

Public Consultation on the preparation of a new Communication on Raw Materials

CEPI COMMENTS IN ITALIC

Objective

The Commission intends to adopt a Communication on the subject above by end of this year. It will highlight the recent economic developments on the global raw material markets, show the progress made in the implementation of the Raw Materials Initiative (adopted in 2008), but also highlight remaining challenges and draw conclusions in terms of the way forward.

The goal of this consultation is to gain an understanding of stakeholders' views on both the implementation of the Raw Materials Initiative (RMI) as well as gather opinions and suggestions on the potential avenues the Commission should explore in order to further progress and strengthen the Initiative, including actions at the level of EU, Member State and/or other stakeholders to address the key issues in relation to non-energy raw materials. For the purpose of this consultation "raw materials" cover all industrial raw materials including materials such as minerals, ores, aggregates, and also wood, hide and skins and other industrial raw materials with the exception of energy and food related raw materials.

State of play

In November 2008 the Commission adopted the Communication (2008) 699 "The raw materials initiative - meeting our critical needs for growth and jobs in Europe" which proposed an EU integrated strategy as a response to the different challenges related to access to non-energy raw materials. As such it tied together various EU policies, both external (e.g. external relations, trade, development) and internal (e.g. environment, competitiveness, innovation), and promoted further cooperation between the Member States where appropriate. The proposed strategy is based on 3 pillars:

1. ensure a level playing field in access to resources in third countries
2. foster sustainable supply of raw materials from European sources, and
3. reduce consumption of primary raw materials by increasing resource efficiency and promoting recycling.

In May 2009, the Competitiveness Council endorsed the major objectives set out by the RMI and invited the Commission, Member States and stakeholders to act swiftly in the implementation of various lines of action outlined by the RMI. It also welcomed the Commission's intention to report back on the implementation of the RMI by the end of 2010.

The launch of the RMI coincided with the full onset of the financial and economic crisis. The evolution of the international raw material markets has confirmed the structural nature of the issues at stake and thus reinforced the need to further pursue the objectives of the RMI.

Meanwhile the RMI has gathered extra momentum with adoption of the Europe 2020 Strategy that includes as one flagship "An industrial policy for the globalisation era" and that foresees the setting up of a framework for a modern industrial policy that will "address all elements of the increasingly international value chain from access to raw materials to after-sales service". Other related flagships are "Innovation Partnership" and "Resource Efficiency".

Work is ongoing to implement the different lines of action outlined by the RMI. On top of a series of actions undertaken in the framework of the RMI, three major deliverables have recently been released:

- Report on defining "critical raw materials at EU level"¹;
- Report on "exchange of best practices in area of land use planning and permitting"²;
- Trade activity report 2009 on raw materials³.

Another one is the Guideline document on "Non-Energy Extractive Industry and Natura 2000" aimed to provide clarification. The Guideline document is foreseen to be published by end of July and will be also available via the web site of Environment Directorate General. Finally, regarding the external angle of the strategy, a first milestone was achieved with the publication of DG Trade's 2009 activity report on raw materials.

CEPI aisbl - The Confederation of European Paper Industries

The Confederation of European Paper Industries (CEPI) is a Brussels-based non-profit making organisation regrouping the European pulp and paper industry and championing this industry's achievements and the benefits of its products. Its mission is to promote the member's business sector by taking specific actions notably, by monitoring and analysing activities and initiatives in the areas of industry, environment, energy, forestry, recycling, fiscal policies and competitiveness in general.

Through CEPI, the paper industry increases its visibility and acts on emerging issues, making expert and constructive contributions on behalf of the industry. Its collective expertise provides a unique source of information both for and on the industry; coordinating essential exchanges of experience and knowledge among its members, the ability to provide technical assistance to legislators and to identify independent experts on specific issues.

Through its 19 member countries (17 European Union members plus Norway and Switzerland) CEPI represents some 760 pulp, paper and board producing companies across Europe, ranging from small and medium sized companies to multi-nationals, and 1080 paper mills. Together they represent 26% of world production.

¹ http://ec.europa.eu/enterprise/policies/raw-materials/critical/index_en.htm

² http://ec.europa.eu/enterprise/policies/raw-materials/sustainable-supply/index_en.htm

³ http://trade.ec.europa.eu/doclib/docs/2010/june/tradoc_146207.pdf

QUESTIONS

POLICY AREA: DEFINING CRITICAL RAW MATERIALS

Major issues:

An expert group, chaired by Enterprise and Industry DG, recently released a report⁴ that presented a methodology to measure the criticality of raw materials at EU level. A raw material is labelled "critical" when the risk of supply shortage and their impacts on the economy are higher compared with most of the other raw materials. The report provides an analysis of 41 different minerals and metals, and concluded on a list of 14 critical raw materials. It also contained two sets of recommendations: recommendations for follow-up and further support, and policy-oriented recommendations to secure access to and material efficiency of raw materials.

Questions:

1. Do you have any comments on the methodological approach, including the scope, to determine criticality at EU level? If so, please specify.

Only metals and minerals have been analysed. Other materials are not among the 41 materials analysed. Availability in the supply-demand balance set by the market actors and policies should be included in the methodology. The methodology does not take into account policies, including EU policies that have an impact on the availability of a raw material such as the EU renewable energy policy, which has an impact on the availability of wood and recovered paper for the paper industry in Europe and for the entire forest-based industry. The criticality assessment should therefore be reviewed and updated in a shorter period than 5 years.

2. Do you see any additional raw material that should be considered as critical? If so, please explain.

Critically important for the European paper industry, wood and recovered paper have not been analysed. Wood and recovered paper face new competition from the energy sector in Europe and at global level as they are eligible for renewable energy subsidies. Renewable energy subsidies drive prices for these raw materials up and make them critical for the manufacturing industry. These raw materials should therefore be considered as critical.

3. Do you have any comments regarding the recommendations of the report? If so, please specify.

By the presence of a list of 14 critical raw materials, the recommendations might be perceived as being valid for the shortlisted materials only. The recommendations of the report are valuable and should benefit all raw materials crucial to the European industry. CEPI particularly supports the recommendations with respect to disciplines that are urgently needed to ensure free and fair trade. The recommendations with respect to resource efficiency are also supported. CEPI supports the recommendation to improve the availability of reliable and consistent statistical information in relation to raw materials. The preparation of a European Raw Materials Yearbook could also be supported if it goes beyond metals/mining industries and particularly covers renewable raw materials. We support the creation of a sub-group to follow up recommendations of the report and are of the opinion that a representative from the renewable raw materials using industries should be a member of the group.

4. Are you aware of any initiatives in your country that aim to assess the criticality of raw materials? If so, please describe briefly.

5. The functioning of raw materials markets has not been dealt with. Do you think that further analysis of their functioning should be carried out? What actions should be proposed to increase their transparency?

The functioning of raw materials markets should be analysed with respect to the impacts of the use of renewable raw materials as energy. The March 2007 EU Summit agreed that the promotion of renewable energy should avoid conflicts between different uses of biomass. Industrial users of biomass should have fair and equal access to biomass. To this aim, the following measures should be taken:

- ***EU legislation should state that renewable energy support schemes should not distort the biomass market and that National Action Plans should specify how this will be achieved.***
- ***Careful attention should be paid in order that the production of biofuels from waste, residues, etc. does not affect industries' raw material use.***

The Commission shall monitor the impact on raw material price associated with the use of biomass for energy.

6. Do you think that the EU should propose a system of stockpiling for the critical raw materials? If so, please indicate whether you consider it more appropriate to do this at Community or alternatively at Member States level.

⁴ http://ec.europa.eu/enterprise/policies/raw-materials/critical/index_en.htm

POLICY AREA: TRADE

Major issues:

One pillar of the Raw Materials Initiative consists in developing a European external strategy in order to guarantee the sustainable supply of raw materials from global markets at undistorted conditions. In this, trade policy plays an important role.

DG Trade has recently completed its 2009 activity report⁵ on raw materials, which summarizes the progresses accomplished along the three axes of the trade raw materials strategy:

- ⌚ Include, as appropriate, the relevant trade disciplines on sustainable supply of raw materials in bilateral and multilateral trade agreements.
- ⌚ Identify illegitimate trade distortive measures taken by third countries and tackle them using all available instruments, including through bilateral consultations, the Market Access Partnership process or, if necessary, the WTO dispute settlement; while delimitating more clearly permissible exceptions for e.g. development purposes.
- ⌚ Reach out to third countries to show that the question of sustainable raw materials supply is an issue relevant to all countries, developing or developed, resource-rich and resource-poor alike as the uncontrolled, unregulated multiplication of trade restrictions can lead to a generalized beggar-thy-neighbour policy detrimental to most countries; while recognising the importance of respecting internationally agreed rules on the subject.

Questions:

7. Do you think that the importance of trade is adequately reflected in the work carried out so far in the Raw Materials Initiative?

Trade is crucial for reaching the goals of the Raw Materials Initiative. It is positive that DG TRADE reports regularly on the implementation and has focused on integrating trade disciplines most relevant to raw materials in ongoing trade negotiations. A regular reporting on the 2 other pillars of the initiative, mobilisation of raw materials within the EU and resource efficiency including recycling, is equally needed.

8. Do you have any comment regarding the main findings of DG Trade activity report? What activities should be prioritised? Are there, in your

opinion, additional activities not mentioned in the report which should be pursued in this strategy?

The report describes the Russian export duty increases on wood and the negative consequences on the European pulp and paper industry. WTO accession of Russia should be supported and dialogue maintained to find solutions to wood export duties and non-tariff barriers. CEPI calls for the establishment of the right conditions to ensure fair and free competition among resource users at European and international levels through WTO and Free Trade Agreement negotiations – some competing trade partners have restrictive raw material access policies and at the same time maintain high tariffs on products. Some countries allocate substantial subsidies to companies using secondary raw materials such as recovered paper. This is not mentioned in the report by DG TRADE.

CEPI supports the offensive EU trade policy against raw materials market distortions, such as export duties. Discipline is urgently needed to ensure free and fair trade:

- The EU should launch a debate at WTO level on raw material export restrictions aiming at clarifying the existing rules and proposing adjustments, where necessary, to establish discipline.***
- The EU should advocate strengthening of WTO rules on hidden subsidies such as access to finance at “non-market” conditions.***
- Raw material access should be considered as sine-qua-non conditions in all EU bilateral and regional agreements with third countries.***
- Incorporating the supply and availability of raw materials into the EU economic external policy could be enforced in the context of the EU2020.***
- The positive environmental performance of the European industry is penalised and EU law infringed, in this case by shipments of recyclates into third countries where environmental standards are not at the same level. This should be stopped.***

9. Please identify trade distortive measures (i.e. export restrictions) concerning raw materials that in your view should be tackled.

- Russian Export taxes on wood***
- EU tariffs on starch imports***

⁵ http://trade.ec.europa.eu/doclib/docs/2010/june/tradoc_146207.pdf

10. Are you aware of any initiatives in your country that have one of the above-goals in mind such as, for example, developing a raw materials diplomacy, or supporting companies to invest in third countries in the raw materials sector? If so, please describe briefly.

POLICY AREA: DEVELOPMENT

Major issues:

The 2008 RMI Communication highlighted that development policies play a relevant role in at three 'levels':

- ⌚ 'Strengthening States'
- ⌚ Promote a sound investment climate that helps increase sustainable supplies of raw materials
- ⌚ Promote sustainable management of raw materials

In 2010, within the context of the EU-African Union partnership, the European Commission and the African Union Commission recently agreed to develop a bilateral co-operation in the field of raw materials and to work together, taking fully into account the Africa Mining Vision of February 2009 and the EU Raw Materials Initiative of December 2008, in particular on issues such as governance, infrastructure and investment and geological knowledge and skills.

Questions:

11. What specific actions would you consider most relevant needed in the following areas:

- Good governance;
- Infrastructure / investments;
- Geological knowledge / skills.

12. Regarding transparency, what measures do you believe the EU should take to foster revenue transparency in the mining industry in raw material resource-rich countries? What are your views regarding existing initiatives currently being taken in this area, namely by the Extractive Industries Transparency Initiative (EITI⁶)?

13. Concerning the recent agreement between the European Commission and the African Union Commission, in your view, what concrete objectives, targets and deliverables should be included in such a partnership?

14. Do you consider that wood should be addressed in the framework of development policy? If yes, please specify what are the main issues to be analysed.

Wood is addressed by development policy, notably through the EU Flegt Action Plan (Forest Law Enforcement, Governance and Trade) from 2003. In this context the negotiations on voluntary partnership agreements should be continued and intensified. Only a small minority of the wood purchased by the European Pulp and

paper industry originates from developing countries (less than 2%) however the highly ambitious EU targets on the use of energy from renewable sources will increase the pressure on the supply of wood from outside the EU.

Sustainability criteria for biomass, including those from developing countries, therefore have to be introduced and enforced to ensure a level-playing field with the traditional use of wood as a raw material.

The European paper industry welcomes any proportionate initiative aiming at combating illegal logging that provides legal certainty and minimises the risk of illegal timber on the European market. In that context it sees the "Regulation laying down the obligations of operators placing timber on the market" as a useful complement to its own voluntary initiatives and commitments, provided its implementation is proportionate and does not create barriers to the use of wood.

Through its involvement in the international climate change negotiations, the EU addresses the issues of deforestation and forest degradation in developing countries (REDD+).

15. Are you aware of any initiatives in your country that contribute to promoting exploration and exploitation of mines in developing countries? Should such initiatives be better coordinated or promoted at the EU level?

Not relevant for CEPI.

⁶ <http://eiti.org/>

**POLICY AREA: IMPROVEMENT OF THE REGULATORY
FRAMEWORK CONDITIONS INSIDE THE EU**

Major issues:

- ⌚ The Commission has proposed in the Raw Materials Initiative adopted in 2008 to provide clarity on how to reconcile non-energy extraction activities in or near Natura 2000 areas with environmental protection. In consultation with stakeholders a guidance document has been finalised and will be available on the web site of DG Environment⁷ before summer break.
- ⌚ As regards ways to improve the regulatory framework within the EU by promoting the exchange of best practices in the area of land use planning and administrative conditions for exploration and extraction, a report has been delivered by the relevant ad hoc Working Group⁸.
- ⌚ This report covers the following topics:
 - Minerals Policy
 - Land use planning policy for minerals
 - Authorisation and permitting procedures
 - Achieving Technical, Environmental and Social Excellence
 - Improving the EU's geological knowledge base
 - Better networking between the national Geological Surveys
 - Need to integrate terrestrial sub-surface information into the GMES Land Service

Questions:

16. Do you agree that these topics correspond to the major challenges in this policy area? If not, please specify.

No. These topics are not relevant for those European industries in Europe using renewable raw materials. The policy related issues for those industries are:

- **Consistency between raw materials related policies, i.e. inter-linkages between renewable energy and waste policies.**
- **Environmentally harmful subsidies.**
- **Mobilisation of EU raw material resources from renewable sources.**

17. Do you think of any other avenues which should be followed by the

Commission? If yes, please specify.

18. Do you agree with the recommendations made in the report on "Exchanging Best Practice on Land Use Planning, Permitting and Geological Knowledge Sharing" or do you have any specific ones to be added. Please explain.

19. Do you consider it useful to establish an EU geological service based on a network of Member State geological services?

⁷ <http://ec.europa.eu/environment/nature/natura2000/>

⁸ http://ec.europa.eu/enterprise/policies/raw-materials/sustainable-supply/index_en.htm

20. Do you consider that EU regulatory framework conditions for wood and/or recovered paper need to be further analysed? If yes, please specify.

Yes.

On Wood:

The European paper industry has regularly expressed its wish to see a better coordination and visibility for forests and forestry in the EU. In that respect, CEPI has welcomed the Forest Action Plan, as well as the Communication on Innovative and Sustainable Forest-based Industries and their key actions. As a significant user of wood as raw material, the European paper industry is dependent on the long-term availability of wood from sustainably managed forests. Therefore, the industry needs a balanced, predictable, coordinated forest policy framework.

As an increasingly global player, competing with large trans-national corporations from other continents, the industry needs competitive, sound and fair access conditions for wood. In this context, CEPI would consider with attention any framework approach at European level that would create enabling conditions to bring more coherence among the various national policies, without requiring any transfer of competence, and contributing to securing fair competition. Ideally this framework approach would confirm the cascading use of wood principle, using wood as a raw material first, before being used for renewable energy, last. A comprehensive analysis of the impacts of the renewable energy targets on the availability of wood for the European industry is therefore urgently needed, taking into consideration the Member States' plans for the use of biomass to reach their national RES targets. To address the mobilisation of EU resources for raw material and energy use, administrative and legal obstacles to efficient forest management must be eliminated. The sharing of best practices on wood mobilisation should be promoted.

In Europe, 29 million hectares of forests are protected for either biodiversity or landscape reasons, which corresponds to 7,1% of all European forests. While the extent of protected areas and the felling restrictions vary a lot among EU countries, in total, 68 million m³ of wood cannot be felled from these forests.

CEPI invites the European Commission to address biodiversity in a balanced and proportionate way, and to recognise the many other goods and services that European forests deliver to society, including wood as a renewable, carbon-storing resource, and as a substitute for often more carbon-intensive alternatives. Conservation and protection policies, hence the identification of endangered species and of sites requiring formal protection, have to be based on sound scientific evidence and transparent methodologies. The policies should constantly be reviewed to adapt to changing dynamics (e.g. changes in the threat to biodiversity, improved knowledge base, etc.).

On Recovered Paper:

Today recovered paper constitutes more than 50% of the raw material input for paper and board production in Europe. Unlike wood, recovered paper in the EU is regulated under product-specific or waste-related European legislation (Waste Directive, Waste Shipments Regulation, Packaging and Packaging Waste Regulation). CEPI is of the opinion that the existing legislation should be soundly implemented and enforced.

Illegal shipments to third countries is detrimental to the sustainability of the recycling sector in Europe and constitutes a material and energy leakage. The quality of the recovered paper greatly depends on the collection system used. Separate collection at source is the most advantageous option economically and environmentally. The Commission should closely monitor the enforcement of the Waste Directive's provisions with respect to separate collection targets. By separate collection our industry understands separate collection from paper and board from other materials. (contrarily to some countries who interpret separate collection as collecting recyclable materials separately from waste in so-called co-mingled collection systems).

To achieve the targets of the raw materials initiative the European Commission should ensure integration of policies on waste and recycling, on natural resources and on raw materials, as well as EU trade policies.

POLICY AREA: PROMOTING SKILLS AND RESEARCH, DEVELOPMENT AND INNOVATION

Major issues:

- ⌚ Promote **skills** not only in the mining sector but also in other raw materials sectors is a matter of concern. The Commission is currently supporting this challenge via programmes such as ERASMUS MUNDUS with the specific Minerals and Environment Programme (EMMEP).
- ⌚ Focussed **research** on innovative exploration and extraction technologies, recycling, materials substitution and resource efficiency. The Commission has recognised the European Technology Platform on Sustainable Mining (ETP-SMR) to catalyse excellent research and development collaborative projects between the industry and research organisations. In addition, via the 7th framework programme for research, development and innovation the next call for proposals in the area are expected to be public in July⁹.

Questions:

Skills:

21. What type of actions would you propose to provide better cooperation between companies, universities and public authorities in order to promote skills and in the extractive or other raw materials sectors? Please specify.

Research, Development and Innovation:

22. Are you aware of any research, development and innovation programme(s) at national, regional or local level? Please specify.

23. Where do you see the major gap / the urgent need for the raw materials sector related research, development and innovation at EU level. Please provide details.

24. What is your idea of a major research and innovation action that would have the highest positive impact on the security of raw materials supply for the EU industries? Please specify.

25. Are you aware of innovative exploration and extraction technologies, where project partners on a European level are needed to develop and implement the new technologies and which are the innovative technologies which need to be developed further. Please provide details.

26. Are there any other aspects related to skills, R&D and innovation for

other raw materials, such as wood, that need to be further promoted?
Please, specify.

Research:

The forthcoming Research Framework Programme should be drafted in a way that clearly identifies the priorities by sector rather than taking a horizontal-cross-sectoral approach. Renewable raw materials and the sectors using them should be a priority. One of the main issues for the industry is the gap between the research phase on a new product/technology and its commercial exploitation. In this phase, typically the financial support from research programmes has run out and income from marketing has not yet been generated. Financial support, e.g. for programmes on lignocellulosic crops should therefore be specifically directed to the pilot and demonstration phase.

Skills:

An important issue for the forest-based industry including the paper industry, is its difficulty to attract young, skilled people, both in the blue collar and white collar fields. This has to do with the industry's location mostly in rural areas and its perception as a traditional, old-fashioned industry. Programmes in schools and universities should be adapted to embrace the manufacturing industries too, including the forest industries, and re-establish the balance with the "service industry", which has received more attention than the manufacturing industry in the past.

⁹ <http://cordis.europa.eu/fp7/dc/index.cfm>

POLICY AREA: RESOURCE EFFICIENCY & RECYCLING

Major issues:

The 2008 RMI Communication identified that the increased use of secondary raw materials contributes to security of supply and energy efficiency. However, today many end-of-life products do not enter into sound recycling channels, resulting in an irremediable loss of valuable secondary raw materials. This mainly concerns exports of end-of-life vehicles and electronic equipment, which leave Europe as reusable products but end up being dismantled abroad. To counter these trends, the need to reinforce the Waste Shipment Regulation and related legislation was identified. Furthermore, prices of some recovered materials have reached record levels due to the high demand from third countries.

The Waste Shipment Regulation also contains requirements on exporters of waste to third countries to ensure that this waste will be treated in an environmentally-sound manner. However, compliance with this principle is not always respected.

Finally, stakeholders have identified the need for an improvement in statistics on secondary raw materials. This includes actions to be taken to measure the extent of illegal trade in products containing these secondary materials.

Questions:

27. In your view, and beyond measures already being taken (e.g. the recast of the WEEE Directive), what practical measures can be taken by the EU and by Member States to prevent the illegal shipment of obsolete end-of-life vehicles and electronic equipment?

28. In what ways should statistics on trade in, and recycling of, products containing secondary raw materials be improved?

Member States should be encouraged to collect data on the disposal and incineration of waste. This waste often contains raw materials that could be recycled. Statistics on recovered paper being used for energy valorisation should equally be collected as these amounts can not be used for recycling by the European industry anymore.

29. Have you identified major problems with recovered paper? What are the main issues that need to be further analysed?

Recovered paper collected from European industries, offices, shops and households and recycled in the European paper industry closes the paper and carbon loop and is the most material and energy efficient use of this resource. However, as it is considered to be a renewable energy source, recovered paper is increasingly targeted by the energy sector as a source of renewable energy. On the other hand, recovered paper is increasingly exported to asian countries, particularly China, whose industry operates at non-market conditions and therefore can afford high costs for importing recovered paper from Europe. To face these two major challenges, CEPI is of the opinion that the third pillar of the raw materials initiative - efficient use of resources – must be further strengthened through the following measures:

- ***The waste hierarchy, whereby recycling should be promoted over energy recovery must be applied in a consistent way, integrating the different EU policies and goals, eg. efficient use of natural resources, Waste Directive, etc.***
- ***The cascading use of wood for material first and for renewable energy last must be promoted to maximise the added value and optimise the full carbon cycle of forests and forest products.***
- ***The EU has to move towards measuring its resource use to have a better understanding of the needs and the availability in a global economy.***
- ***Promotion of recycling in the EU has to be taken literally, in line with EU waste policy and legislation - the principle of proximity upheld in the Waste Framework Directive should give preference to recycling within Europe.***
- ***Collection and sorting are pre-conditions for recycling in an industrial process. The enabling conditions have to be put in place to ensure that this industrial process takes place in the EU rather than in sub-standard recycling facilities of other world regions.***
- ***A ban on landfilling and incineration of recyclable materials would boost this development***
- ***The positive environmental performance of the European industry is penalised and EU law infringed, in this case by shipments of recyclates into third countries where environmental standards are not at the same level. This should be stopped.***