Ordine internazionale e diritti umani
International Legal Order and Human Rights
Ordenamiento Jurídico Internacional y Derechos Humanos
Ordre Juridique International et Droits de l'Homme
Diretta da Claudio Zanghì, Lina Panella, Carlo Curti Gialdino
EDITORIALE SCIENTIFICA

EU'S CHALLENGES IN ENSURING A SECURE *AND* SUSTAINABLE SUPPLY OF CRITICAL RAW MATERIALS *THROUGH* STRATEGIC PARTNERSHIPS AND PROJECTS

The EU "Critical Raw Materials Regulation" (CRMR), which entered into force on 23 May 2024, establishes a comprehensive regulatory framework aimed at ensuring the Union's access to a secure, resilient and sustainable supply of critical and strategic raw materials. These materials are essential for the EU's competitiveness, clean energy, and digital transition, as well as for its defence and aerospace needs. As part of the EU's broader strategy to enhance its strategic autonomy and economic resilience, the CRMR sets ambitious, non-binding benchmarks for 2030, aiming for at least 10% of the Union's annual consumption of strategic raw materials to be extracted from EU reserves, 40% processed in the EU, and 25% recycled within the EU. Additionally, it stipulates that no more than 65% of the Union's consumption of each strategic raw material should originate from a single third country. To achieve these benchmarks, this Regulation introduces two core tools: Strategic Partnerships and Strategic Projects. Considering that the overarching objective of the CRMR is to ensure the Union's access to a secure and sustainable supply of raw materials, this article particularly aims to assess the degree to which the CRMR implements environmental, social and governance (ESG) standards, with a specific focus on Strategic Partnerships and Projects. The author first investigates the non-binding nature of external partnerships, highlighting the lack of transparency in implementation roadmaps and the tension between local value addition and trade commitments. Subsequently, the analysis turns to Strategic Projects, scrutinizing the legal asymmetries arising from the two-tier compliance system between intra-EU and extra-EU projects, alongside the problematic reliance on private certification schemes to validate sustainability. The findings reveal a structural imbalance within the CRMR architecture, demonstrating that geoeconomic resilience and industrial competitiveness in practice take precedence over genuine sustainable resource management. The article concludes that this systematic prioritization of political and economic considerations over stringent ESG safeguards risks undermining the socio-environmental viability of the supply chains, ultimately jeopardizing the very long-term security of supply the Regulation aims to protect.