

Environmental newsletter

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New legal framework for strategic and critical raw materials

Following the entry into force of Regulation 2024/1252¹ (the EU Critical Raw Materials Act, “**CRMA**”) which establishes an EU framework for the secure and sustainable supplies of strategic and critical raw materials, a draft Act on ensuring the national economy’s access to raw materials, including critical raw materials² (“**Draft**”) has been prepared. The Draft will introduce national implementing measures for the CRMA and comprehensively regulate the State’s Raw Materials Policy. The Council of Ministers is considering the Draft which is currently at the opinion stage.

Strategic and critical raw materials

The CRMA distinguishes between strategic raw materials and critical raw materials. The Polish Draft adopts the same classification.

Strategic raw materials include rare earth elements and graphite which are prioritized for the EU’s economy because of their importance for the EU’s technological and energy transition. Annex I to the CRMA lists all 17 strategic raw materials.

Critical raw materials include, for example, lithium and cobalt (essential for electric vehicles), boron (used in wind-turbine components and electronics), and important metals such as magnesium, tungsten, and scandium. Annex II to the CRMA lists all 34 critical raw materials.

The European Commission will update both lists periodically.

Strategic projects

The CRMA introduces the new concept of **strategic projects**, i.e. initiatives crucial to ensuring the security of the EU’s supply of strategic raw materials.

The European Commission may designate a project as strategic if it meets certain criteria, including, among others: a significant contribution to supply-chain security, technical feasibility, adequate production scale, environmental and social sustainability, and potential cross-border benefits within the EU. Strategic projects benefit from a preferable procedural regime:

- **Single point of contact:** The Draft Act designates the minister responsible for environmental matters as the “single point of contact” for strategic projects. This contact point, operating within the ministry in accordance with the CRMA, will coordinate the entire permitting process (the so-called comprehensive decision) and liaise with other authorities on behalf of the investor.
- **Public purpose designation:** Activities necessary to implement a strategic project will be recognized as serving a public purpose, helping the investment process.
- **Shortened deadlines:** The permitting procedure for strategic projects must be completed within 27 months (extraction projects) or 15 months (processing or recycling projects), excluding the time required to prepare the environmental impact assessment report.

State Raw Materials Policy

The Draft requires that the **State Raw Materials Policy** be adopted and regularly updated. The Council of Ministers must adopt the Policy by resolution at least once every five years.

The Policy must include, among other elements: an assessment of the current state of raw materials management, priority areas of action (particularly in geology and extraction), a forecast of demand for specific raw materials over at least the next ten years, and a list of raw materials essential for the national economy.

¹ Regulation (EU) 2024/1252 of the European Parliament and of the Council of 11 April 2024 establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1724 and (EU) 2019/1020.

² Project No UC 83.

The minister competent for environmental matters (through the Chief National Geologist) will implement the Policy by preparing draft versions of the Policy, coordinating relevant actions, and monitoring the implementation of adopted measures.

Sustainability and the circular economy

Both the CRMA and the Draft emphasize using instruments that promote a circular economy for raw materials, reflected in these measures:

- **National programs:** Member States must adopt national programs on the circular use of critical raw materials, aimed at fostering technological progress and efficient resource management.
- **Waste management plans:** Extraction and processing entities must prepare waste management plans and assess the potential for recovering critical raw materials from extractive waste.
- **Manufacturers' obligations:** Manufacturers of equipment that may contain permanent magnets (such as wind turbine generators, industrial robots, or motor vehicles) must disclose whether their products include such magnets, and provide information about the recyclability of the materials used.

These regulations aim to reduce raw material waste and enhance opportunities for reuse and recovery, i.e. key aspects of economic transformation towards environmental sustainability and supply security.

How can we assist you?

- **Advising on strategic project applications:** We help prepare applications for strategic project designation under the CRMA framework.
- **Advising on permitting procedures:** We help clients prepare applications for comprehensive decisions and other necessary permits.
- **Representation before authorities:** We represent businesses in relevant administrative proceedings.
- **Advising on compliance:** We provide guidance on implementing circular economy requirements and other obligations under the CRMA.

This newsletter has been prepared to alert our Clients to certain significant developments in the Polish law. It is not purported to be a legal advice concerning any particular situation or circumstances of any of our Clients, and it should not be relied upon as such. If you have any questions concerning the developments discussed in this newsletter and their potential impact on your business in Poland, please kindly contact the partner of our Firm responsible for your engagement.



Contact us!

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