

EN

E-002085/2024

Answer given by Executive Vice-President Šefčovič
on behalf of the European Commission
(27.11.2024)

1. The EU's policy on critical raw materials, as determined by the Critical Raw Materials Act¹, aims to ensure a secure and sustainable supply of critical raw materials and does not weaken EU environmental rules. The environmental effects² of plans and programmes and of individual projects covering mining activities have to be duly assessed in accordance with the EU requirements on strategic environmental assessment³ and on environmental impact assessment⁴.

In addition, plans or projects likely to have a significant effect on Natura 2000 sites, either individually or in combination with other plans or projects, must be subject to an assessment of their implications for the sites in accordance with Article 6(3) of the Habitats Directive⁵. They can only be authorised if the integrity of the sites is safeguarded. When adverse effects on the integrity of a site cannot be excluded, the plan or project can exceptionally be authorised under Article 6(4) of the Directive only under certain conditions⁶. The Commission has issued guidance on non-energy mineral extraction and Natura 2000⁷. New projects also have to be assessed as regards their impact on water bodies and can only be allowed subject to compliance with the criteria set out in Article 4(7) of the Water Framework Directive⁸.

2. It is primarily the responsibility of the Member States to ensure the proper application of the relevant legal provisions and to take the necessary enforcement actions. In its role as guardian of the Treaties, the Commission will monitor the situation and may decide to take action as appropriate.

¹ https://single-market-economy.ec.europa.eu/sectors/raw-materials/areas-specific-interest/critical-raw-materials/critical-raw-materials-act_en

² incl. inter alia on land and water resources (including groundwater).

³ Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, O.J. L 197, 21.07.2001 p. 30 – 37.

⁴ Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment. OJ L 124, 25.4.2014, p. 1–18.

⁵ 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.

⁶ Commission's guidance document European Commission: Directorate-General for Environment, Managing Natura 2000 sites – The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC, Publications Office, 2019, <https://data.europa.eu/doi/10.2779/02245>

⁷ European Commission: Directorate-General for Environment, Guidance document on non-energy mineral extraction and Natura 2000: a summary, Publications Office, 2019, <https://data.europa.eu/doi/10.2779/985239>

⁸ 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.