

To:

Critical Raw Materials Board

Mr. Stéphane Séjourné, Executive Vice-President for Prosperity and Industrial Strategy

Ms. Teresa Ribera, Executive Vice-President for Clean, Just and Competitive Transition

Cc:

Ms. Jessika Roswall, Commissioner for Environment, Water Resilience and a Circular Economy

Mr. Anthony Whelan, Deputy Director-General State Aid

Subject: Concerns regarding the eligibility of the San Juan tungsten project (A Gudiña, Spain) for recognition as a Strategic Project under the Critical Raw Materials Act (CRMA)

16 March 2026, Brussels

Dear Executive Vice-Presidents and members of the Critical Raw Materials Board,

We are writing to bring to your attention serious concerns regarding the application submitted by *Eurobattery Minerals AB* of the San Juan tungsten mining project in A Gudiña (Ourense, Galicia, Spain) for recognition as a Strategic Project under the CRMA.¹

The San Juan project consists of an open-pit tungsten mine composed of five sequential extraction pits and two mining waste deposits, located less than one kilometre from the Portuguese border. The mine is thus planned within the hydrological basin of the River Rabaçal, which flows directly into Portugal and into protected areas including the [Montesinho Natural Park](#) and the [Transboundary Biosphere Reserve](#) of the Iberian Plateau.

Publicly available sources and legal proceedings indicate that the application **contains incorrect or misleading information regarding the legal and environmental status of the project**, which would affect its eligibility according to the criteria established by the CRMA.

Besides the materials submitted by the project promoter, we believe it is essential for the *Critical Raw Materials Board* to take into account complementary information regarding the project's (non)compliance with EU law, particularly from independent sources. In the following paragraphs, we will elaborate a number of pertinent facts that should be duly considered in the decision-making process regarding the Strategic Project status.

1. Expired environmental authorization

The Environmental Impact Statement (EIS) issued by the Galician regional government on 14 November 2014 was based strictly on a 2010 project design that relied on off-site processing of ore and included a rudimentary restoration plan budgeted at €64,000. The project is currently under investigation by DG Competition regarding alleged unlawful state aid.

Furthermore, the EIS was strictly based on the 2010 project without assessing the viability of the restoration plan or questioning the lack of adequate provisions for treatment of mine run-off waters. Therefore, the grounds on which the EIS is based can be considered contestable.

Under Spanish Law 21/2013, the EIS was valid for four years and expired unused, as the project was never initiated. In November 2015, the Galician authorities granted Direct Exploitation

¹ <https://investors.eurobatteryminerals.com/en/press-releases/eurobattery-minerals-submits-crma-strategic-project-applications-for-san-juan-and-hautalampi/>

Concession “San Juan” No. 5226, explicitly limited to 10 years. The High Court of Justice of Galicia² and the Spanish Supreme Court³ ruled definitively in 2020 and 2022 that the concession cannot be extended beyond 10 years without a new project plan as well as a new Environmental Impact Assessment (EIA) and that any approval of new facilities, or longer exploitation without a valid EIA, would be null and void.

Despite this ruling, in July 2023, the Galician government authorised a processing plant, which was not contemplated in the 2010 project or the 2014 EIS, even though the company did not conduct a new EIA nor a transboundary assessment.

Therefore, without a valid EIS nor a new (transboundary) EIA, any claim by the company that the project holds all necessary permits is incorrect.

2. Judicial rulings limiting the mining concession

In November 2015, the Galician government granted Direct Exploitation Concession “San Juan” No. 5226, explicitly limited to 10 years. Multiple final court rulings of the High Court of Justice of Galicia and the Spanish Supreme Court have established that the original mining authorization was legally flawed, limited to a ten-year project horizon, and incompatible with any longer exploitation without the submission of a new mining project and a new EIA, and that any approval of additional facilities or longer exploitation under the existing authorization would be legally null and void.

Despite these binding rulings, *Eurobattery Minerals* announced⁴ in November 2025 that the concession had been extended for an additional 30 years. No official publication, new project documentation or environmental assessment has been made publicly available to substantiate this claim. Requests for clarification addressed to the regional authorities have so far not received a substantive response, and legal proceedings challenging this alleged extension are ongoing.

3. Absence of transboundary environmental impact assessment

The mine is located approximately one kilometre from the Portuguese border and directly affects the hydrological basin of the River Rabaçal, which provides water to protected areas in Portugal. Both the Montesinho Natural Park and the Transboundary Biosphere Reserve of the Iberian Plateau are located barely 2 km downstream from the mine. Nevertheless, no transboundary EIA has been carried out, which is in breach of the EU EIA Directive and the Espoo Convention on transboundary environmental impact assessment.

The Portuguese Government has formally requested explanations from the Spanish authorities and parliamentary scrutiny is ongoing. On 23 December 2025, the Portuguese Embassy in Madrid handed a ‘*note verbale*’ to the Spanish Ministry of Foreign affairs inquiring about the apparent breach of the Espoo Convention, which has been ratified by both States. To date, Spanish authorities have failed to provide a response.

4. Ongoing judicial and criminal proceedings

The circumstances surrounding the alleged 30-year extension of the concession have also become the subject of criminal proceedings. Courts in Santiago de Compostela have initiated

² <https://www.poderjudicial.es/search/AN/openDocument/371eb45aca54789c/20210317>

³ <https://www.poderjudicial.es/search/AN/openDocument/2804292c4f7f6e6b/20220215>

⁴ <https://investors.eurobatteryminerals.com/en/press-releases/eurobattery-minerals-secures-30-year-extension-of-the-mining-license-for-san-juan-to-2055-with-full-support-of-the-authorities/>

investigations involving senior officials of the Galician regional administration concerning the granting of this extension despite existing judicial rulings. These proceedings further reinforce the uncertainty of the legal basis of the project.

Implications for CRMA strategic project status

The CRMA establishes that Strategic Projects must comply with applicable EU environmental law and demonstrate a high level of legal certainty regarding permitting and implementation. In light of the issues described above, the San Juan project presents significant legal and environmental non-compliance, as evidenced by:

- judicial rulings limiting the duration of the mining concession;
- investigation by DG Competition regarding unlawful state aid;
- authorization of new facilities without the legally required EIA;
- non-compliance with transboundary EIA obligations under the Espoo Convention;
- and ongoing judicial and criminal proceedings concerning the project’s permits.

Projects benefiting from EU recognition as being “strategic” should meet the highest standards of legal compliance and environmental protection. We therefore request the CRMA Board to carefully review the accuracy and completeness of the information in the San Juan Strategic Project application before any decision is taken.

To facilitate a comprehensive and fact-based assessment, we would be pleased to provide additional documentation, including court rulings, administrative records and relevant correspondence between Spanish and Portuguese authorities. We are also available to openly discuss our concerns with the relevant Commission services.

We thank you for your attention and remain at your disposal for any further information.

Yours sincerely,

Matilda Flemming

Director, Friends of the Earth Europe

Signed by:

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