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*****II**

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
(5665/1/2007 – C6-0114/2007 – 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 (5665/1/2007 – C6-0114/2007 – 2006/0018(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (5665/1/2007 – C6-0114/2007),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2006)0069)²,
 - 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 (A6-0218/2007),
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.

¹ *Texts Adopted*, 14.11.2006, P6_TA(2006)0483.

² 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's 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 amendment.

PROCEDURE

Title	Measuring devices containing mercury
References	5665/1/2007 - C6-0114/2007 - 2006/0018(COD)
Date of Parliament's first reading – P number	14.11.2006 T6-0483/2006
Commission proposal	COM(2006)0069 - C6-0064/2006
Date receipt of common position announced in plenary	26.4.2007
Committee responsible Date announced in plenary	ENVI 26.4.2007
Rapporteur(s) Date appointed	María Sornosa Martínez 25.4.2006
Discussed in committee	7.5.2007
Date adopted	5.6.2007
Result of final vote	+: 40 –: 2 0: 14
Members present for the final vote	Adamos Adamou, Georgs Andrejevs, Margrete Auken, Liam Aylward, Irena Belohorská, Johannes Blokland, John Bowis, Hiltrud Breyer, Martin Callanan, Dorette Corbey, Chris Davies, Avril Doyle, Mojca Drčar Murko, Edite Estrela, Jill Evans, Anne Ferreira, Karl-Heinz Florenz, Matthias Groote, Caroline Jackson, Dan Jørgensen, Christa Klač, Eija-Riitta Korhola, Holger Krahmer, Urszula Krupa, Peter Liese, Jules Maaten, Linda McAvan, Alexandru-Ioan Morțun, Riitta Myller, Péter Olajos, Miroslav Ouzký, Antonyia Parvanova, Vittorio Prodi, Frédérique Ries, Guido Sacconi, Daciana Octavia Sârbu, Karin Scheele, Carl Schlyter, Richard Seeber, María Sornosa Martínez, Antonios Trakatellis, Evangelia Tzampazi, Thomas Ulmer, Anja Weisgerber, Glenis Willmott
Substitute(s) present for the final vote	Iles Braghetto, Kathalijne Maria Buitenweg, Milan Gaľa, Genowefa Grabowska, Erna Hennicot-Schoepges, Karsten Friedrich Hoppenstedt, Miroslav Mikolášik, Alojz Peterle, Claude Turmes
Substitute(s) under Rule 178(2) present for the final vote	Agustín Díaz de Mera García Consuegra, Syed Kamall