

BeST Position Paper on the European Critical Raw Materials Act

With the present paper, the Beryllium Science and Technology Association (BeST) encourages co-legislators to carefully assess the impact of the provisions included in the recently published Critical Raw Materials Act (CRM Act) on EU industry and its supply chains.

BeST submits the following key recommendations:

- Harmonised approach to critical raw materials

While the declared objective of the CRM Act is to ensure the secure and sustainable supply of CRMs, the Act fails to support the implementation of a harmonised approach to CRMs by policymakers. Indeed, the lack of a harmonised approach towards these materials has resulted in openly conflicting and contrasting regulatory provisions in the frame of EU raw materials legislation, chemicals legislation, EHS and OSH, among others.

Over the last two decades, for example, beryllium has been repeatedly targeted under REACH, OSH and RoHS legislation despite lack of new data or applications suggesting the need for a regulatory intervention. Other CRMs have suffered similar unjustified regulatory targeting.

Ensuring the secure and sustainable supply of CRMs, like beryllium, requires a coordinated and joint effort by all EU policymakers which can only be achieved by finally acknowledging the special status of CRMs in all regulatory frameworks covering these materials.

- Carefully considered circularity measures

Circularity is a broad concept that is not only limited to the end of use and waste phases of the value chains of and/or products containing CRMs. Indeed, circularity measures also cover use and longevity of products.

While BeST agrees that further action should be taken to increase the re-use and recycling of raw materials, in the case of beryllium where very small amounts of the material are present in end-applications, mostly as alloying element in copper, these actions are not technically nor economically feasible. On the other hand, beryllium has a key role in allowing the recycling of other raw materials. Indeed, the addition of a few ppm of beryllium prevents molten magnesium alloys from catching fire during the recycling stage. Without the addition of a few ppm of beryllium, there would be no production or recycling of aluminium-magnesium alloys and magnesium alloys in Europe.

Additionally, the use of beryllium in end use applications increases product longevity as well as product performance and reliability. Beryllium therefore substantially contributes to the circularity of products while avoiding obsolescence.

Moreover, while substitution is a potential tool to decrease the use of certain raw materials, it should not be regulatory induced. Indeed, in the case of beryllium, the cost of the material is sufficient to prompt its substitution wherever possible. Consequently, beryllium is generally exclusively used in those end-use applications where substitution is simply not possible without substantial loss of performance with dire consequences in case of life-saving applications.

These commodity-specific trade-offs should be considered by policymakers when introducing circularity measures. The implementation of socio-economic impact assessments is therefore necessary to obtain a thorough understanding of the implications of a specific regulatory measure and avoid regrettable and unintended consequences.

- Feasible and achievable results

Overambitious provisions will not guarantee the desired objectives and will, on the contrary, negatively impact EU industry and societal well-being.

Thresholds in terms of sourcing, processing and recycling cannot be applied to all commodities indistinctively. Indeed, these need to be tailored to the specific characteristics of the commodity targeted to achieve the desired impact and avoid unintended consequences.



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Moreover, mandatory certification schemes and environmental footprint declarations will require additional human and financial resources which will overburden industry, reduce its competitiveness, and often not guarantee the desired results due to the lack and/or complexity of the data required.

The CRM Act should therefore concentrate on thresholds and measures where the objectives are economically and technically feasible while avoiding overburden of industry, already severely challenged by rising energy prices and supply disruptions.

- **Certainty for investments and innovation**

The CRM Act should contribute to creating a stable regulatory environment for CRMs, like beryllium, to enable increased investment and therefore innovation in the sector.

The unjustified continuous and repeated targeting of CRMs, like beryllium, in the frame of the different regulatory frameworks at EU and national level has negatively impacted the sector and the CRMs image resulting in negative impact on investment.

Guaranteeing coordination and consistency between the provisions of the CRM Act and the provisions of other regulatory frameworks would contribute to creating a regulatory environment for materials that guarantees certainty which would support increased investment and innovation in the raw materials sector.

Conclusions

BeST encourages the co-legislators to consider the above-mentioned recommendations in the frame of their assessment of the CRM Act with the aim to develop a regulatory framework fit to secure access and use of the raw materials needed to support EU industry and societal wellbeing.

About BeST

The Beryllium Science and Technology Association (BeST) represents the manufacturers, suppliers and users of beryllium metal, beryllium containing alloys and beryllium oxide ceramics in the EU market. BeST has the objective of promoting sound policies, regulations, science and actions related to the safe use of beryllium and to serve as an expert resource for the international community on the benefits and criticality of beryllium applications. It is also the objective of BeST to promote good practices in the workplace to protect workers handling beryllium containing materials.

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