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THE RAW MATERIALS INITIATIVE - PUTTING THE STRATEGY INTO PRACTICE

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Introduction

In 2008 the Commission proposed to launch the European Raw Materials Initiative¹ (RMI), which is an integrated strategy in response to the different challenges related to access to non-energy raw materials, 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. boost resource efficiency and promote recycling.

The RMI launched an important process at the level of the EU and Member States, and aims at progressively providing solutions in the medium term. The Council has shown full support for the overall thrust and objectives of the RMI in its Conclusions of 28 May and 4 December 2009, and 1 March 2010.

The RMI has gathered extra momentum with the Commission proposal for a Europe 2020 Strategy. It includes as one flagship "An industrial policy for the globalisation era", which will "address all elements of the increasingly international value chain from access to raw materials to after-sales service".

Although the launch of the RMI coincided with the onset of the financial and economic crisis, the evolution of the global markets has confirmed the structural nature of the issues at stake and thus reinforced the need to further pursue and strengthen the objectives of the RMI. The latter was also confirmed by a public consultation.

This Communication outlines the recent developments on the global markets, the main achievements regarding the implementation of the RMI, and the way forward.

The scope of the RMI has been confirmed to include not only minerals and metals but also other materials such as wood, recovered paper and natural rubber which face similar challenges. Other materials, such as hides and skins (for the leather sector), which may also partially or entirely face the same problems, will also be the subject of the attention by the Commission in the relevant policies (e.g. trade). The same is true for renewable raw materials that are required by the European industries, such as the chemical industry.

1. MAJOR DEVELOPMENTS ON THE GLOBAL MARKETS

1.1. Developments on the demand side

The years 2002 till 2008 were marked by an unforeseen surge in demand for raw materials, driven by strong global economic growth, particularly in the emerging countries such as China (see annex 1), which experts described as a the beginning of a "super-cycle". Due to the onset of the financial and economic crisis, global GDP fell back in the second half of 2008 and into 2009, with the most severe setbacks in the developed countries, resulting in a sharp decline in global demand for raw materials. However, with the economic recovery, trends

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COM(699)2008 Communication "The raw materials initiative - meeting our critical needs for growth and jobs in Europe"

indicate that demand for raw materials (see annex 2) will rise again. This increase in demand will be reinforced by the further economic development of emerging economies. China is already the largest consumer of metals in the world, for example its share of copper consumption rose from 12% to about 40% over the last 10 years². China is expected to multiply its GDP by 5 by 2025, and India by 2030³. China, India and Brazil's continuous industrialisation and urbanisation will therefore have a major impact on future demand for raw materials.

The quantity and composition of future demand will also be driven by the rapid diffusion of emerging technologies. Demand emanating from foreseeable technical innovations may for example increase more than 20 times for gallium between 2006 and 2030, and 8 times for indium and germanium and 7 times for neodymium, during the same period.

For some raw materials, such as wood, the growing demand for renewable energy continues to increase competition for them. Increased demand is not always matched by a corresponding supply increase, thereby leading to higher prices.

1.2. Developments on the supply side

The financial and economic crisis had major effects on the supply side. Many mining companies reduced their output in response to the 2008 collapse in demand. Mining projects were halted or scrapped, and exploration expenditure plummeted in 2009. Meanwhile, new capacity is under construction again, and in advanced planning stages, for many mineral raw materials. Nevertheless, the lack of adequate infrastructure, energy shortages and transport bottlenecks constrains the output of mines and processing plants and inhibits capital spending on expansions and new projects in several countries. Moreover, the global extractive industries continue to be faced with a lack of skilled workers.

At the EU level, new mining projects have been launched in for example Greece, Spain, Romania and Sweden. However, the challenge remains to foster the right framework conditions that enable the further development of the EU extractive industry while taking full advantage of the EU's geological potential.

The anticipated speed and scale in the upward demand for raw materials is expected to result in the continuation of the super cycle. Although considerable growth in recycling is expected to contribute in meeting the expected growth in demand, a further increase in global production of primary raw materials will be unavoidable. It is noted that the production of some raw materials is characterised by further increased concentration at the level of companies (see annex 3).

1.3. Increasing challenges on the global markets

Some fundamental challenges to the access to raw materials remain and are even intensifying.

Firstly, the global markets continue to be distorted as many emerging economies are further pursuing protective measures to the competitive disadvantage of many EU industrial sectors. This is reflected in the marked increase in export restrictions on raw materials since 2008. This is particularly worrying given the growing importance of emerging economies, in particular China, as suppliers of raw materials (see annex 4).

World Metals Statistics Bureau – 2009 Yearbook

McKinsey « India's urban awakening. » 2010 and "Preparing for China's urban billion" 2009

Secondly, the high prices of raw materials which peaked around mid 2008 raised two issues. The first issue consists in the very significant price fluctuations on the raw material markets, for which enterprises can try to respond in various ways, for example, the build-up and carrying of stocks, long-term contracts or price hedging in the form of futures contracts. The second issue is about the role of speculation and the functioning of derivatives markets and its possible contribution to the price bubble of 2008.

2. ACHIEVEMENTS IN IMPLEMENTING AN INTEGRATED STRATEGY

A number of important deliverables on actions that have been outlined in the 2008 Communication on the RMI have been achieved: identifying critical raw materials, actions in the area of trade (1st pillar), research and Natura 2000 (2nd pillar) and recycling (3rd pillar).

2.1. Identifying critical raw materials

The Commission has identified a list of 14 critical raw materials at EU level (see annex 5), in close co-operation with Member States and stakeholders, and, assisted by an expert group, has developed a transparent, innovative and pragmatic methodological approach to define criticality⁴.

Critical raw materials display a particularly high risk of supply shortage for the next 10 years together with their high importance for the value chain. Their high supply risk is mainly due to the fact that a high share of the worldwide production mainly comes from a handful of countries, and it also takes into account their political-economic stability. This risk is in many cases compounded by low substitutability and low recycling rates.

For example, rare earths are essential inputs for a number of emerging technologies, e.g. high performance permanent magnets in wind turbines or electric vehicles, high temperature superconductors and catalytic converters for cars. However, the EU is fully reliant on imports, whereby China accounted for 97% of world production in 2009 (see annex 6). Moreover, China has not only applied export taxes, but has been increasingly tightening the export quota for rare earths, which is causing major concern worldwide. At the same time, no recovery processes relevant to rare earths are currently commercially viable, and available substitutes lead to a loss of performance in their applications, thus requiring more research.

The work revealed the need for better, consistent data and knowledge, in particular to assess the impact of emerging technologies on demand of raw materials and the increasing competition to land in the EU. The Raw Materials Supply Group (RMSG) could play a facilitating role in this work. It was also noted that criticality is a dynamic concept that may evolve over time. This means that materials which have not been labelled critical today (e.g. lithium) may potentially be considered "critical" in the future driven for instance by market developments and technological innovations. The report therefore recommends that the list would be revised every 5 years. It also underlines the need that policy actions would not be limited to critical raw materials exclusively.

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⁴ "Critical raw materials for the EU". Report of the RMSG Ad-hoc working group on defining critical raw materials June 2010.

2.2. Trade restrictions on raw materials: the WTO case against China

The most prominent action has been the WTO case against Chinese export restrictions, which has demonstrated the EU's resolve in challenging unjustified trade distortive measures. On 23 June 2009 the EU, jointly with the US and Mexico, requested formal WTO consultations. As this failed to lead to an amicable solution, a dispute settlement panel at the WTO was established in early 2010. A first batch covered 9 key raw materials⁵. The measures in place (quotas, export duties and minimal export prices) appear to be in violation not only of general WTO rules, but also of specific commitments that China signed up to, as part of its WTO accession Protocol. Because of the particularly strong position of China as supplier of these materials, the imposed restrictions distort worldwide competition for the downstream industries.

The Commission is also assessing ways for elimination of Russian export tax on wood and scrap, in particular in the context of Russia's Accession to the WTO.

2.3. New research opportunities

The EU has taken an important step in order to improve its knowledge base regarding both actual and future deposits, in particular for many critical raw materials. At the same time a framework has been provided to stimulate the extractive industry to deliver new products to the manufacturing industry through the development of high value, mineral-based nanoproducts. The FP7 project ProMine, launched in 2009 on a € 17 million budget, pursues both aims. Its implementation is expected to translate directly into significant economic benefits. The estimated in situ value of unexploited minerals at a depth of 500-1,000 metres is about € 100 billion. ProMine will assess the real value of European mineral resources by developing the first ever pan-European satellite-based mineral resources database and a detailed 4D computer modelling system.

Under FP7 funding has also been made available for projects on advanced underground technologies for intelligent mining, on substitution of critical raw materials such as rare earths and platinum group metals, and on coordination of activities in Member States in the area of industrial handling of raw materials through ERA-NET. Support has also been provided for the development of the biorefinery concept, that will contribute to provide new high value added products.

The Commission has also initiated co-operation with third countries in the area of research and innovation, such as with the US in the context of the Transatlantic Economic Council.

2.4. Guidelines on the implementation of Natura 2000 legislation

In the context of the RMI concerns have been raised about the sometimes competing objectives between the protection of Natura 2000 areas and the development of extractive activities. In particular article 6 of the Birds & Habitat Directives dealing with the appropriate assessment of mineral plans and non-energy extractive industry projects have caused major difficulties and inconsistencies in interpretation among Member States and industry. The Commission developed guidelines⁶ which aim to clarify certain Natura 2000 rules in order to

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Bauxite, coke, fluorspar, magnesium, manganese, silicon metal, silicon carbide, yellow phosphorus, and zinc

http://ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm

improve the compatibility between the need for competitive extractive activities and a high level of environmental protection.

The guidance:

- underlines that there is no automatic exclusion of non-energy extraction activities in or near Natura 2000 areas;
- recognises that some extraction projects can also be beneficial to biodiversity; and
- allows a proper application of Article 6, avoiding unnecessary and costly delays in the authorisation process.

2.5. Improved conditions for recycling

A major policy issue which called for increased legal clarification, deals with defining when reprocessed waste can be reclassified as product. This concerns the development of 'End-of-Waste' criteria, whereby rules for aluminium and steel (iron) are well-advanced and criteria for copper, recovered paper and glass are being developed.

Since 2008, the Commission has also moved to prevent illegal export, or dumping, of waste electronic and electrical equipment. As an initial step and as part of the recast of the WEEE Directive adopted in December 2008, stricter rules for the categorisation for shipment of 'used' electronics and electrical goods were proposed, which will require exporters of such equipment to provide proof of functionality for every item. Similar, albeit voluntary, rules are under consideration for the export of end-of-life vehicles.

3. FUTURE ORIENTATIONS OF THE INTEGRATED STRATEGY

Whereas significant progress has been made in implementing the RMI, there is a need to further improve in different areas, reinforce existing actions and propose new actions of both short and longer term nature. This chapter presents such an approach which will continue to be fully based on the 3 main pillars of the RMI.

3.1. Taking the perspective of critical raw materials forward

The work in relation to the definition of critical raw materials confirms that supply risks may occur in the near future and shows the importance of a swift implementation of the 3 pillar-approach of the RMI. In fact, the criticality assessment is a good and practical illustration of the major challenges to the EU for the access of raw materials at large. As the supply and demand situation may evolve over time, a revision of the list will be needed in the future. Policy actions with regard to critical raw materials will be given a priority. The Commission intends in particular to explore with the extractive, recycling and user industries the potential for targeted actions, notably with regard to recycling. However, the Commission will not limit itself to this and intends to propose actions on any raw materials, as necessary.

The Commission intends to update the list of critical raw materials every 5 years, taking into account other non-energy raw materials.

Securing supplies of raw materials is essentially the task of companies and the role of public authorities is to ensure the right framework conditions to allow companies carry out this task. However, the Commission is ready to examine with Member States and industry, the desirability, feasibility and added value of a possible stockpiling programme of raw materials.

Some countries, such as Japan, Korea and the US have a stockpiling policy, although the drivers of such policies are sometimes focussed on military considerations, rather than economic ones. At EU level, there is a stockpiling programme for oil⁷, which aims to protect public security for Member States and EU.

In view of its strategic importance, the Commission is willing to monitor the issue of critical raw materials with the view to identifying priority actions. It intends to examine this subject with Member States and stakeholders, including within the scope of the RMSG.

3.2. Access to raw materials on world markets at undistorted conditions (pillar 1)

3.2.1. Ensuring a sustainable supply from fair functioning global markets

The EU will continue to pursue raw materials diplomacy with the objective of ensuring security of supply of raw materials, with a particular focus on regulatory and industrial dialogues with the EU strategic partnerships⁸.

The Commission intends to further pursue and reinforce its Raw Materials Trade Strategy⁹at three levels: (i) improving the EU security of supply through bilateral and multilateral trade negotiation, (ii) enforcing the rules and tackle barriers through bilateral consultations and/or if needed dispute settlement mechanism, (iii) reaching out to third countries to demonstrate that the question of raw materials is relevant to all economies.

- The EU will embed disciplines relevant to raw materials in ongoing and future EU negotiations. Work will be extended to include issues beyond the question of export restrictions, such as investment conditions, in particular trade-related investment measures (TRIMs).
- As to Free Trade Agreements, the Commission will report on the finalisation of the negotiations with the Andean Community and Central America in 2010, and on progress achieved in the forthcoming negotiations with India, Canada and Mercosur. Regarding the Partnership and Cooperation Agreements, the EU will engage in a dialogue with countries such as China and Mongolia. In relation to WTO accessions, the Commission will take every opportunity to pursue negotiations on relevant trade disciplines with a series of countries including Azerbaijan, Belarus, Kazakhstan and Russia.
- The EU will continue to pursue barriers hampering the sustainable supply of raw materials to the EU economy, through monitoring the use of restrictions worldwide.
- In cases of infringement of a bilateral or multilateral commitment, while dialogue is the preferred approach, recourse to bilateral or multilateral dispute settlement cannot be excluded. More specifically, with regard to the use of the WTO dispute settlement mechanism, the panel requested on 21 December 2009 focuses on a limited batch of measures and products. However, the EU's concerns are not limited to these measures and further legal action cannot be ruled out if these concerns are not effectively addressed.

DG Trade - Raw materials policy - 2009 annual report

Council Directive 2009/119/EC of 14 September 2009

EU strategic partners include Brazil, Canada, China, India, Japan, Russia and US

- The EU will focus on reaching out to third countries, taking into consideration the sustainable development dimensions, developing a thematic raw materials bilateral dialogue with the EU's strategic partners, and strengthening ongoing debates in multilateral fora (e.g. UNCTAD, WTO).
- The Commission has for example proposed the inclusion of the theme in the OECD work programme, which was recently accepted.
- The Commission will suspend totally or partially from the General System of Preferences (GSP) countries that apply unjustified restrictions to raw materials.

The Commission will further address raw materials priorities in relation with third countries through bilateral and multilateral frameworks and dialogues and continue to pursue the objective of consistency of the EU's general trade policy with regard to these priorities.

The Commission will also focus on the functioning of the commodity markets in particular its financial aspects (such as those related to speculation, lack of transparency, and risks of market abuse). The main vehicles for this will be the reviews in 2011 of the Directives on Market Abuse and Markets in Financial Instruments, which will improve market transparency and oversight in line with G20 commitments.

3.2.2. Sustainable supply of raw materials and development needs: the road to win-win situations

Sustainable mining can and should contribute to sustainable development. However; many developing countries – especially in Africa – have often not been able to translate their resource wealth into sustainable growth. Development policies can play a crucial role in creating win-win situations where both developed and developing countries mutually benefit from the sustainable supply of raw materials.

In Addis Ababa in June 2010 the Commission agreed with the African Union Commission (AUC) to establish bilateral co-operation on raw materials and development issues based on the RMI and the AUC's policy on mining and minerals, i.e. the 2009 'African Mining Vision'.

This co-operation will focus on three areas: governance, investments & infrastructure and geological knowledge and skills. Under the Africa-EU Joint Strategy 2011-2013, to be agreed at the next AU-EU Summit in November 2010, some actions on raw materials are foreseen under the Trade, Regional Economic Integration and Infrastructure Partnership.

Good governance is essential for harnessing the benefits of mining, for both investors and civil society. Hence; there is a real need to improve both the accountability of all actors as well as the capacity of countries to manage their resources. In this area, the Commission will focus its efforts in the area of transparency, so that revenues from mining may be translated into real development, while reducing discrimination between potential investors.

The Commission proposes the following actions:

 further assist the Extractive Industries Transparency Initiative (EITI) by enhancing European financial and political support;

- complement this support by assisting developing countries in their capacity to implement the EITI;
- share best practice with international organisations such as the World Bank, IMF, and the African Development Bank;
- assess the feasibility of incorporating extractive industry government-payment transparency standards in EU legislation;
- promote the use of financial reporting standards for the extractive industry, as currently being developed by the International Accounting Standards Board; and
- support the work by the OECD on due diligence in the mining sector.

Developing countries suffer from a lack of transport, energy and environmental infrastructure, which in turn limits the ability of resource-rich developing countries to harness their mineral wealth. The European Commission and European Investment Bank (EIB), in co-operation with African countries, could assess the potential of promoting the most appropriate infrastructure that can contribute to the development of these countries and facilitate raw materials supply. The existing EU-Africa Infrastructure Trust Fund should assist African countries in this task.

With regard to investments, the EU – in particular the EIB – has an important role to play in supporting sustainable mining and refining projects that bring value to natural resources, increase export revenues and generate fiscal income for developing countries. Such investment support should also focus on helping resource-rich countries diversify their industrial base.

In order to increase the funding opportunities for such projects, the Commission will liaise with the EIB to (a) increase lending mining and refining projects and (b) investigate the possibility to promote financial guarantee instruments that reduce risk for operators.

The EU can also help developing countries increase their geological knowledge¹⁰, which would allow them countries to better estimate national mineral reserves, better plan budgets based on expected revenues from these reserves and give increased bargaining power vis-à-vis mining firms.

The Commission – in co-operation with African countries – will assess the feasibility of assisting further co-operation between both continents' geological surveys.

3.3. Fostering sustainable supply within the EU (pillar 2)

The Europe 2020 Strategy underlines the need to promote technologies that increase the investment in the EU's existing natural assets. Extractive industries fall under this category but its promotion is hindered by a heavy regulatory framework and competition with other land uses. Many of the regulatory aspects in this area fall under the competence of Member States.

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For example, the AEGOS project brings the EU's and Africa's geo-surveys together to improve the level and quality of resource data available for Africa.

The Commission is therefore mainly acting as a catalyst and facilitator, in particular regarding the exchange of best practices.

The Commission considers that the following practices¹¹ identified by an expert group including Member States, are particularly important in order to promote the investment on extractives industries:

- defining a National Minerals Policy, to ensure that mineral resources are provided to society in an economically viable way, harmonised with other national policies, based on sustainable development principles and including a commitment to provide an appropriate legal and information framework;
- setting up a land use planning policy for minerals that comprises a digital geological knowledge base, a transparent methodology for identification of mineral resources, long term estimates for regional and local demand and identifying and safeguarding mineral resources (taking into account other land uses);
- putting in place a minerals exploration and extraction authorisation process which is clear, understandable, provides certainty and contributes to the streamlining of the administrative process (e.g. the introduction of lead times, permit applications in parallel, and one-stop-shop).

Whilst fully respecting the principle of subsidiarity, the Commission will assess in cooperation with the Member States the feasibility of establishing a mechanism to monitor actions by Member States in the above areas on an annual basis, including the development of indicators.

It is also important to further enhance the knowledge base that is required to build an efficient raw materials strategy.

In the short term the Commission will assess together with the Member States the scope for increased synergies between activities of national geological surveys, that would allow for economies of scale, reduced costs and increased potential to engage in joint projects (e.g. harmonised minerals database, European Raw Materials Yearbook).

In the medium term, the Commission and Member States will ensure that any achieved synergies will contribute to an improved European raw materials knowledge base in a coordinated way, in particular taking into account future opportunities within the GMES programme.

The Commission will promote the work by UNECE in the area of international standardisation concerning reporting of reserves and resources at EU-level.

The Commission will carry out a study in 2011 on the availability of wood and recovered paper taking into account the potential demand from both the forest based industries and the renewable energy sector (biomass).

[&]quot;Improving framework conditions for extracting minerals for the EU". Report of the RMSG Ad-hoc working group on exchanging best practices on land use planning, permitting and geological knowledge sharing. June 2010.

3.4. Boosting resource efficiency and promoting recycling (pillar 3)

As worldwide demand for raw materials is increasing at a faster rate than the supply of recyclable material, recycling will not satisfy all of the EU's raw material requirements for many years. Nonetheless, its 'Urban Mines' are one of the main sources of metals and minerals for European industry. The use of secondary raw materials contributes to energy efficiency.

However, much of these resources are not being exploited to their potential. For instance, a large part of the EU's yearly production of almost 20 million tonnes of waste electrical and electronic equipment (WEEE) and end-of-life vehicles, is not recycled, leading to environmental damage and a loss of raw materials. Given pressures to reduce carbon emissions, protect human health and reduce external dependence, the barriers to recycling need to be addressed.

The Commission considers that the barriers to recycling in Europe fall into three broad categories: leakage through illegal environmental dumping of waste, obstacles to the functioning of the internal recycling market and, inadequate innovation in recycling. The problem of environmental dumping of waste products primarily concerns the illegal shipment of waste to third countries.

To ensure uniform and tight enforcement of waste shipment rules, the Commission proposes to:

- put forward a legislative proposal in 2011 to define precise and workable inspection standards for waste across the EU. This will include provisions to facilitate the control of shipments by customs authorities;
- consider using FP7 research funding to help improve technologies for detection, identification, tracking and location of illegal shipments;
- examine in-depth the feasibility of applying a certification approach to the export of waste streams, building on environmentally-sound criteria currently being developed for the export of waste batteries¹³; and
- building on the work of IMPEL, work with Member States to put in place a formal EU-level mechanism for the enforcement of waste shipment rules.

Moreover, there are still a number of substantial barriers to an internal market in recycling.

The Commission will develop best practices in the area of collection and treatment of key waste streams, in particular those waste streams which contain critical raw materials. A 'gap' analysis of the availability of recycling statistics may also be undertaken. Finally, there will be an assessment of areas where legislation in the various waste streams could be aligned so that administrative burden can be reduced. This assessment would also include the effectiveness of dissuasive deterrents and penalties for breaches of EU waste rules.

Directive 2006/66/EC. Art.15

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Urban Mining refers to the re-use of urban waste in order to extract useful materials

A full analysis of the implementation of all waste legislation is being carried out under the Commission's review of the Thematic Strategy on Waste Prevention and Recycling. The Strategy will be updated in 2011.

Moreover, the Commission will give priority to the challenges facing the objective of a more resource efficient Europe, as recognised in Europe 2020 Strategy.

The Commission will bring forward a Communication on resource efficiency in 2011 which will set out a vision of structural and technological changes required to move to a low carbon, resource efficient and climate resilient economy by 2050. Meanwhile, the Commission will analyse the feasibility of developing ecodesign instruments aimed at fostering a better recovery of raw materials in products in the context of the Ecodesign Directive.

3.5. Innovation: a cross-cutting reply

Raw materials are essential inputs for many environmentally-friendly, clean technologies. Innovation is the key in unlocking the EU's potential in this area. As such innovation can play a key role in addressing the different challenges of the 3 pillars.

The need for innovation is felt along the entire value chain, covering security of supply, including extraction, sustainable processing, recycling and, as necessary, substitution, resource efficiency as well as land use planning;

Within the Europe 2020 Flagship on Innovation Union¹⁴ the Commission already launched a pilot Innovation Partnership on "healthy ageing" and identified 6 other areas, of which the secure supply of raw materials along the entire value chain is one:

The Commission calls on Member States and stakeholders to join the Innovation Partnership "Non-Energy Raw materials for a modern society" (2011-2020).

4. WAY FORWARD

Access to raw materials remains a major challenge for the European society, requiring a comprehensive response at political and economic levels. This underlines the validity of the 3-pillar based-approach and the need to further pursue the RMI. The structural nature of the issues, as recognised in the Europe 2020 Strategy, justifies a permanent attention in the future. In order to ensure a concerted approach and the necessary continuity in addressing the key issues, it is proposed to ensure a regular dialogue involving the Commission, Member States, and other stakeholders, that would meet two major criteria: (1) a political awareness and (2) a pragmatic and non-bureaucratic approach. The purpose would be to maintain and evaluate further progress in implementing the strategy and actions, and propose further actions, when appropriate.

The Commission is also of the view that the strategic importance of the subject should justify a regular public discussion through an annual thematic event that would promote the awareness of the challenges ahead.

