

# Parliament amendments to the Critical Raw Materials Regulation: towards a more circular, intergenerational, and just transition?

In June 2023, Generation Climate Europe **responded to the Commission's official consultation** on the Proposal establishing a framework for ensuring a secure and sustainable supply of critical raw materials. In the reaction, we outlined our concerns regarding the Commission's Proposal: its push for mining with minimal attention on the long-term and intergenerational perspectives on negative social and environmental impacts, the absence of stakeholder involvement in the permit procedures for Strategic Projects, and the lack of focus on circular and consumption reduction practices.

On Thursday, 14th of September, the European Parliament **adopted its amendments** to the Proposal. In summary, we are pleased to see amendments for circularity and consumption reduction, as these highlight the need for measures in repair and mitigation of material demand - as does the review of Directive 2012/19/EU - but the expediency of Strategic Projects can be still considered as undermining the adoption of a more intergenerational and just perspective on mining. If deep changes to the Regulation are not adopted, mining operations will have the possibility of infringing on the future access of nature and biodiversity for the next generations.

## Steps forward on circularity and e-waste reduction

The amendments added attention to circular and consumption reduction practices - including repair - which resonates with the adoption of a more intergenerational perspective on mining. The Parliament recognised that "mitigating the increase in demand is one of the levers by which to [...] reduce (the Union's) environmental footprint," significantly increased the target for Union recycling capacity, and strengthened the requirements on sustainability. It is also highly significant that, in processing the applications for Strategic Projects, the Commission should now give priority to projects "in the area of material recovery, extractive waste and integrative recycling." However, there is still work to be done in establishing what EU-wide indicators and targets to subscribe to for circularity and consumption, e.g., level of criticality, material efficiency, and reparability. Member states would currently be implementing their own measures in this respect.

The amended text also orders the Commission to review Directive 2012/19/EU on waste electrical and electronic equipment (WEEE) "to assess the feasibility of introducing targets for the collection and recovery of critical raw materials" from e-waste. This revision was identified as a high priority in **GCE's previous position on the Commission's Proposal**, as it is known that almost all member states fail to reach the collection and recycling targets set by WEEE. We are hopeful that this revision will not only signify new targets, but also a more effective implementation strategy across member states.

## Progress to be made on environmental guarantees and stakeholder involvement

As for the amendments that regard Strategic Projects themselves, in its previous position GCE stressed that not much attention had been given to better specifying what “mutual benefit” and “added value” to third countries as a defining criteria for Strategic Projects amounted to. The amendments specified that, to be Strategic, the Projects should enable countries to “move up the value chain.” However, this still needs clarified, at least in the form of guidelines. Some steps forward had been made in identifying the main criteria to assess whether projects can be considered “implemented sustainably:” complying with a sustainability certification scheme recognised by the Commission. Particular attention needs to be put on the formulation of these schemes, and, for the ones already existing, close scrutiny through permanent NGO participation needs to be put in place.

Still untouched by the amendments instead is the identification of Strategic Projects as “projects of public interest or serving public health and safety” and therefore of overriding public interest, provided that the Water Framework Directive, the Habitats Directive, and the Birds Directive are respected. This classification is restrictive, and could potentially prevent opposition to Strategic Projects based on other legal bases. The classification of projects as Strategic will also result in them having priority status at the administrative level. As highlighted in our previous reaction, the expediency of approving Strategic Project risks to be in conflict with deliberative and inclusive consultations, which should be part of permit granting, especially in projects that have such deep consequences for the environment, as “rights holders [...] will have less time to prepare their defence and less information about the project than the project promoters.” Amendments did not act on this.

The overpowering nature of expedite procedures is exacerbated by the continued lack of mandatory NGO involvement in the permit procedure of Strategic Projects. The amendments only granted observer status to civil society organisations in one of the European Critical Raw Materials Board subgroups. Despite this being a step forward, it is not even remotely enough to guarantee meaningful public participation and include younger generations in a discussion that very much regards them. In the upcoming negotiations, we demand that EU institutions take into account that the lack of public scrutiny not only impairs the objective of a just transition set by the European Green Deal itself, but it is also neglecting the intergenerational perspective that should be at the basis of the transition.

1. P9\_TA(2023)0325, [‘Framework for ensuring a secure and sustainable supply of critical raw materials’](#) (10).
2. Ibid, Article 6(7)(ba).
3. Ibid, Article 25(1).
4. European Environmental Bureau, [‘Most EU member states miss collection targets for electronic waste, NGOs demand quick action from European Commission’](#) (2022).
5. P9\_TA(2023)0325, [‘Framework for ensuring a secure and sustainable supply of critical raw materials’](#).
6. Ibid, Article 5(1)(c).
7. Ibid, Article 9(1).
8. SOMO, [‘SOMO Position Paper \(2023\)’](#), p. 2.
9. P9\_TA(2023)0325, [‘Framework for ensuring a secure and sustainable supply of critical raw materials’](#), Article 34(6).