

# EUROPEAN PARLIAMENT

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*Committee on the Environment, Public Health and Food Safety*

PROVISIONAL  
2006/0018(COD)

17.4.2007

**\*\*\*II**

## **DRAFT RECOMMENDATION FOR SECOND READING**

on the Council common position for adopting a directive of the European Parliament and of the Council amending Council Directive 76/769/EEC relating to restrictions on the marketing of certain measuring devices containing mercury  
(5665/2007 – C6-0064/2006 – 2006/0018(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: María Sornosa Martínez

### ***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 Council common position for adopting a directive of the European Parliament and of the Council amending Council Directive 76/769/EEC relating to restrictions on the marketing of certain measuring devices containing mercury (5665/2007 – C6-0064/2006 – 2006/0018(COD))**

**(Codecision procedure: second reading)**

*The European Parliament,*

- having regard to the Council common position (5665/2007 – C6-0064/2006),
  - having regard to its position at first reading<sup>1</sup> on the Commission proposal to Parliament and the Council (COM(2006)0069)<sup>2</sup>,
  - having regard to Article 251(2) of the EC Treaty,
  - having regard to Rule 67 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Food Safety (A6-0000/2007),
1. Approves the common position;
  2. Notes that the act is adopted in accordance with the common position;
  3. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
  4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Union;
  5. Instructs its President to forward its position to the Council and Commission.

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<sup>1</sup> *Texts Adopted*, 14.11.2006, P6\_TA(2006)0483.

<sup>2</sup> Not yet published in OJ.

## EXPLANATORY STATEMENT

The Council common position includes most of the amendments adopted by the European Parliament on 14 November 2006. It corresponds in fact to the text on which, following the discussions with the rapporteur and the shadow rapporteurs, the Council had offered its availability for a conclusion of the legislative procedure in first reading.

The main difference between Parliament position and the common position concerns the use of mercury in barometers. While Parliament voted in favour of a full derogation on this issue, Council proposes a time-limited derogation of two years after the entry into force of the Directive. The ban would in any case only apply to new mercury barometers, while those already in use and on the second hand market could still be sold, repaired and maintained.

There are only few manufacturers of mercury barometers in the EU, mainly SMEs located in the UK, Belgium and the Netherlands. Alternative mercury-free traditional barometers are already now sold in the UK.

Your rapporteur believes that, in the light of the very hazardous properties of mercury and of the much larger amount of mercury contained in traditional barometers in comparison for example with fever thermometers, the solution proposed by the Council to grant a temporary derogation in order to allow the manufacturers of traditional barometers to adapt to the new situation is a balanced compromise. She, therefore, recommends the approval of the common position without amendments.