



# Procedure file

Basic information		
INI - Own-initiative procedure	<a href="#">2005/2050(INI)</a>	Procedure completed
Community strategy concerning mercury		
Subject		
3.70.02 Atmospheric pollution, motor vehicle pollution		
3.70.12 Waste management, domestic waste, packaging, light industrial waste		
4.60.04.02 Consumer security		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>ENVI</b> Environment, Public Health and Food Safety		24/05/2005
		ALDE <a href="#">MATSAKIS Marios</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>ITRE</b> Industry, Research and Energy	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Environment</a>	<a href="#">2670</a>	24/06/2005
European Commission	Commission DG	Commissioner	
	<a href="#">Environment</a>		

Key events			
28/01/2005	Non-legislative basic document published	<a href="#">COM(2005)0020</a>	Summary
12/05/2005	Committee referral announced in Parliament		
24/06/2005	Resolution/conclusions adopted by Council		Summary
22/02/2006	Vote in committee		Summary
27/02/2006	Committee report tabled for plenary	<a href="#">A6-0044/2006</a>	
13/03/2006	Debate in Parliament		
14/03/2006	Results of vote in Parliament		
14/03/2006	Decision by Parliament	<a href="#">T6-0078/2006</a>	Summary
14/03/2006	End of procedure in Parliament		

Technical information	
Procedure reference	2005/2050(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 54
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/6/27483

Documentation gateway					
Non-legislative basic document		<a href="#">COM(2005)0020</a>	28/01/2005	EC	Summary
Document attached to the procedure		<a href="#">SEC(2005)0101</a>	28/01/2005	EC	
Amendments tabled in committee		<a href="#">PE368.044</a>	31/01/2006	EP	
Committee report tabled for plenary, single reading		<a href="#">A6-0044/2006</a>	27/02/2006	EP	
Text adopted by Parliament, single reading		<a href="#">T6-0078/2006</a>	14/03/2006	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2006)1725</a>	19/04/2006	EC	

## Community strategy concerning mercury

**PURPOSE:** To present a strategy to reduce mercury levels in the environment.

**CONTENT:** In December 2002, the Commission presented a report to the Council concerning mercury from the chlor-alkali industry. This considered the fate of 12-15 thousand tonnes of surplus mercury resulting from the sector's conversion away from the mercury cell process. The Council then invited the Commission to present 'a coherent strategy with measures to protect human health and the environment from the release of mercury based on a life-cycle approach, taking into account production, use, waste treatment and emissions'. The strategy also provided a basis for the EU's input to international debate on mercury at the UNEP Governing Council in February 2005.

This Communication is accompanied by an Extended Impact Assessment (ExIA) looking at the mercury problem and policy options in detail (the subject of a separate summary).

Mercury and its compounds are highly toxic to humans, ecosystems and wildlife. Initially seen as an acute and 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.

The largest source of mercury exposure for most people in developed countries is inhalation of mercury vapour from dental amalgam. Exposure to methylmercury mostly occurs via diet. Methyl-mercury collects and concentrates especially in the aquatic food chain, making populations with a high intake of fish and seafood particularly vulnerable.

A key aim of the strategy is to reduce mercury levels in the environment and human exposure, especially from methylmercury in fish. But eliminating the problem of methylmercury in fish will probably take decades, as present levels are due to past emissions, and would take time to fall even without further releases. The Community has already taken much action to reduce mercury emissions and uses. This does not mean that no more can be done, but highlights the importance of full implementation of existing measures by Member States, and of making progress at the global level.

The strategy therefore has the following objectives:

- Reducing mercury emissions: the Commission will assess the effects of applying IPPC (Integrated Pollution Prevention and Control) criteria on mercury emissions and consider if further action like Community emission limit values is needed. It will also encourage Member States and industry to provide more information on mercury releases and prevention and control techniques. A study will be undertaken of options to abate mercury emissions from small-scale coal combustion and the Commission will review Member States' implementation of Community requirements on the treatment of dental amalgam waste.

- Reducing the entry into circulation of mercury in society by cutting supply and demand: as a pro-active contribution to a proposed globally organised effort to phase out primary production of mercury and to stop surpluses re-entering the market, the Commission intends to propose an amendment to Regulation 304/2003/EC to phase out the export of mercury from the Community by 2011. In the short term, the Commission will ask the Medical Devices Expert Group to consider the use of mercury in dental amalgam, and will seek an opinion from the Scientific Committee on Health and Environmental Risks, with a view to considering whether additional regulatory measures are appropriate. In 2005, the Commission expects to propose an amendment to Directive 76/769/EEC to restrict the marketing for consumer use and healthcare

of non-electrical or electronic measuring and control equipment containing mercury. It will also further study in the short term the few remaining products and applications in the EU that use small amounts of mercury. In the medium to longer term, any remaining uses may be subject to authorisation and consideration of substitution under the proposed REACH Regulation, once adopted.

- Resolving the long-term fate of mercury surpluses and societal reservoirs (in products still in use or in storage): the Commission will take action to pursue the storage of mercury from the chlor-alkali industry, according to a timetable consistent with the intended phase out of mercury exports by 2011. In the first instance, the Commission will explore the scope for an agreement with the industry. Further study in the short to medium term of the fate of mercury in products already circulating in society will also take place.

- Protecting against mercury exposure: in the short term, the European Food Safety Authority (EFSA) will investigate further specific dietary intakes of different types of fish and seafood among vulnerable subpopulations (e.g. pregnant women, children). The Commission will provide additional information concerning mercury in food as new data become available. National authorities will be encouraged to give advice in the light of local specificities.

- Improving understanding of the mercury problem and its solutions: priorities for mercury research will be addressed in the 7th RTD Framework Programme and other appropriate funding mechanisms.

- Supporting and promoting international action on mercury e.g. input to international fora and activities, and bilateral engagement and projects with third countries, including technology transfer, to address the mercury problem; possible establishment of a specific funding scheme for research and pilot projects to reduce mercury emissions from coal combustion in countries with a high dependency on solid fuels; the promotion of an initiative to make mercury subject to the PIC (Prior Informed Consent) procedure of the Rotterdam Convention; support of work under the Heavy Metals Protocol to the UNECE Convention on Long Range Transboundary Air Pollution; support for the UNEP Global Mercury Programme, e.g. through review of materials and provision of technical knowledge and human and financial resources; support for global efforts contributing to reduced use of mercury in the gold mining sector, e.g. the UNDP/GEF/UNIDO Global Mercury Project; advocate a global phase-out of primary production and encourage other countries to stop surpluses re-entering the market, under an initiative similar to that of the Montreal Protocol on substances that deplete the ozone layer.

The Commission intends to review the mercury strategy as a whole by the end of 2010. This review will also meet the requirement to report under the 4th air quality daughter Directive by this time on the merit of further action on mercury, taking account of measures adopted pursuant to this strategy. The Commission will conduct the review using data from various sources and covering all media, rather than just from an air quality perspective.

## Community strategy concerning mercury

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The Council recalled the conclusion that there is sufficient evidence of significant global adverse impacts to human health and/or the environment arising from the release of mercury to the environment and took note of the UNEP Governing Council Decision 22/4 (2003) and the UNEP Governing Council Decision 23/9 (2005) calling for the initiation of national, regional and global actions as soon as possible to protect human health and the environment through measures which will reduce or eliminate releases of mercury and its compounds to the environment.

It underlined the importance of reducing releases of mercury as well as the supply and demand for mercury in order to minimize mercury emissions in the environment and the exposure of humans to mercury, especially by methyl mercury in fish.

It welcomed the Commission's communication on a "Community Strategy concerning Mercury" and stressed the importance of the described integral approach as requested earlier by the Council, containing extended objectives for reducing mercury emissions and reducing the entry into circulation of mercury in society, as well as objectives for handling mercury surpluses, protection against mercury exposure and improving understanding of the mercury problem;

It also stressed the need for the EU to continue and intensify its international efforts to reduce mercury emissions and exposure on a global scale with a view to reaching a global phase-out of primary production, preventing surpluses re-entering the market, as well as phasing out its use and trade, taking into account the availability of alternatives;

It underlined, in this context, the importance of the proposal to phase out the export of mercury from the Community which should be further examined. It considered that the phasing out of the export of mercury from the Community as soon as possible, and by 2011 at the latest, while necessary, 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.

It further underlined that for the further development and implementation of the strategy it will be essential:

- to pursue actions on a Community scale as well as on a global scale, taking into account the existing international legal framework as well as international trade rules, and the adoption of appropriate legal instruments,

- to address residual uses of mercury in the Community, for example in dental amalgam and vaccines,

- to develop viable techniques for a further reduction of mercury emissions from the combustion of fuels and to replace the use of mercury in gold mining,

- to address the safe storage or disposal of mercury from the chlor-alkali industry,

- to implement best available techniques inter alia in line with the IPPC Directive, for further reduction of mercury emissions from combustion processes,

- to share with actors inside and outside the Community the common vision of the strategy, its principles, goals and related objectives and to actively participate in its further development and to share the responsibility for its implementation, taking also voluntary initiatives from industry into account,

- to ensure transparency and openness that has characterised the process up until now,

- to recognise the importance of public awareness, communication and education for the further implementation of the strategy,
- to achieve ownership and long-term political commitment by all stakeholders for the goals and objectives of the strategy,
- to address priorities on mercury research and technology,
- to support countries with economies in transition and developing countries with a high dependency on solid fuels, like coal, in promoting the clean and efficient use of fuels.

It also acknowledges that there is an important role for Member States, industries and other relevant actors in the further development and implementation of the strategy.

It therefore invites the Commission to take action as soon as possible, and while supporting the reduction of supply, demand and emission on a global scale, to present appropriate proposals, in particular, on the following issues:

- the phasing out of the export of mercury from the Community and action to pursue the safe storage or disposal of mercury inter alia from the chlor-alkali industry to a timescale consistent with the intended phase out of mercury exports,
- marketing restrictions for consumer use and health care non-electrical or non-electronic measuring and control equipment containing mercury.

## Community strategy concerning mercury

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The committee adopted the own-initiative report drawn up by Marios MATSAKIS (ALDE, CY) in response to the Commission communication on the Community strategy concerning mercury. MEPs welcomed the strategy paper and its aim of reducing and eventually phasing out emissions, supply and demand of mercury at European level. However, they underlined the need for this Community strategy to be followed by specific measures and legislative acts as soon as practicably possible. The Commission was asked to ensure that an EU mercury export ban is in place as soon as possible and at the latest by 2010, and that measures are put forward before the ban to track imports and exports of mercury within the Member States as well as to and from the EU.

The report also called on the Commission to come forward with proposals for legally binding measures to ensure that all mercury coming from the chlor-alkali industry is not put back into circulation and is safely stored, in secure sites. Furthermore, the use of mercury cell chlor-alkali plants should be phased out as soon as practicable, and in any case by 2010. MEPs also underlined the importance of applying the "polluter pays" principle, particularly as regards the storage of surplus mercury. They said that the industry sectors responsible for the production of mercury should contribute to the financing of safe storage.

The committee welcomed the Council's conclusion recognising the environmental and social problems arising from the closure of the long-established mercury mines in Almadén, Spain, as a consequence of the Community strategy concerning mercury. It recommended that adequate compensation measures be undertaken and duly funded by the Commission in order to allow the affected area to achieve viable economic and social alternatives. In view of the infrastructures and local manpower and technological expertise there, consideration should be given to the possibility of using Almadén for the safe storage of the existing metallicmercury stocks or metallicmercury sub-produced by industry all over Europe, but never its waste.

The report also pointed out that the main source of emissions of mercury was the burning of coal, and asked the Commission to introduce emission limit values. It also supported the Commission's proposal to ask the medical devices Expert Group to consider any potential hazard in the use of mercury in dental amalgam, and called for further measures, in the short term, to control mercury emissions from crematoria.

Other recommendations included: restricting the marketing and use of mercury in all measuring and control equipment for both consumer and professional uses; addressing the use of mercury in the manufacture of vaccines; conducting information campaigns to raise public awareness; financing communication with vulnerable population groups concerning the damaging impact of mercury; testing for methylmercury levels in fish, with a view to consumption recommendations being issued by the European Food Safety Authority; conducting an overall Health Impact Assessment to investigate the health costs from mercury contamination; and ensuring that funds are allocated for mercury research under the 7th RTD Framework Programme.

## Community strategy concerning mercury

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The European Parliament adopted a resolution based on the own-initiative report drafted by Marios MATSAKIS (ALDE, CY) on mercury. It stated that mercury contamination is a widespread, persistent and diffuse problem, transported across international boundaries far from its sources, contaminating both the European and global food supplies. The Community Strategy on mercury proposed by the Commission is an important contribution to tackling this global threat, but further binding measures need to be taken at international and EU level in order to protect human health and the environment. Parliament also pointed out that 12 000 tonnes of mercury in the EU mercury-cell chlor-alkali industry - the biggest holding of mercury in the EU - is destined for decommissioning pursuant to PARCOM Decision 90/3. The EU needs to act urgently to phase out the exports of this surplus mercury in order to avoid environmental damage in third countries, in particular because EU mercury exports encourage the highly polluting use of mercury in gold mining.

Parliament underlined the importance of applying the polluter-pays principle, in particular as far as storage of surplus mercury is concerned. The industry sectors responsible for the production of mercury should contribute to the financing of the safe storage of surplus mercury

Parliament underlined the need for the Community Strategy to be followed by specific measures and legislative acts as soon as practicably possible. It asked the Commission to do the following;

- to propose an EU mercury export ban;
- to take action to implement PARCOM Decision 90/3 so as to phase out the use of mercury-cell chlor-alkali plants as soon as practicable, with the objective that they should be phased out completely by 2010;
- to propose before March 2008 measures to track imports and exports of mercury and its compounds within the Member States as well as to

and from the Community, to be in place before the export ban;

- to consider an extension of the current prohibition on the export of mercury-containing soaps, provided for in Regulation 304/2003/EC to other mercury-containing products;
- to propose measures to ensure that all mercury coming from the chlor-alkali industry is not put back into circulation;
- to raise public awareness, by holding information campaigns, as regards the health risks, the risks of exposure, and the environmental problems that mercury can cause;
- to introduce under the IPPC Directive or in a separate legislative instrument, emission limit values for mercury from all relevant activities, and in particular from both large and small-scale coal combustion processes;
- to propose national mass emission limits as well as local air quality limits for mercury under relevant existing or separate legislative instruments;
- to control mercury emissions from crematoria, given that this is an increasing and worrisome source of emissions;
- to propose by the end of 2007 to restrict the use of mercury in dental amalgam and to investigate whether additional measures are needed to ensure that amalgam does not enter the waste stream ;
- to restrict the marketing and use of mercury in all measuring and control equipment for both consumer and professional uses (especially in households, healthcare facilities, schools and scientific and research institutions), but allowing for some exemptions only where adequate alternatives are not yet available;
- to address the use of mercury in the manufacture of vaccines, and to evaluate this with a view to achieving a restriction of such use and a total ban, when appropriate and safe alternatives exist, and to support research into viable options;
- to ensure that all remaining uses of mercury, not covered by the presented strategy, shall be subject to substitution by safe alternatives where feasible, under the proposed REACH Regulation;
- to assign priority to financing communication with vulnerable population groups concerning the damaging impact of mercury and to share good practices;
- to conduct an overall Health Impact Assessment to investigate the health costs from mercury contamination, including the reduced intellectual capacity of European children arising from mercury exposure;

Parliament welcomed the Council's conclusion recognising the environmental and social problems arising from the closure of the long established mercury mines in Almadén, Spain, as a consequence of the Community strategy concerning mercury. It recommended that adequate compensation measures be undertaken and duly funded by the Commission in order to allow the area affected by the closure of mercury mines to achieve viable economic and social alternatives.

Finally, Parliament called on the Commission to ensure restriction in the use of mercury in gold mining, by promoting at the same time non-mercury-using viable techniques, and furthermore to come forward with a proposal for a positive labelling scheme for gold that has been mined without the use of mercury, covering gold processed both inside and outside the EU.