10/2023 Text Origin: Commission Proposal
	<i>Annex III, point 4., first subparagraph, point (d)</i>			
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;	(d) OECD Due Diligence Guidance for Responsible Business Conduct, in particular the guidelines related to combatting corruption; Trilogue 24/10/2023 Text Origin: Commission Proposal
	<i>Annex III, point 4., first subparagraph, point (e)</i>			
819	(e) OECD Due Diligence Guidance	(e) OECD Due Diligence Guidance	(e) OECD Due Diligence Guidance	(e) OECD Due Diligence Guidance

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	for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas;	for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas;	for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas;	for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex III, point 4., first subparagraph, point (f)				
Y	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;	(f) OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex III, point 4., first subparagraph, point (g)				
G	821 (g) OECD Principles of Corporate Governance;	(g) OECD Principles of Corporate Governance;	(g) OECD Principles of Corporate Governance;	(g) OECD Principles of Corporate Governance; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex III, point 4., first subparagraph, point (h)				
G	822 (h) OECD Guidelines for Multinational Enterprises;	(h) OECD Guidelines for Multinational Enterprises;	(h) OECD Guidelines for Multinational Enterprises on Responsible Business Conduct ;	(h) OECD Guidelines for Multinational Enterprises <u>on Responsible Business Conduct</u> ;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Trilogue 24/10/2023 ITM 10 October 2023 Text Origin: Council Mandate
Annex III, point 4., first subparagraph, point (i)				
G	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. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex III, point 4., first subparagraph, point (ia)				
Y	823a	(ia) the principles of Free, 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;		(ia) <u>OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector, including where referring to the principles set out in the United Nations Declaration on the Rights of Indigenous Peoples;</u>
Annex III, point 4., first subparagraph, point (ib)				
G	823b			(ib) <u>IFC Performance Standard 5 on Land Acquisition and Involuntary Resettlement;</u> ITM 9 November 2023
Annex III, point 4., second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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:	Project promoters may also attest compliance with the criterion referred to in Article 5(1), point (c) by: Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex III, point 4., second subparagraph, point (a)				
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	(a) <u>(a)</u> providing evidence that the project concerned is individually certified ~~as part of a~~ <u>by one or more schemes</u> recognised ~~scheme referred to in Article 29~~ <u>according to Article 29(2) that jointly cover all requirements listed in Annex IV point (b)</u> ; or Trilogue 24/10/2023 ITM 9 November 2023 Text Origin: Commission Proposal
Annex III, point 4., second subparagraph, point (b)				
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	(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	(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	(b) committing to obtain certification for the project concerned as part of ~~a recognised scheme referred to in Article 29~~ <u>by one or more schemes recognised according to Article 29(2) that</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	concerned will be able to meet the criteria for such certification.	concerned will be able to meet the criteria for such certification.	concerned will be able to meet the criteria for such certification.	<u>jointly cover all requirements listed in Annex IV point (b)</u>, and providing sufficient evidence that when implemented the project concerned will be able to meet the criteria for such certification. Trilogue 24/10/2023 ITM 9 November 2023 Text Origin: Commission Proposal
	Annex III, point 4., second subparagraph, point (ba)			
Y	826a	(ba) for projects in the Union, committing that when implemented, the project concerned will comply with relevant Union law.		
	Annex III, point 5.			
G	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: Trilogue 24/10/2023 Text Origin: Commission Proposal
	Annex III, point 5.(a)			
G	828			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(a) whether companies from different Member States participate in the project;	(a) whether companies from different Member States participate in the project;	(a) whether companies from different Member States participate in the project;	(a) whether companies from different Member States participate in the project; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex III, point 5.(b)				
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;	(b) whether potential off-takers are located also in more than one Member State; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex III, point 5.(c)				
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.	(c) effects on the availability of strategic raw materials for downstream users in more than one Member State. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex III, point 6.				
831	6. Whether a project in a third country fulfils the criterion referred	6. Whether a project in a third country fulfils the criterion referred	6. Whether a project in a third country fulfils the criterion referred	6. Whether a project in a third country fulfils the criterion referred

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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:	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:	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:	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: Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex III, point 6.(a)				
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;	(a) to strengthening more than one stage of the raw materials value chain in that country or its wider region; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex III, point 6.(b)				
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;	(b) to fostering private investment in the domestic raw materials value chain; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex III, point 6.(c)				
834				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(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.	(c) to the creation of wider economic or social benefits, including the creation of employment. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex IV				
835	Annex IV	Annex IV	Annex IV	Annex IV Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex IV, first paragraph				
836	Criteria for certification schemes	Criteria for certification schemes	Criteria for certification schemes	Criteria for certification schemes Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex IV, second paragraph				
837	A recognised certification scheme shall meet the following criteria:	A recognised certification scheme shall meet the following criteria:	A recognised certification scheme shall meet the following criteria:	A recognised certification scheme shall meet the following criteria: Trilogue 24/10/2023 Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Proposal
Annex IV, second paragraph, point (a)				
G 838	(a) it is open under transparent, fair and non-discriminatory terms to all economic operators willing and able to comply with the scheme's requirements;	(a) it is open under transparent, fair and non-discriminatory terms to all economic operators willing and able to comply with the scheme's requirements and it is of multi-stakeholder governance ;	(a) it is open under transparent, fair and non-discriminatory terms to all economic operators willing and able to comply with the scheme's requirements;	(a) it is open under transparent, fair and non-discriminatory terms to all economic operators willing and able to comply with the scheme's requirements <u>and it is of multi-stakeholder governance</u>; COM to draft definition of multi-stakeholder governance - art.2 ITM 31 October ITM 7 November 2023 ITM 9 November 2023 ITM 14 November Text Origin: EP Mandate
Annex IV, second paragraph, point (b)				
G 839	(b) the requirements for certification shall include at least:	(b) the requirements for certification ~~shall include at least~~ must be coherent throughout EU law and shall include:	(b) the requirements for certification shall include at least:	(b) the requirements for certification shall include at least: ITM 31 October Text Origin: Commission Proposal
Annex IV, second paragraph, point (b)(i)				
Y 840	(i) requirements ensuring environmentally sustainable practices, including requirements	(i) requirements ensuring environmentally sustainable practices before, during and after	(i) requirements ensuring environmentally sustainable practices, including requirements	(i) requirements ensuring environmentally sustainable practices, including requirements

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ensuring environmental management and impact mitigation;	closure of operation , including requirements ensuring environmental management and impact mitigation; in the following environmental risk categories:	ensuring environmental management and impact mitigation;	ensuring environmental management and impact mitigation; <u><i>in the following environmental risk categories:</i></u> ITM 31 October ITM 9 November 2023 Text Origin: EP Mandate
Annex IV, second paragraph, point (b)(ia)				
840a		(1) air, including air pollution such as greenhouse gas emissions;		<u><i>(ia) air, including air pollution such as greenhouse gas emissions;</i></u> ITM 9 November 2023 Text Origin: EP Mandate
Annex IV, second paragraph, point (b)(ib)				
840b		(2) water, including seabed and marine environment, and water pollution, water use, water quantities (flooding or droughts) and access to water;		<u><i>(ib) water, including seabed and marine environment, and water pollution, water use, water quantities (flooding or droughts) and access to water;</i></u> ITM 9 November 2023 Text Origin: EP Mandate
Annex IV, second paragraph, point (b)(ic)				
840c		(3) soil, including soil pollution, soil erosion, land use and land degradation;		<u><i>(ic) soil, including soil pollution, soil erosion, land use and land degradation;</i></u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				ITM 9 November 2023 Text Origin: EP Mandate
Annex IV, second paragraph, point (b)(id)				
840d		(4) biodiversity, including damage to habitats, wildlife, flora and ecosystems, including ecosystem services;		<u>(id) biodiversity, including damage to habitats, wildlife, flora and ecosystems, including ecosystem services;</u> ITM 9 November 2023 Text Origin: EP Mandate
Annex IV, second paragraph, point (b)(ie)				
840e		(5) hazardous substances;		<u>(ie) hazardous substances;</u> ITM 9 November 2023 Text Origin: EP Mandate
Annex IV, second paragraph, point (b)(if)				
840f		(6) noise and vibration;		<u>(if) noise and vibration;</u> ITM 9 November 2023 Text Origin: EP Mandate
Annex IV, second paragraph, point (b)(ig)				
840g		(7) plant safety;		<u>(ig) plant safety;</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				ITM 9 November 2023 Text Origin: EP Mandate
Annex IV, second paragraph, point (b)(ih)				
840h		(8) energy use;		(ih) <u>energy use</u> ; ITM 9 November 2023 Text Origin: EP Mandate
Annex IV, second paragraph, point (b)(ii)				
840i		(9) waste and residues;		(ii) <u>waste and residues</u> ; ITM 9 November 2023 Text Origin: EP Mandate
Annex IV, second paragraph, point (b)(ii)				
841	(ii) requirements for ensuring socially responsible practices, including respect for human rights and labour rights;	(ii) requirements for ensuring socially responsible practices, including respect for human rights and labour rights including the community life of indigenous peoples ;	(ii) requirements for ensuring socially responsible practices, including respect for human rights and labour rights;	(ii) requirements for ensuring socially responsible practices, including respect for human rights and labour rights <u>including the community life of indigenous peoples</u> ; ITM 31 October Text Origin: EP Mandate
Annex IV, second paragraph, point (b)(iii)				

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G	842	(iii) requirements for ensuring business integrity and transparency including requirements to apply sound management of financial, environmental and social matters; and anti-corruption and anti-bribery policies in line with the OECD Guidelines listed in Annex III, point 4;	(iii) requirements for ensuring business integrity and transparency including requirements to apply sound management of financial, environmental and social matters;	(iii) requirements for ensuring business integrity and transparency including requirements to apply sound management of financial, environmental and social matters <u>and anti-corruption and anti-bribery policies;</u> ITM 31 October Text Origin: EP Mandate
	Annex IV, second paragraph, point (b)(iia)			
Y	842a		(ba) the requirements listed in paragraph (b) point (i to iii) shall ensure high levels of social and environmental protection and be in line with Union legislation or the international instruments listed in Annex III;	<i>deleted</i> Concepts moved to recital 49. ITM 31 October
	Annex IV, second paragraph, point (c)			
G	843	(c) verification and monitoring of compliance is objective, based on international, Union or national standards, requirements and procedures and carried out independently from the relevant economic operator;	(c) verification and monitoring of compliance is objective, based on international, Union or national standards, requirements and procedures and carried out independently from the relevant economic operator;	(c) verification and monitoring of compliance is objective, based on international, Union or national standards, requirements and procedures and carried out independently from the relevant economic operator; Trilogue 24/10/2023 Text Origin: Commission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Proposal
Annex IV, second paragraph, point (d)				
844	(d) it includes sufficient requirements and procedures to ensure the competence and independence of responsible verifiers.	(d) it includes sufficient requirements and procedures to ensure the competence and independence of responsible verifiers.	(d) it includes sufficient requirements and procedures to ensure the competence and independence of responsible verifiers.	(d) it includes sufficient requirements and procedures to ensure the competence and independence of responsible verifiers. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex IV, second paragraph, point (da)				
844a		(da) it includes requirements to ensure an audit-report established at the site level.		<u>(da) it includes requirements to ensure an audit-report established at the site level.</u> ITM 31 October Text Origin: EP Mandate
Annex V				
845	Annex V	Annex V	Annex V	Annex V Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, first paragraph				

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846	Environmental footprint	Environmental footprint	Environmental footprint	Environmental footprint Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, Part I				
847	Part I 1. Definitions	Part I 1. Definitions	Part I 1. Definitions	Part I 1. Definitions Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, second paragraph				
848	For the purposes of this Annex, the following definitions shall apply:	For the purposes of this Annex, the following definitions shall apply:	For the purposes of this Annex, the following definitions shall apply:	For the purposes of this Annex, the following definitions shall apply: Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, second paragraph, point (a)				
849	(a) ‘Activity data’ means the information associated with processes while modelling Life Cycle Inventories (LCI). The aggregated LCI results of the process chains that represent the activities of a process are each	(a) ‘Activity data’ means the information associated with processes while modelling Life Cycle Inventories (LCI). The aggregated LCI results of the process chains that represent the activities of a process are each	(a) ‘Activity data’ means the information associated with processes while modelling Life Cycle Inventories (LCI). The aggregated LCI results of the process chains that represent the activities of a process are each	(a) ‘Activity data’ means the information associated with processes while modelling Life Cycle Inventories (LCI). The aggregated LCI results of the process chains that represent the activities of a process are each

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	multiplied by the corresponding activity data and then combined to derive the environmental footprint associated with that process;	multiplied by the corresponding activity data and then combined to derive the environmental footprint associated with that process;	multiplied by the corresponding activity data and then combined to derive the environmental footprint associated with that process;	multiplied by the corresponding activity data and then combined to derive the environmental footprint associated with that process; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, second paragraph, point (b)				
850	(b) 'Bill of materials' means list of the raw materials, sub-assemblies, intermediate assemblies, sub-components, parts and the quantities of each needed to manufacture the product in scope of the study;	(b) 'Bill of materials' means list of the raw materials, sub-assemblies, intermediate assemblies, sub-components, parts and the quantities of each needed to manufacture the product in scope of the study;	(b) 'Bill of materials' means list of the raw materials, sub-assemblies, intermediate assemblies, sub-components, parts and the quantities of each needed to manufacture the product in scope of the study;	(b) 'Bill of materials' means list of the raw materials, sub-assemblies, intermediate assemblies, sub-components, parts and the quantities of each needed to manufacture the product in scope of the study; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, second paragraph, point (c)				
851	(c) 'Company-specific data' refers to directly measured or collected data from one or multiple facilities (site-specific data) that are representative for the activities of the company. It is synonymous to "primary data";	(c) 'Company-specific data' refers to directly measured or collected data from one or multiple facilities (site-specific data) that are representative for the activities of the company. It is synonymous to "primary data";	(c) 'Company-specific data' refers to directly measured or collected data from one or multiple facilities (site-specific data) that are representative for the activities of the company. It is synonymous to "primary data";	(c) 'Company-specific data' refers to directly measured or collected data from one or multiple facilities (site-specific data) that are representative for the activities of the company. It is synonymous to "primary data"; Trilogue 24/10/2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex V, second paragraph, point (d)				
852	(d) 'Impact assessment method' means the protocol for quantitative translation of life cycle inventory data into contributions to an environmental impact of concern;	(d) 'Impact assessment method' means the protocol for quantitative translation of life cycle inventory data into contributions to an environmental impact of concern;	(d) 'Impact assessment method' means the protocol for quantitative translation of life cycle inventory data into contributions to an environmental impact of concern;	(d) 'Impact assessment method' means the protocol for quantitative translation of life cycle inventory data into contributions to an environmental impact of concern; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, second paragraph, point (e)				
853	(e) 'Impact category' means a class of resource use or environmental impact to which the life cycle inventory data are related;	(e) 'Impact category' means a class of resource use or environmental impact to which the life cycle inventory data are related;	(e) 'Impact category' means a class of resource use or environmental impact to which the life cycle inventory data are related;	(e) 'Impact category' means a class of resource use or environmental impact to which the life cycle inventory data are related; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, second paragraph, point (f)				
854	(f) 'Life cycle' means the consecutive and interlinked stages of a product system, from raw material acquisition or generation from natural resources to final disposal	(f) 'Life cycle' means the consecutive and interlinked stages of a product system, from raw material acquisition or generation from natural resources to final disposal	(f) 'Life cycle' means the consecutive and interlinked stages of a product system, from raw material acquisition or generation from natural resources to final disposal	(f) 'Life cycle' means the consecutive and interlinked stages of a product system, from raw material acquisition or generation from natural resources to final disposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(ISO 14040:2006);	(ISO 14040:2006);	(ISO 14040:2006);	(ISO 14040:2006); Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, second paragraph, point (g)				
855	(g) ‘Life cycle inventory (LCI)’ means the combined set of exchanges of elementary, waste and product flows in a LCI dataset;	(g) ‘Life cycle inventory (LCI)’ means the combined set of exchanges of elementary, waste and product flows in a LCI dataset;	(g) ‘Life cycle inventory (LCI)’ means the combined set of exchanges of elementary, waste and product flows in a LCI dataset;	(g) ‘Life cycle inventory (LCI)’ means the combined set of exchanges of elementary, waste and product flows in a LCI dataset; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, second paragraph, point (h)				
856	(h) ‘Life cycle inventory (LCI) dataset’ means a document or file with life cycle information of a specified product or other reference (e.g., site, process), covering descriptive metadata and quantitative life cycle inventory. A LCI dataset could be a unit process dataset, partially aggregated or an aggregated dataset;	(h) ‘Life cycle inventory (LCI) dataset’ means a document or file with life cycle information of a specified product or other reference (e.g., site, process), covering descriptive metadata and quantitative life cycle inventory. A LCI dataset could be a unit process dataset, partially aggregated or an aggregated dataset;	(h) ‘Life cycle inventory (LCI) dataset’ means a document or file with life cycle information of a specified product or other reference (e.g., site, process), covering descriptive metadata and quantitative life cycle inventory. A LCI dataset could be a unit process dataset, partially aggregated or an aggregated dataset;	(h) ‘Life cycle inventory (LCI) dataset’ means a document or file with life cycle information of a specified product or other reference (e.g., site, process), covering descriptive metadata and quantitative life cycle inventory. A LCI dataset could be a unit process dataset, partially aggregated or an aggregated dataset; Trilogue 24/10/2023 Text Origin: Commission Proposal

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Annex V, second paragraph, point (i)				
857	(i) 'Secondary data' means data not from a specific process within the supply-chain of the company performing an environmental footprint study. This refers to data that is not directly collected, measured, or estimated by the company, but sourced from a third party LCI database or other sources. Secondary data includes industry average data (e.g., from published production data, government statistics, and industry associations), literature studies, engineering studies and patents, and may also be based on financial data, and contain proxy data, and other generic data. Primary data that go through a horizontal aggregation step are considered as secondary data;	(i) 'Secondary data' means data not from a specific process within the supply-chain of the company performing an environmental footprint study. This refers to data that is not directly collected, measured, or estimated by the company, but sourced from a third party LCI database or other sources. Secondary data includes industry average data (e.g., from published production data, government statistics, and industry associations), literature studies, engineering studies and patents, and may also be based on financial data, and contain proxy data, and other generic data. Primary data that go through a horizontal aggregation step are considered as secondary data;	(i) 'Secondary data' means data not from a specific process within the supply-chain of the company performing an environmental footprint study. This refers to data that is not directly collected, measured, or estimated by the company, but sourced from a third party LCI database or other sources. Secondary data includes industry average data (e.g., from published production data, government statistics, and industry associations), literature studies, engineering studies and patents, and may also be based on financial data, and contain proxy data, and other generic data. Primary data that go through a horizontal aggregation step are considered as secondary data;	(i) 'Secondary data' means data not from a specific process within the supply-chain of the company performing an environmental footprint study. This refers to data that is not directly collected, measured, or estimated by the company, but sourced from a third party LCI database or other sources. Secondary data includes industry average data (e.g., from published production data, government statistics, and industry associations), literature studies, engineering studies and patents, and may also be based on financial data, and contain proxy data, and other generic data. Primary data that go through a horizontal aggregation step are considered as secondary data; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, second paragraph, point (j)				
858	(j) 'System boundary' means the aspects included or excluded from the life cycle study.	(j) 'System boundary' means the aspects included or excluded from the life cycle study.	(j) 'System boundary' means the aspects included or excluded from the life cycle study.	(j) 'System boundary' means the aspects included or excluded from the life cycle study. Trilogue 24/10/2023 Text Origin: Commission Proposal

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				Proposal
Annex V, third paragraph				
859	Additionally, the calculation rules for the environmental footprint of a critical raw material shall include any further definition necessary for their interpretation.	Additionally, the calculation rules for the environmental footprint of a critical raw material shall include any further definition necessary for their interpretation.	Additionally, the calculation rules for the environmental footprint of a critical raw material shall include any further definition necessary for their interpretation.	Additionally, the calculation rules for the environmental footprint of a critical raw material shall include any further definition necessary for their interpretation. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, Part II				
860	Part II 2. Scope	Part II 2. Scope	Part II 2. Scope	Part II 2. Scope Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, fourth paragraph				
861	This Annex provides essential elements on how to calculate the environmental footprint of critical raw materials.	This Annex provides essential elements on how to calculate the environmental footprint of critical raw materials.	This Annex provides essential elements on how to calculate the environmental footprint of critical raw materials.	This Annex provides essential elements on how to calculate the environmental footprint of critical raw materials. Trilogue 24/10/2023 Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex V, fifth paragraph				
862	The calculation rules for the environmental footprint of specific critical raw materials shall build on the essential elements included in this Annex, taking into account scientifically sound assessment methods and relevant international standards in the area of life cycle assessment.	The calculation rules for the environmental footprint of specific critical raw materials shall build on the essential elements included in this Annex, taking into account scientifically sound assessment methods and relevant international standards in the area of life cycle assessment.	The calculation rules for the environmental footprint of specific critical raw materials shall build on the essential elements included in this Annex, taking into account scientifically sound assessment methods and relevant international standards in the area of life cycle assessment.	The calculation rules for the environmental footprint of specific critical raw materials shall build on the essential elements included in this Annex, taking into account scientifically sound assessment methods and relevant international standards in the area of life cycle assessment. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, sixth paragraph				
863	The calculation of the environmental footprint of a critical raw material shall be based on the bill of material, the energy, production methods, and auxiliary materials used at the facilities involved on the production of critical raw material.	The calculation of the environmental footprint of a critical raw material shall be based on the bill of material, the energy, production methods, and auxiliary materials used at the facilities involved on the production of critical raw material.	The calculation of the environmental footprint of a critical raw material shall be based on the bill of material, the energy, production methods, and auxiliary materials used at the facilities involved on the production of critical raw material.	The calculation of the environmental footprint of a critical raw material shall be based on the bill of material, the energy, production methods, and auxiliary materials used at the facilities involved on the production of critical raw material. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, seventh paragraph				
864	When establishing calculation rules for the environmental footprint of	When establishing calculation rules for the environmental footprint of	When establishing calculation rules for the environmental footprint of	When establishing calculation rules for the environmental footprint of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	specific critical raw materials, the Commission shall aim to ensure consistency with calculation rules for the environmental footprint of product making use of the relevant critical raw materials.	specific critical raw materials, the Commission shall aim to ensure consistency with calculation rules for the environmental footprint of ~~product~~ intermediate and final products making use of the relevant critical raw materials.	specific critical raw materials, the Commission shall aim to ensure consistency with calculation rules for the environmental footprint of product making use of the relevant critical raw materials.	specific critical raw materials, the Commission shall aim to ensure consistency with calculation rules for the environmental footprint of ~~product~~ intermediate and final products making use of the relevant critical raw materials. ITM 15 November 2023 Text Origin: EP Mandate
Annex V, Part III				
865	Part III 3. Declared unit	Part III 3. Declared unit	Part III 3. Declared unit	Part III 3. Declared unit Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, eighth paragraph				
866	The declared unit shall be 1 kg of the relevant critical raw material type.	The declared unit shall be 1 kg of the relevant critical raw material type.	The declared unit shall be 1 kg of the relevant critical raw material type.	The declared unit shall be 1 kg of the relevant critical raw material type. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, ninth paragraph				
867	The calculation rules for the environmental footprint of specific	The calculation rules for the environmental footprint of specific	The calculation rules for the environmental footprint of specific	The calculation rules for the environmental footprint of specific

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	critical raw materials may specify a higher of lower declared unit, expressed in kg, where necessary to take into account the nature or use of the relevant critical raw material.	critical raw materials may specify a higher of lower declared unit, expressed in kg, where necessary to take into account the nature or use of the relevant critical raw material.	critical raw materials may specify a higher of lower declared unit, expressed in kg, where necessary to take into account the nature or use of the relevant critical raw material.	critical raw materials may specify a higher of lower declared unit, expressed in kg, where necessary to take into account the nature or use of the relevant critical raw material. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, tenth paragraph				
868	All quantitative input and output data collected by the manufacturer to quantify the carbon footprint shall be calculated in relation to this declared unit.	All quantitative input and output data collected by the manufacturer to quantify the carbon footprint shall be calculated in relation to this declared unit.	All quantitative input and output data collected by the manufacturer to quantify the carbon footprint shall be calculated in relation to this declared unit.	All quantitative input and output data collected by the manufacturer to quantify the carbon footprint shall be calculated in relation to this declared unit. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, Part IV				
869	Part IV 4. System boundary	Part IV 4. System boundary	Part IV 4. System boundary	Part IV 4. System boundary Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, eleventh paragraph				
870	Extraction, concentration and	Extraction, concentration and	Extraction, concentration and	Extraction, concentration and

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	refining are the three life cycle stages to be included in the system boundary of primary critical raw materials with the following processes (when relevant to the specific raw material):	refining are the three life cycle stages to be included in the system boundary of primary critical raw materials with the following processes (when relevant to the specific raw material):	refining are the three life cycle stages to be included in the system boundary of primary critical raw materials with the following processes (when relevant to the specific raw material):	refining are the three life cycle stages to be included in the system boundary of primary critical raw materials with the following processes (when relevant to the specific raw material): Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, eleventh paragraph, point (a)				
871	(a) Upstream processes including the extraction of ore for raw material production, production and supply (transport) of chemicals, auxiliaries, production and supply (transport) of fuels, production and supply of electricity, and transport of materials in vehicles not owned by the organisation;	(a) Upstream processes including the extraction of ore for raw material production, production and supply (including transport) of chemicals, auxiliaries, production and supply (including transport) of fuels, production and supply of electricity, and transport of materials in vehicles not owned or operated by the organisation;	(a) Upstream processes including the extraction of ore for raw material production, production and supply (transport) of chemicals, auxiliaries, production and supply (transport) of fuels, production and supply of electricity, and transport of materials in vehicles not owned by the organisation;	(a) Upstream processes including the extraction of ore for raw material production, production and supply (<u>including</u> transport) of chemicals, auxiliaries, production and supply (<u>including</u> transport) of fuels, production and supply of electricity, and transport of materials in vehicles not owned <u>or operated</u> by the organisation; ITM 15 November 2023 Text Origin: EP Mandate
Annex V, eleventh paragraph, point (b)				
872	(b) Transport of ore, concentrates and raw materials in vehicles owned or operated by the organisation;	(b) Transport of ore, concentrates and raw materials in vehicles owned or operated by the organisation;	(b) Transport of ore, concentrates and raw materials in vehicles owned or operated by the organisation;	(b) Transport of ore, concentrates and raw materials in vehicles owned or operated by the organisation; Trilogue 24/10/2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex V, eleventh paragraph, point (c)				
873	(c) Storage of ore, concentrates and raw materials;	(c) Storage of ore, concentrates and raw materials;	(c) Storage of ore, concentrates and raw materials;	(c) Storage of ore, concentrates and raw materials; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, eleventh paragraph, point (d)				
874	(d) Ore crushing and cleaning;	(d) Ore crushing and cleaning;	(d) Ore crushing and cleaning;	(d) Ore crushing and cleaning; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, eleventh paragraph, point (e)				
875	(e) Raw material concentrate production;	(e) Raw material concentrate production;	(e) Raw material concentrate production;	(e) Raw material concentrate production; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, eleventh paragraph, point (f)				
876				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(f) Metal extraction (by chemical, physical or biological means);	(f) Metal extraction (by chemical, physical or biological means);	(f) Metal extraction (by chemical, physical or biological means);	(f) Metal extraction (by chemical, physical or biological means); Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, eleventh paragraph, point (g)				
877	(g) Smelting;	(g) Smelting;	(g) Smelting;	(g) Smelting; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, eleventh paragraph, point (h)				
878	(h) Metal conversion;	(h) Metal conversion;	(h) Metal conversion;	(h) Metal conversion; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, eleventh paragraph, point (i)				
879	(i) Slag cleaning;	(i) Slag cleaning;	(i) Slag cleaning;	(i) Slag cleaning; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, eleventh paragraph, point (j)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
880	(j) Metal refining;	(j) Metal refining;	(j) Metal refining;	(j) Metal refining; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, eleventh paragraph, point (k)				
881	(k) Metal electrolysis;	(k) Metal electrolysis;	(k) Metal electrolysis;	(k) Metal electrolysis; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, eleventh paragraph, point (l)				
882	(l) Metal casting or packaging;	(l) Metal casting or packaging;	(l) Metal casting or packaging;	(l) Metal casting or packaging; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, eleventh paragraph, point (m)				
883	(m) Spent material and slag treatment;	(m) Spent material and slag treatment;	(m) Spent material and slag treatment;	(m) Spent material and slag treatment; Trilogue 24/10/2023 Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex V, eleventh paragraph, point (n)				
884	(n) All related auxiliary processes such as waste water treatment (on site, including for treatment of process waters, direct cooling, water and surface run off water), gas abatement systems (including for primary and secondary off gases, boilers (including pre-treatment of feed water), internal logistics.	(n) All related auxiliary processes such as waste water treatment (on site, including for treatment of process waters, direct cooling, water and surface run off water), gas abatement systems (including for primary and secondary off gases, boilers (including pre-treatment of feed water), internal logistics.	(n) All related auxiliary processes such as waste water treatment (on site, including for treatment of process waters, direct cooling, water and surface run off water), gas abatement systems (including for primary and secondary off gases, boilers (including pre-treatment of feed water), internal logistics.	(n) All related auxiliary processes such as waste water treatment (on site, including for treatment of process waters, direct cooling, water and surface run off water), gas abatement systems (including for primary and secondary off gases, boilers (including pre-treatment of feed water), internal logistics. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, twelfth paragraph				
885	In the system boundary of secondary critical raw materials (defining the recycling life cycle stage), the following processes (when relevant to the specific recycled raw material) shall be included:	In the system boundary of secondary critical raw materials (defining the recycling life cycle stage), the following processes (when relevant to the specific recycled raw material) shall be included:	In the system boundary of secondary critical raw materials (defining the recycling life cycle stage), the following processes (when relevant to the specific recycled raw material) shall be included:	In the system boundary of secondary critical raw materials (defining the recycling life cycle stage), the following processes (when relevant to the specific recycled raw material) shall be included: Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, twelfth paragraph, point (a)				
886	(a) Upstream processes including the generation of raw feed material (scrap materials and virgin copper	(a) Upstream processes including the generation of raw feed material (scrap materials and virgin copper	(a) Upstream processes including the generation of raw feed material (scrap materials and virgin copper	(a) Upstream processes including the generation of raw feed material (scrap materials and virgin copper

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	concentrates, the production and supply (transport) of chemicals, auxiliaries, production and supply (transport) of fuels, the production and supply of electricity, and the transport of materials in vehicles not owned by the organisation;	concentrates, the production and supply (transport) of chemicals, auxiliaries, production and supply (transport) of fuels, the production and supply of electricity, and the transport of materials in vehicles not owned by the organisation;	concentrates, the production and supply (transport) of chemicals, auxiliaries, production and supply (transport) of fuels, the production and supply of electricity, and the transport of materials in vehicles not owned by the organisation;	concentrates, the production and supply (transport) of chemicals, auxiliaries, production and supply (transport) of fuels, the production and supply of electricity, and the transport of materials in vehicles not owned by the organisation; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, twelfth paragraph, point (b)				
887	(b) Transport of concentrates and scraps in vehicles owned or operated by the organisation;	(b) Transport of concentrates and scraps in vehicles owned or operated by the organisation;	(b) Transport of concentrates and scraps in vehicles owned or operated by the organisation;	(b) Transport of concentrates and scraps in vehicles owned or operated by the organisation; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, twelfth paragraph, point (c)				
888	(c) Storage of scraps, concentrates and raw materials;	(c) Storage of scraps, concentrates and raw materials;	(c) Storage of scraps, concentrates and raw materials;	(c) Storage of scraps, concentrates and raw materials; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, twelfth paragraph, point (d)				
889				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(d) Secondary material pre-treatment;	(d) Secondary material pre-treatment;	(d) Secondary material pre-treatment;	(d) Secondary material pre-treatment; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, twelfth paragraph, point (e)				
890	(e) Smelting;	(e) Smelting;	(e) Smelting;	(e) Smelting; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, twelfth paragraph, point (f)				
891	(f) Metal conversion;	(f) Metal conversion;	(f) Metal conversion;	(f) Metal conversion; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, twelfth paragraph, point (g)				
892	(g) Metal refining;	(g) Metal refining;	(g) Metal refining;	(g) Metal refining; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, twelfth paragraph, point (h)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
893	(h) Metal electrolysis;	(h) Metal electrolysis;	(h) Metal electrolysis;	(h) Metal electrolysis; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, twelfth paragraph, point (i)				
894	(i) Metal casting or packaging;	(i) Metal casting or packaging;	(i) Metal casting or packaging;	(i) Metal casting or packaging; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, twelfth paragraph, point (j)				
895	(j) Spent material treatment;	(j) Spent material treatment;	(j) Spent material treatment;	(j) Spent material treatment; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, twelfth paragraph, point (k)				
896	(k) All related auxiliary processes such as waste water treatment (on site, including for treatment of process waters, direct cooling, water and surface run off water), gas abatement systems (including for primary and secondary off gases, boilers (including pre-treatment of	(k) All related auxiliary processes such as waste water treatment (on site, including for treatment of process waters, direct cooling, water and surface run off water), gas abatement systems (including for primary and secondary off gases, boilers (including pre-treatment of	(k) All related auxiliary processes such as waste water treatment (on site, including for treatment of process waters, direct cooling, water and surface run off water), gas abatement systems (including for primary and secondary off gases, boilers (including pre-treatment of	(k) All related auxiliary processes such as waste water treatment (on site, including for treatment of process waters, direct cooling, water and surface run off water), gas abatement systems (including for primary and secondary off gases, boilers (including pre-treatment of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	feed water), and internal logistics.	feed water), and internal logistics.	feed water), and internal logistics.	feed water), and internal logistics. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, thirteenth paragraph				
897	The use phase or end-of-life phase shall be excluded from the environmental footprint calculations, as it is not under the direct influence of the responsible economic operator. Other processes may be excluded where their contribution to the environmental footprint of a specific critical raw material is insignificant.	The use phase or end-of-life phase shall be excluded from the environmental footprint calculations, as it is not under the direct influence of the responsible economic operator. Other processes may be excluded where their contribution to the environmental footprint of a specific critical raw material is insignificant.	The use phase or end-of-life phase shall be excluded from the environmental footprint calculations, as it is not under the direct influence of the responsible economic operator. Other processes may be excluded where their contribution to the environmental footprint of a specific critical raw material is insignificant.	The use phase or end-of-life phase shall be excluded from the environmental footprint calculations, as it is not under the direct influence of the responsible economic operator. Other processes may be excluded where their contribution to the environmental footprint of a specific critical raw material is insignificant. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, Part V				
898	Part V 5. Impact categories	Part V 5. Impact categories	Part V 5. Impact categories	Part V 5. Impact categories Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, fourteenth paragraph				
899				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	The calculation rules shall specify the impact category that needs to be included in the environmental footprint calculation. The choice shall be based on the hotspot analysis performed in line with scientifically sound methodologies developed at international level and taking into account the:	The calculation rules shall specify the impact category or categories that need to be included in the environmental footprint calculation as well as greenhouse gas emissions . The choice shall be based on the hotspot analysis performed in line with scientifically sound methodologies developed at international level and taking into account the:	The calculation rules shall specify the impact ~~category that needs~~ categories that need to be included in the environmental footprint calculation. The choice shall be based on the hotspot analysis performed in line with scientifically sound methodologies developed at international level and taking into account the:	The calculation rules shall specify the impact ~~category that needs~~ categories that need to be included in the environmental footprint calculation. The choice shall be based on the hotspot analysis performed in line with scientifically sound methodologies developed at international level and taking into account the: ITM 15 November 2023 Text Origin: Council Mandate
Annex V, fourteenth paragraph, point (a)				
900	(a) relative importance of different impacts, including their relative importance for meeting Union climate and environmental impacts;	(a) relative importance of different impacts, including their relative importance for ~~meeting Union~~ climate and environmental impacts;	(a) relative importance of different impacts, including their relative importance for meeting Union climate and environmental impacts;	
Annex V, fourteenth paragraph, point (b)				
901	(b) needs of downstream companies wishing to communicate on the environmental footprint of the critical raw materials they use.	(b) needs of downstream companies wishing to communicate on the environmental footprint of the critical raw materials they use.	(b) needs of downstream companies wishing to communicate on the environmental footprint of the critical raw materials they use.	(b) needs of downstream companies wishing to communicate on the environmental footprint of the critical raw materials they use. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, Part VI				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
902	Part VI 6. Use of company specific and secondary datasets	Part VI 6. Use of company specific and secondary datasets	Part VI 6. Use of company specific and secondary datasets	Part VI 6. Use of company specific and secondary datasets Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, fifteenth paragraph				
903	The calculation rules shall specify the use of company specific or secondary datasets for all relevant processes and materials.	The calculation rules shall specify the use of company specific or secondary datasets for all relevant processes and materials. If calculation rules allow for the choice between a company specific dataset and a secondary dataset, there shall be a sufficient incentive in the calculation method to use the company specific dataset.	The calculation rules shall specify the use of company specific or secondary datasets for all relevant processes and materials.	
Annex V, sixteenth paragraph				
904	The use of company-specific data shall be required at least for the processes under the direct influence of the responsible operator and have the largest contribution to the relevant impact categories.	The use of company-specific data shall be required at least for the processes under the direct influence of the responsible operator and have the largest contribution to the relevant impact categories.	The use of company-specific data shall be required at least for the processes under the direct influence of the responsible operator and have the largest contribution to the relevant impact categories.	The use of company-specific data shall be required at least for the processes under the direct influence of the responsible operator and have the largest contribution to the relevant impact categories. Trilogue 24/10/2023 Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex V, seventeenth paragraph				
905	The company specific activity data shall be used in combination with the relevant Environmental Footprint compliant secondary datasets. The calculation rules should specify whether sampling is allowed, in line with the criteria set out in scientifically sound methodologies developed at international level.	The company specific activity data shall be used in combination with the relevant Environmental Footprint compliant secondary datasets. The calculation rules should specify whether sampling is allowed, in line with the criteria set out in scientifically sound methodologies developed at international level.	The company specific activity data shall be used in combination with the relevant Environmental Footprint compliant secondary datasets. The calculation rules should specify whether sampling is allowed, in line with the criteria set out in scientifically sound methodologies developed at international level.	The company specific activity data shall be used in combination with the relevant Environmental Footprint compliant secondary datasets. The calculation rules should specify whether sampling is allowed, in line with the criteria set out in scientifically sound methodologies developed at international level. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, eighteenth paragraph				
906	A change in the bill of materials or energy mix used to produce a critical raw material type requires a new calculation of the environmental footprint.	A change in the bill of materials or energy mix used to produce a critical raw material type requires a new calculation of the environmental footprint.	A change in the bill of materials or energy mix used to produce a critical raw material type requires a new calculation of the environmental footprint.	A change in the bill of materials or energy mix used to produce a critical raw material type requires a new calculation of the environmental footprint. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, eighteenth paragraph a				
906a		When calculating the carbon intensity of the energy used across the process stages as listed in point 4, average greenhouse gas		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		emissions data of the energy mix of the country or, where possible, region, where the specific activity or process took place, shall be used. Lower emission factors shall only be used where the economic operator can reliably demonstrate that its individual processes or energy supply are less carbon intensive than the energy mix of the country average or, where possible, region, average. This shall be demonstrated via a direct connection to a producer of renewable energy or a producer with lower carbon intensity or a contract demonstrating a temporal and geographical link between the energy supply and the use by the economic operator, which shall be verified by a third party verification statement.	PUBLIC	
Annex V, nineteenth paragraph				
907	The calculation rules to be elaborated via a delegated act shall include detailed modelling of the following lifecycle stages:	The calculation rules to be elaborated via a delegated act shall include detailed modelling of the following lifecycle stages:	The calculation rules to be elaborated via a delegated act shall include detailed modelling of the following lifecycle stages:	The calculation rules to be elaborated via a delegated act shall include detailed modelling of the following lifecycle stages: Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, nineteenth paragraph, point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
908	(a) Primary raw material extraction, concentration and refining stage;	(a) Primary raw material extraction, concentration and refining stage;	(a) Primary raw material extraction, concentration and refining stage;	(a) Primary raw material extraction, concentration and refining stage; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, nineteenth paragraph, point (b)				
909	(b) Secondary raw material acquisition and processing stage.	(b) Secondary raw material acquisition and processing stage.	(b) Secondary raw material acquisition and processing stage.	(b) Secondary raw material acquisition and processing stage. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, Part VII				
910	Part VII 7. Impact assessment methods	Part VII 7. Impact assessment methods	Part VII 7. Impact assessment methods	Part VII 7. Impact assessment methods Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, twentieth paragraph				
911	The environmental footprint shall be calculated using scientifically sound impact assessment methods which take into account developments on the international level for relevant	The environmental footprint shall be calculated using scientifically sound impact assessment methods which take into account developments on the international level for relevant	The environmental footprint shall be calculated using scientifically sound impact assessment methods which take into account developments on the international level for relevant	The environmental footprint shall be calculated using scientifically sound impact assessment methods which take into account developments on the international level for relevant

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	impact categories related to climate change, water, air, soil, resources, land use and toxicity.	impact categories related to climate change, water, air, soil, resources, land use and toxicity.	impact categories related to climate change, water, air, soil, resources, land use and toxicity.	impact categories related to climate change, water, air, soil, resources, land use and toxicity. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, twenty-first paragraph				
912	The results shall be provided as characterised results (without normalisation and weighting).	The results shall be provided as characterised results (without normalisation and weighting).	The results shall be provided as characterised results (without normalisation and weighting).	The results shall be provided as characterised results (without normalisation and weighting). Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, Part VIII				
913	Part VIII 8. Environmental footprint performance classes	Part VIII 8. Environmental footprint performance classes	Part VIII 8. Environmental footprint performance classes	Part VIII 8. Environmental footprint performance classes Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, twenty-second paragraph				
914	Depending on the distribution of the values of the environmental footprint declarations placed on the internal market, a meaningful number of	Depending on the distribution of the values of the environmental footprint declarations placed on the internal market, a meaningful number of	Depending on the distribution of the values of the environmental footprint declarations placed on the internal market, a meaningful number of	Depending on the distribution of the values of the environmental footprint declarations placed on the internal market, a meaningful number of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	classes of performance shall be identified, with category A being the best class with the lowest life cycle impact, to allow for market differentiation. The identification of the threshold for each class of performance, as well as their width, will be based on the distribution of performances of the relevant critical raw materials placed on the market in the previous 3 years, the expected technological improvements, and other technical factors to be identified.	classes of performance shall be identified, with category A being the best class with the lowest life cycle impact, to allow for market differentiation. The identification of the threshold for each class of performance, as well as their width, will be based on the distribution of performances of the relevant critical raw materials placed on the market in the previous 3 years, the expected technological improvements, and other technical factors to be identified.	classes of performance shall be identified, with category A being the best class with the lowest life cycle impact, to allow for market differentiation. The identification of the threshold for each class of performance, as well as their width, will be based on the distribution of performances of the relevant critical raw materials placed on the market in the previous 3 years, the expected technological improvements, and other technical factors to be identified.	classes of performance shall be identified, with category A being the best class with the lowest life cycle impact, to allow for market differentiation. The identification of the threshold for each class of performance, as well as their width, will be based on the distribution of performances of the relevant critical raw materials placed on the market in the previous 3 years, the expected technological improvements, and other technical factors to be identified. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, twenty-third paragraph				
915	The Commission shall review the number of performance classes and the thresholds between them every 3 years in order to keep them representative of the market reality and its expected development.	The Commission shall review the number of performance classes and the thresholds between them every 3 years in order to keep them representative of the market reality and its expected development.	The Commission shall review the number of performance classes and the thresholds between them every 3 years in order to keep them representative of the market reality and its expected development.	The Commission shall review the number of performance classes and the thresholds between them every 3 years in order to keep them representative of the market reality and its expected development. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, Part IX				
916				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Part IX 9. Conformity assessment	Part IX 9. Conformity assessment	Part IX 9. Conformity assessment	Part IX 9. Conformity assessment Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, twenty-fourth paragraph				
917	The calculation and verification rules shall specify the applicable conformity assessment procedure from among the modules set out in Annex II to Decision No 768/2008/EC, with the adaptations necessary in view of the material concerned.	The calculation and verification rules shall specify the applicable conformity assessment procedure from among the modules set out in Annex II to Decision No 768/2008/EC, with the adaptations necessary in view of the material concerned.	The calculation and verification rules shall specify the applicable conformity assessment procedure from among the modules set out in Annex II to Decision No 768/2008/EC, with the adaptations necessary in view of the material concerned.	The calculation and verification rules shall specify the applicable conformity assessment procedure from among the modules set out in Annex II to Decision No 768/2008/EC, with the adaptations necessary in view of the material concerned. Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, twenty-fifth paragraph				
918	When specifying the applicable conformity assessment procedure, the Commission shall consider the following criteria:	When specifying the applicable conformity assessment procedure, the Commission shall consider the following criteria:	When specifying the applicable conformity assessment procedure, the Commission shall consider the following criteria:	When specifying the applicable conformity assessment procedure, the Commission shall consider the following criteria: Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, twenty-fifth paragraph, point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
919	(a) whether the module concerned is appropriate to the type of material and proportionate to the public interest pursued;	(a) whether the module concerned is appropriate to the type of material and proportionate to the public interest pursued;	(a) whether the module concerned is appropriate to the type of material and proportionate to the public interest pursued;	(a) whether the module concerned is appropriate to the type of material and proportionate to the public interest pursued; Trilogue 24/10/2023 Text Origin: Commission Proposal
Annex V, twenty-fifth paragraph, point (b)				
920	(b) the availability of competent and independent third parties able to perform potential third party conformity assessment tasks;	(b) the availability of competent and independent third parties able to perform potential third party conformity assessment tasks;	(b) the availability of competent and independent third parties able to perform potential third party conformity assessment tasks; nature of the risks entailed by the product and the extent to which conformity assessment tasks corresponds to the type and degree of risk;	
Annex V, twenty-fifth paragraph, point (c)				
921	(c) where third party involvement is mandatory, the need for the manufacturer to have a choice between quality assurance and product certification modules set out in Annex II of Decision No 768/2008/EC.	(c) where third party involvement is mandatory, the need for the manufacturer to have a choice between quality assurance and product certification modules set out in Annex II of Decision No 768/2008/EC.	(c) where third party involvement is mandatory, the need for the manufacturer to have a choice between quality assurance and product certification modules set out in Annex II of Decision No 768/2008/EC.	(c) where third party involvement is mandatory, the need for the manufacturer to have a choice between quality assurance and product certification modules set out in Annex II of Decision No 768/2008/EC. Trilogue 24/10/2023 Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VI				
922	Annex VI	Annex VI	Annex VI	Annex VI Delete It has to be kept as an implementing power, as the list cannot be provided at this stage yet by the Commission services Trilogue 24/10/2023 ITM 6 November 2023 Text Origin: Commission Proposal
Annex VI, first paragraph				
923	Relevant products as referred to in Article 26(1)	Relevant products as referred to in Article ~~26(1)~~ 27(1)	Relevant products as referred to in Article ~~26(1)~~ 27(1)	~~Relevant products as referred to in Article 26(1)~~ Trilogue 24/10/2023 ITM 6 November 2023 Text Origin: EP Mandate
Annex VI, second paragraph				
924	The following table lists goods as classified in the Combined Nomenclature set out in Annex I to Regulation (EEC) No 2658/87.	The following table lists goods as classified in the Combined Nomenclature set out in Annex I to Regulation (EEC) No 2658/87.	The following table lists goods as classified in the Combined Nomenclature set out in Annex I to Regulation (EEC) No 2658/87.	~~The following table lists goods as classified in the Combined Nomenclature set out in Annex I to Regulation (EEC) No 2658/87.~~ Trilogue 24/10/2023 ITM 6 November 2023 Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement

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