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*****I**

DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council
on the banning of exports and the safe storage of metallic mercury
(COM(2006)0636 – C6-0363/2006 – 2006/0206(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Dimitrios Papadimoulis

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on the banning of exports and the safe storage of metallic mercury
(COM(2006)0636 – C6-0363/2006 – 2006/0206(COD))**

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2006)0636)¹,
 - having regard to Article 251(2) and Articles 133 and 175, paragraph 1 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0363/2006),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on International Trade and the Committee on Industry, Research and Energy (A6-0000/2007),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1

Title

Proposal for a Regulation of the European Parliament and the Council on the banning of exports and the safe storage of metallic mercury

Proposal for a Regulation of the European Parliament and the Council on the banning of exports and the safe storage of metallic mercury, ***cinnabar ore, mercury compounds and mercury-containing products***

Justification

¹ OJ C ... / Not yet published in OJ.

Consequent to the changes to article 1.

Amendment 2
Recital 2

(2) In accordance with the Communication from the Commission to the European Parliament and to the Council “Community Strategy Concerning Mercury”, it is necessary to reduce the risk of exposure to mercury for humans and the environment.

(2) In accordance with the Communication from the Commission to the European Parliament and to the Council “Community Strategy Concerning Mercury”, **and with the European Parliament's resolution of 14 March 2006¹ on that strategy**, it is necessary to reduce the risk of exposure to mercury for humans and the environment.

¹ *OJ C 291 E, 30.11.2006, p. 128.*

Justification

The EP in its resolution called on the Commission to protect human health and the environment through legally binding measures which will eliminate releases of mercury and its compounds to the environment.

Amendment 3
Recital 3 a (new)

(3a) Mercury is not yet subject to binding restrictions under multilateral environmental agreements, with the exception of the 1998 Protocol on Heavy Metals to the UN-ECE Convention on Long-Range Transboundary Air Pollution.

Justification

The phasing out of the export of metallic mercury and mercury compounds from the Community will not be sufficient to protect human health and the environment from the negative effects of the mercury released into the environment and, therefore, an international commitment is needed in addition, with a view to agreeing on a legally binding instrument.

Amendment 4
Recital 4

(4)The export of metallic mercury from the Community should be banned in order to significantly reduce the global mercury supply.

(4)The export of metallic mercury, ***cinnabar ore and mercury compounds*** from the Community should be banned in order to significantly reduce the global mercury supply.

Justification

To be in line with the amendment to article 1.

Amendment 5
Recital 4 a (new)

(4a) For the same reason, the export of mercury-containing products already, or about to be, regulated in the European Union should also be banned.

Justification

To be in line with the amendment to article 1, paragraph 1a.

Amendment 6
Recital 4 b (new)

(4b) The import of metallic mercury, cinnabar ore and mercury compounds should be banned in order to ensure better protection for human health and the environment in the European Union.

Justification

The EU should consider prohibiting imports of mercury, cinnabar ore and mercury compounds to support policies encouraging mercury recovery from waste and products.

Amendment 7
Recital 5 a (new)

(5a) Member States should periodically submit information to the Commission on the metallic mercury, cinnabar ore and mercury compounds entering or leaving or traded cross-border within their territory, in order to enable the effectiveness of the instrument to be assessed in due time. All such information should be readily available to the public.

Justification

Given that better data on mercury flows within Europe are needed immediately (also acknowledged by the 23rd UNEP Governing Council) the existing provisions for tracking and reporting on the movements of mercury, cinnabar ore and mercury compounds should be urgently strengthened, and further provisions set up as necessary.

Amendment 8

Recital 7

(7) In order to ensure storage that is safe for human health and the environment, the safety assessment required under Decision 2003/33/EC for underground storage should be complemented by specific requirements and should also be made applicable to ***non-underground*** storage.

(7) In order to ensure storage that is safe for human health and the environment, the safety assessment required under Decision 2003/33/EC for underground storage should be complemented by specific requirements and should also be made applicable to ***above-ground*** storage.

Justification

The amendment is in line with the modification in article 5. Carelessly stored mercury may seriously endanger the environment and human health through, for instance, contamination of soil and ground water.

Amendment 9

Recital 8

(8) It is appropriate to organise an exchange of information in order to assess the potential need for supplementary measures related to export and storage of mercury, without prejudice to the competition rules of the Treaty, in particular Article 81.

(8) It is appropriate to organise an exchange of information **with all stakeholders** in order to assess the potential need for supplementary measures related to **import**, export and storage of mercury, without prejudice to the competition rules of the Treaty, in particular Article 81.

Justification

Information exchange is important within the European Union. Better results can be achieved if methods and ideas are shared among all stakeholders.

Amendment 10
Recital 10 a (new)

(10a) The Commission and the Member States should promote and facilitate awareness and ensure public availability of information on the export ban on metallic mercury, cinnabar ore and mercury compounds as well as on the safe storage of metallic mercury.

Justification

Public availability of information has been demonstrated to be extremely important to ensure a high level of protection of human health and the environment.

Amendment 11
Recital 11 a (new)

(11a) Member States should lay down rules on penalties applicable to infringements of the provisions of this Regulation and ensure that they are implemented. Those penalties should be effective, proportionate and dissuasive.

Justification

Since non-compliance with this Regulation can result in damage to human health and the environment, a workable and transparent procedure should be established on sanctions for non-compliance.

Amendment 12
Article 1

The export of metallic mercury (Hg, CAS RN 7439-97-6) from the Community shall be prohibited from **1 July 2011**.

The export of metallic mercury (Hg, CAS RN 7439-97-6), ***cinnabar ore and mercury compounds*** from the Community shall be prohibited from **1 January 2009**.

Justification

Mercury and its compounds are highly toxic to people and animals. Allowing the continued export of mercury compounds would create a loophole. EU traders could simply produce or trade mercury compounds for export, which comprise some of the largest global mercury uses. A general export ban including mercury compounds will contribute to the reduction of emission and the amount of mercury in circulation. In addition, an export ban on cinnabar ore and mercury compounds can prevent minerals and compounds rich in mercury content to be utilised as raw material for processing of metallic mercury.

Earlier Commission drafts but also the Luxembourg Presidency had proposed an exports ban by 2008.

Amendment 13
Article 1, paragraph 1 a (new)

The export of mercury-containing products banned from sale or distribution within the European Union shall be prohibited from 1 January 2009.

Justification

Mercury-containing products are increasingly regulated in the EU and elsewhere around the world. It is no longer morally acceptable that the EU exports mercury-containing products that are regulated in the EU to other countries where they may not yet be regulated. Cost effective mercury-free alternatives are available for virtually all mercury-containing products.

Amendment 14
Article 1 a (new)

Article 1a

The import into the Community of metallic mercury (Hg, CAS RN 7439-97-6), cinnabar ore and mercury compounds shall be prohibited from 1 January 2009.

Justification

A EU mercury import ban will ensure that EU mercury supplies are consistent with EU demand, storage obligations and policies encouraging mercury recovery from wastes and products.

Amendment 15

Article 2

From the date set out in Article 1, metallic mercury that is no longer used in the chlor-alkali industry, mercury ***gained*** from the cleaning of natural gas and mercury ***gained*** as a by-product from non-ferrous mining and smelting operations shall be stored, in the quality and concentration in a way that is safe for human health and the environment.

From the date set out in Article 1, ***Member States shall ensure that*** metallic mercury that is no longer used in the chlor-alkali industry ***or is extracted from cinnabar ore,*** mercury ***recovered*** from the cleaning of natural gas and mercury ***recovered*** as a by-product from non-ferrous mining and smelting operations shall be stored, in the quality and concentration in a way that is safe for human health and the environment, ***in appropriate facilities that qualify therefor, accompanied by a safety assessment and the relevant permit, pursuant to this Regulation.***

Justification

Mercury has to be stored in a safe manner that meets standards for long-term environmentally sound management. Member States or industry, as appropriate, must be held responsible for the safe storage of the metallic mercury. Allowing the use of mercury extracted from cinnabar ore would mean adding new mercury to the market contrary to this Regulation's objective, and should therefore be stored as well.

Amendment 16

Article 3, paragraph 1, subparagraph 1

1. By derogation *to* point (a) of Article 5(3) of Directive 1999/31/EC metallic mercury that is considered as waste may be stored in appropriate containment in either of the following:

(a) an underground salt mine adapted for **waste disposal**;

(b) **a** facility exclusively dedicated to and equipped for the temporary storage of metallic mercury prior to its final disposal.

1. By derogation *from* point (a) of Article 5(3) of Directive 1999/31/EC metallic mercury that is considered as waste may be stored in appropriate containment in either of the following:

(a) an underground salt mine adapted for **temporary storage of metallic mercury prior to its final disposal pursuant to Article 5**;

(b) **an above-ground** facility exclusively dedicated to and equipped for the temporary storage of metallic mercury prior to its final disposal.

Justification

The fact that mercury is liquid and the question of whether salt mines could keep it intact, without having the mercury-storage drums ultimately leaking and releasing vapours, remains a concern. From an environmental point of view, disposal is the preferred option. However, secure storage might be needed for economic and technical reasons for a limited period in order to find a long-term solution.

Amendment 17 Article 4

1. The safety assessment to be carried out in accordance with Decision 2003/33/EC for storage in an underground salt mine adapted for waste storage shall cover in particular the additional risks arising from the nature and long-term behaviour of the metallic mercury and its containment.

2. A safety assessment ensuring a level of environmental protection equivalent to the level ensured by Decision 2003/33/EC shall be carried out and submitted to the competent authority for the temporary storage in **a** facility exclusively dedicated to and equipped for the storage of metallic mercury.

1. The safety assessment to be carried out in accordance with Decision 2003/33/EC for storage in an underground salt mine adapted for **temporary** waste storage shall cover in particular the additional risks arising from the nature and long-term behaviour of the metallic mercury and its containment.

2. A safety assessment ensuring a level of environmental protection equivalent to the level ensured by Decision 2003/33/EC shall be carried out and submitted to the competent authority for the temporary storage in **an above-ground** facility exclusively dedicated to and equipped for the storage of metallic mercury.

3. The permit referred to in Articles 8 and 9 of Directive 1999/31/EC for the underground salt mine or the facility exclusively dedicated to and equipped for the temporary storage of metallic mercury shall include requirements for regular visual inspections of the containers and the installation of appropriate vapour detection equipment to detect any leak.

3. The permit referred to in Articles 8 and 9 of Directive 1999/31/EC for the underground salt mine or the **above-ground** facility exclusively dedicated to and equipped for the temporary storage of metallic mercury shall include requirements for regular visual inspections of the containers and the installation of appropriate vapour detection equipment to detect any leak. ***Mercury shall be retrievable for safe final disposal, pursuant to Article 5.***

Justification

The fact that mercury is liquid and the question of whether salt mines could keep it intact, without having the mercury-storage drums ultimately leaking and releasing vapours, remains a concern. From an environmental point of view, disposal is the preferred option. However, secure storage might be needed for economic and technical reasons for a limited period in order to find a long-term solution.

Amendment 18 Article 4 a (new)

Article 4a

The Commission shall undertake a revision of the safety assessment referred to in Decision 2003/33/EC to ensure that the particular risks arising from the nature and long-term behaviour of the metallic mercury and its containment are covered. This revision shall be completed by *

**** Six months before the entry into force of the export ban.***

Justification

Storage should be controlled in a very strict way. Taking into consideration the particular toxic nature and long term behaviour of the metallic mercury, a further safety assessment for storage is needed in due time before the export ban comes into force.

Amendment 19

Article 4 b (new)

Article 4b

During the temporary storage, responsibility will remain with the owner of the storage facility. Member States are requested to set up a fund to ensure that financial resources are in place for the safe final disposal of mercury. The fund will be created on the basis of a financial contribution by the chlor-alkali industry proportional to the amount of mercury sent for temporary storage. When the mercury is to be sent to final disposal pursuant to Article 5, Member States shall assume the administrative and financial responsibility of disposal.

Justification

Since mercury is particularly hazardous, the security question during the temporary storage remains. It is, therefore, essential, according to the polluter pays principle, that liability lie with the owners of the storage facilities. Member States should also take their responsibilities and provide for financial resources aimed at a safe final disposal.

Amendment 20
Article 5

The Commission shall organise an exchange of information between Member States and the *industries concerned*.

That exchange of information shall in particular examine the *potential* need for extending *the export ban to mercury compounds and products containing mercury, for extending* the storage obligation to metallic mercury from other sources and for time limits concerning storage in *a* facility specifically dedicated to and equipped for the temporary storage of metallic mercury.

The Commission shall organise an exchange of information between Member States and the *relevant stakeholders by 30 June 2010*.

That exchange of information shall in particular examine the need for extending the storage obligation to metallic mercury from other sources and for time limits concerning storage in *an underground salt mine or an above-ground* facility specifically dedicated to and equipped for the temporary storage of metallic mercury.

Justification

Extensive stakeholder consultation was on-going throughout the preparation of the Community Strategy on mercury and the present Regulation. Interested entities, including Member States, industry and environmental and health NGOs, should take part in the exchange of information.

Amendment 21
Article 6, paragraphs 2 and 3

2. Member States shall, **by 30 November 2014 at the latest**, inform the Commission on the application and market effects of this Regulation in their respective territory. **Member States shall, upon request from the Commission, submit that information earlier than the date set out in the first subparagraph.**

3. The information referred to in paragraph 2 shall at least contain data on the following:

(a) volumes, prices, originating country and destination country as well as the intended use of metallic mercury entering or leaving the Community;

(b) volumes, prices, originating country and destination country as well as the intended use of metallic mercury traded cross-border within the Community.

2. Member States shall **draw up a register of buyers, sellers and traders of mercury, cinnabar ore and mercury compounds, and collect relevant information. They shall** inform the Commission on the application and market effects of this Regulation in their respective territory **every two years, within six months from the end of the period covered. The Commission shall publish the information in a concise report within one year from the submission by the Member States. The first set of information shall cover the years 2007 - 2008 and shall be submitted to the Commission by 30 June 2009, and made public by 30 June 2010. The information shall be provided in a format which shall be established by the Commission by ...*.**

3. The information referred to in paragraph 2 shall at least contain data on the following:

(a) volumes, prices, originating country and destination country as well as the intended use of metallic mercury, **cinnabar ore and mercury compounds** entering or leaving the Community;

(b) volumes, prices, originating country and destination country as well as the intended use of metallic mercury, **cinnabar ore and mercury compounds** traded cross-border within the Community.

*** One year after the entry into force of this Regulation.**

Justification

Introducing the export ban will also require an efficient monitoring system to ensure that mercury is not illegally shipped to the global markets. A trade tracking system should be in place, to record all imports and exports of metallic mercury and mercury compounds between the Member States and between the EU and third countries where the trade is not restricted.

Amendment 22
Article 6 a (new)

Article 6a

Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by ... * at the latest and shall notify it without delay of any subsequent amendment affecting them.

**** One year after the entry into force of this Regulation.***

Justification

This article is a standard provision for penalties in the event of infringements.

Amendment 23
Article 6 b (new)

Article 6b

The Commission and the Member States shall promote and facilitate awareness and ensure public availability of information on the export ban on metallic mercury, cinnabar ore and mercury compounds, as well as the safe storage of metallic mercury.

Justification

Increased public access to information about the export ban of metallic mercury and mercury compounds and the dissemination of such information contribute to a more effective protection of human health and to a better environment.

Amendment 24

Article 7

1. The Commission shall assess the application and market effects of this Regulation in the Community, taking into account the information referred to in **Article 6**.

2. The Commission shall submit a report to the European Parliament and the Council by 30 June **2015** at the latest.

1. The Commission shall assess the application and market effects of this Regulation in the Community, taking into account the information referred to in **Articles 5 and 6**.

2. The Commission shall submit a report to the European Parliament and the Council by 30 June **2012** at the latest. ***The report shall, as appropriate, be accompanied by proposals for revision of this Regulation.***

Justification

After a certain period of implementation and according to the change of the export ban date, the effectiveness of the proposed legal measures will need to be assessed with a view to establishing an overview report with revision proposals.

EXPLANATORY STATEMENT

Introduction

Mercury and its compounds are highly toxic to humans, especially to children's developing nervous system. They are also harmful to ecosystems and wildlife. Initially seen as an acute but local problem, mercury pollution is now also understood to be global, diffuse and chronic. High doses can be fatal to humans, but even relatively low doses can have serious adverse neuro-developmental impacts, and have recently been linked with possible harmful effects on the cardiovascular, immune and reproductive systems. Mercury also retards microbiological activity in soil, and is a priority hazardous substance under the Water Framework Directive. In the environment, mercury can change into methylmercury, which has the capacity to bioaccumulate and to concentrate in food chains, especially in the aquatic food chain. Methylmercury readily passes both the placental barrier and the blood-brain barrier.

Supply in the European Union

Mercury occurs naturally in the environment and exists in different forms. In pure form, it is known as "elemental" or "metallic" mercury (Hg(0)). It is rarely found in nature as a pure, liquid metal, but rather within compounds and inorganic salts.

The main sources of mercury supply in the EU are:

- surpluses from the chlor-alkali industry when converting to a mercury-free process or when a plant is closed (plant de-commissioning);
- by-product mercury from non-ferrous mining and smelting activities (zinc, copper, lead, gold, silver and other ores); if not recovered as metallic mercury, the by-product from this process may be calomel (mercurous chloride), depending on the purification process;
- by-product mercury from natural gas cleaning;
- recycled mercury from mercury containing products (fluorescent lamps, batteries, dental amalgam, measuring and control equipment, switches) and from manufacturing and process wastes;
- mercury inventories accumulated over previous years by brokers and traders such as MAYASA.

The biggest mercury mine in the world is situated in Almadén, Spain. Mercury mining in Almadén has stopped since 2003, however the owner company, MAYASA, is collecting and trading internationally (mainly to developing countries) the mercury from Western Europe's decommissioned chlor-alkali plants, as well as mercury from other sources.

The Commission proposal for EU mercury export ban and storage of surplus mercury

Considering the danger posed by mercury and because alternative mercury-free processes exist, in 1990 the Oslo Paris Commission (OSPAR) recommended that all mercury cell chlor-alkali plants be converted to mercury-free technology by 2010 (PARCOM Decision 90/3). The European Parliament's Resolution on the Community Strategy of Mercury (March 2006), called on the European Commission to take action to implement the OSPAR Decision 90/3. Apart from ongoing mercury emissions from mercury-cell chlor-alkali plants (MCCAPs), when

these plants convert to mercury-free technologies, the vast quantities of mercury in their cells need to be managed in an environmentally appropriate manner. To prevent this surplus mercury from flooding the world mercury commodity market, a proposal for a Regulation banning exports of metallic mercury by July 1, 2011, was adopted in October 2006. The proposal includes parallel provisions on safe storage of the excess mercury which will mainly be coming from decommissioned mercury-cell chlor-alkali plants, to prevent its re-sale. Currently there are around 12000 tonnes of mercury sitting in mercury cells in Europe. To that end Euro Chlor (the EU chlor-alkali industry federation) has been asked by the European Commission and has agreed to develop a Voluntary Agreement for the storage of surplus chlor-alkali mercury, acknowledging that storage will be needed.

A storage obligation is proposed for metallic mercury no longer used in the chlor-alkali industry, by-product mercury from production of non-ferrous metals and by-product mercury from cleaning gas. The storage obligation deliberately does not cover recycled mercury from mercury-containing products.

Rapporteur's recommendations

The Rapporteur welcomes the Commission's proposal. Nevertheless he considers that some modifications have to be made with the aim to better protect human health and the environment. In this respect, the Rapporteur proposes a number of amendments that mainly refer to the following items:

Date of export ban

As the EU exports more mercury overall than any other region of the world, an early export ban, coupled with other international actions, will significantly reduce the disproportionate impacts of mercury exposure in the developing world caused by abundant mercury supplies. Until the export ban is in place, EU mercury will still be entering the market, increasing the risk for human health and the environment. Thus, the proposed ban should be implemented as soon as possible, preferably by 2009.

Earlier Commission drafts as well as the Luxembourg Presidency had proposed 2008 as the export ban date.

Scope of the mercury export ban

To keep the Regulation fair and simple, mercury compounds should be included in the export ban. Mercury compounds (except mercury sulphide) are classified as toxic from 0, 5% and for some specific substances even less.

The Rapporteur supports the inclusion of mercury compounds in the export ban of mercury. There is justified concern that mercury may be exported as mercury compound produced for example, during non-ferrous mining and smelting operations (as calomel Hg_2Cl_2) to other countries and converted to elemental mercury for further use there. In the rapporteur's view, a general export ban including mercury compounds will contribute to the reduction of emission and the amount of mercury in circulation. In addition, an export ban on mercury compounds can prevent compounds rich in mercury content to be utilised as raw-material for processing of metallic mercury. This can prevent a possible loophole in the Regulation.

In addition, an export ban on cinnabar ore can prevent minerals and compounds rich in mercury content to be utilised as raw material for processing of metallic mercury.

Mercury-containing products, which are subject to EU use and marketing restrictions, should also be included in the ban. The EU should avoid double standards. Mercury-containing products prohibited in the EU should not be exported to countries where they may not yet be regulated.

The European Parliament (March 2006) called for the export ban to include mercury compounds and products containing mercury which are or will soon be subject to EU use and marketing restrictions.

Mercury imports

The Rapporteur is of the opinion that the EC should consider an EU mercury import ban to ensure EU mercury supplies are consistent with EU demand, storage obligations, and policies encouraging mercury recovery from wastes and products. It doesn't make any sense on the one hand to store mercury originating in the EU and at the same time to import mercury for the justified use in the EU.

Trade tracking system

A system should be set up to regularly track metallic mercury and mercury compound imports and exports to and from the EU and internal trade. The European Parliament (March 2006) has called for a mercury trade tracking system to be in place before the export ban.

The tracking system will ensure transparency of the trade, and allow developments that run contrary to the intention and effectiveness of the ban to be easily assessed by the Commission and stakeholders.

Member States should regularly provide information to the Commission, which should make this information public.

Safe and sustainable storage solution for surplus mercury

Surplus mercury will need to be stored/ disposed of. All surplus mercury should eventually be disposed of in a safe and environmentally sound way.

Disposal of metallic mercury in salt mines raises serious concerns with respect to the environmental safety over the longer term. The fact that mercury is liquid and the question of whether salt mines could keep it intact, without having the mercury - storage drums ultimately leaking and releasing vapours, remains a concern.

Also, mercury extracted from cinnabar ore should be stored as well, because allowing the use of mercury extracted from cinnabar ore would mean adding new mercury to the market, contrary to this Regulation's objective.

The Rapporteur is of the opinion that until safe disposal techniques are developed and fully evaluated, temporary storage of metallic mercury should be pursued as a prelude to permanent disposal. The volume of mercury in question is quite small in relative terms. Due to its high density, the approximate 12000 tonnes of surplus mercury from the chlor-alkali industry will have a volume of around 1000 cubic metres.

A framework of minimum conditions for storage should be established ensuring continuous monitoring, minimum safety standards, regular and transparent reporting, advance planning and projections, assurance of delivery, and penalties for failure.

According to the polluter pays principle, the responsibility during the temporary storage should remain with the owner of the storage facility.

Member States shall assume the administrative and financial responsibility of the safe final disposal.

The European Parliament (March 2006) called for legally binding measures to ensure that all mercury from the chlor-alkali industry is not put back into the market and is safely stored, in secure sites, continuously monitored and located where active intervention can take place immediately if necessary. Furthermore it asked for minimum safety standards, regular and transparent reporting, advance planning and projections, penalties and sanctions and underlined the importance of applying the polluter-pays principle as far as storage is concerned, and that the industry sectors responsible for the production of mercury should contribute to the financing of the safe storage of surplus mercury.