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Strategic Autonomy vs. Democratic Accountability: Legal Controversies in the Implementation of the EU Critical Raw Materials Act

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Why Critical Raw Materials Matter

- The green and digital transitions depend on lithium, cobalt, rare earths
- EU imports > 90 % of rare earths — heavy dependence on China
- Crises (COVID-19, Ukraine war, trade weaponisation) exposed vulnerabilities



The Critical Raw Materials Act (2024): Goals and Pillars

- Domestic Capacity Targets – 10 % extraction, 40 % processing, 15 % recycling
- Import Diversification – ≤ 65 % from one country
- Strategic Projects – fast-track permitting, funding priority



Legal Frameworks Potentially in Conflict

- Habitats Directive → Biodiversity protection
- Nature Restoration Law → Binding restoration targets
- EIA Directive → Environmental Impact Assessments
- Aarhus Convention → Information, Participation, Justice



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Case Study: Covas do Barroso (Portugal)





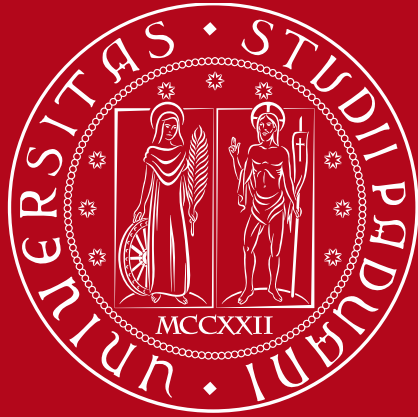
Accountability Pathways

- EU Level – CJEU & Aarhus Regulation (limited NGO standing, Plaumann rule)
- Supra-national Level – European Court of Human Rights (Greenpeace v. Norway)
- National Level – Courts & Preliminary References (Waddenzee, Kraaijeveld)
- Non-Judicial & Political – ACCC, EP oversight, media, civil society



Conclusions

- CRMA = milestone for EU economic security.
- But fast-track ≠ shortcut around democracy.
- Reconciling autonomy + accountability is key to a sustainable transition.



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Thank You!