



2016/0023(COD)

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AMENDMENTS

94 - 342

Draft report

Stefan Eck

(PE584.224v01-00)

Proposal for a regulation of the European Parliament and of the Council on mercury, and repealing Regulation (EC) No 1102/2008

Proposal for a regulation

(COM(2016)0039 – C8-0021/2016 – 2016/0023(COD))

Amendment 94

Anneli Jäätteenmäki, Jasenko Selimovic, Frédérique Ries

Proposal for a regulation

Citation 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) *and Article 207* thereof,

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Or. en

Amendment 95

Massimo Paolucci, Damiano Zoffoli, Tibor Szanyi, Jytte Guteland, Christel Schaldemose, Simona Bonafè, Renata Briano

Proposal for a regulation

Citation 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) *and Article 207* thereof,

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Or. en

Justification

Article 192(1) of TFEU should be the only legal basis for this Regulation

Amendment 96

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Mercury is a highly toxic substance

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Amendment

(1) Mercury is a highly toxic substance

3/140

PE585.758v01-00

which represents a global and major threat to human health, *including by* methylmercury in fish and seafood resources, the ecosystems and wildlife. Due to the transboundary nature of mercury pollution, between 40% and 80% of total mercury deposition in the Union originates from outside of the Union and therefore warrants action at local, regional, national and international levels.

which represents a global and major threat to human health. *The contamination of thousands of people in Japan between 1932 and 1966, causing Minamata Disease, tragically illustrated the extreme harmfulness of this substance to health. Nowadays it is found in the form of* methylmercury in fish and seafood resources, the ecosystems and wildlife. Due to the transboundary nature of mercury pollution, between 40% and 80% of total mercury deposition in the Union originates from outside of the Union and therefore warrants action at local, regional, national and international levels.

Or. fr

Amendment 97
Michel Dantin

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) Mercury is a highly toxic substance which represents a global and major threat to human health, including by methylmercury in fish and seafood resources, the ecosystems and wildlife. *Due to the transboundary nature of mercury pollution, between 40% and 80% of total mercury deposition in the Union originates from outside of the Union and therefore warrants action at local, regional, national and international levels.*

Amendment

(1) Mercury is a highly toxic substance which represents a global and major threat to human health, including by methylmercury in fish and seafood resources, the ecosystems and wildlife. *In high doses, mercury is particularly harmful to young children and foetuses, and it affects the intellectual faculties among others. Restrictions on its use should therefore be adopted.*

Or. fr

Amendment 98
Michel Dantin

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) *Due to the transboundary nature of mercury pollution, between 40% and 80% of total mercury deposition in the Union originates from outside of the Union and therefore warrants action at local, regional, national and international levels.*

Or. fr

Amendment 99
Piernicola Pedicini, Marco Affronte, Eleonora Evi

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) *The use of mercury in production processes should be phased out and, to that end, incentives should be provided for research into alternatives to mercury with characteristics that are innocuous, or in any case, less dangerous for the environment and for health.*

Or. it

Amendment 100
Anneli Jäätteenmäki, Fredrick Federley, Jasenko Selimovic, Frédérique Ries, José Inácio Faria, Gerben-Jan Gerbrandy, Stefan Eck

Proposal for a regulation
Recital 2

Text proposed by the Commission

Amendment

(2) Most mercury emissions and associated exposure risks result from anthropogenic activities, including primary

(2) Most mercury emissions and associated exposure risks result from anthropogenic activities, including primary

mercury mining and processing, the use of mercury in products, industrial processes and artisanal and small-scale gold mining ("ASGM") and mercury emissions originating in particular from coal combustion and the management of mercury waste.

mercury mining and processing, the use of mercury in products, industrial processes and artisanal and small-scale gold mining ("ASGM") and mercury emissions originating in particular from coal combustion and the management of mercury waste. ***Fossil fuel combustion in power plants and industrial boilers together with residential heating constitute almost half of global mercury emissions. Therefore, the transition to renewable energy production along with energy efficiency measures should be hastened in order to significantly reduce the release of mercury into the atmosphere.***

Or. en

Amendment 101

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Most mercury emissions and associated exposure risks result from anthropogenic activities, including primary mercury mining and processing, the use of mercury in products, industrial processes and artisanal and small-scale gold mining ("ASGM") and mercury emissions originating in particular from coal combustion and the management of mercury waste.

Amendment

(2) Most mercury emissions and associated exposure risks result from anthropogenic activities, including primary mercury mining and processing, the use of mercury in products, industrial processes and artisanal and small-scale gold mining ("ASGM") ***using mercury***, and mercury emissions originating in particular from coal combustion and the management of mercury waste.

Or. fr

Amendment 102

Notis Marias

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) **Most** mercury emissions and associated exposure risks result from anthropogenic activities, including primary mercury mining and processing, the use of mercury in products, industrial processes and artisanal and small-scale gold mining ("ASGM") and mercury emissions originating in particular from coal combustion and the management of mercury waste.

Amendment

(2) **Many** mercury emissions and associated exposure risks result from anthropogenic activities, including primary mercury mining and processing, the use of mercury in products, industrial processes and artisanal and small-scale gold mining ("ASGM") and mercury emissions originating in particular from coal combustion and the management of mercury waste.

Or. el

Amendment 103

Notis Marias

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) The seventh Environment Action Programme adopted by Decision No 1386/2013/EU of the European Parliament and of the Council³⁴ establishes the long-term objective of a non-toxic environment and, for that purpose, stipulates that action is needed to ensure the minimisation of significant adverse effects of chemicals on human health and the environment by 2020.

³⁴ Decision No 1386/2013/EU of the European Parliament and of the Council of 20 November 2013 on a General Union Environment Action Programme to 2020 'Living well, within the limits of our planet' (OJ L 354, 28.12.2013, p. 171).

Amendment

(3) The seventh Environment Action Programme adopted by Decision No 1386/2013/EU of the European Parliament and of the Council³⁴ establishes the long-term objective of a non-toxic environment and, for that purpose, stipulates that **immediate** action is needed to ensure the minimisation of significant adverse effects of chemicals on human health and the environment by 2020.

³⁴ Decision No 1386/2013/EU of the European Parliament and of the Council of 20 November 2013 on a General Union Environment Action Programme to 2020 'Living well, within the limits of our planet' (OJ L 354, 28.12.2013, p. 171).

Or. el

Amendment 104
Michel Dantin

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) Significant progress has been achieved in the Union in the past 10 years in the field of mercury management following the adoption of the Strategy and of a wide range of measures concerning mercury emissions, supply, demand and use and the management of mercury surplus and stocks.

Amendment

(5) Significant progress has been achieved in the Union in the past 10 years in the field of mercury management following the adoption of the Strategy and of a wide range of measures concerning mercury emissions, supply, demand and use and the management of mercury surplus and stocks. ***Particular attention should be devoted to the full implementation of this Regulation in accordance with the rules.***

Or. fr

Amendment 105
Piernicola Pedicini, Marco Affronte, Eleonora Evi

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) ***Significant progress has been achieved in the Union in the past 10 years in the field of mercury management following the adoption of the Strategy and of a wide range of measures concerning mercury emissions, supply, demand and use and the management of mercury surplus and stocks.***

Amendment

(5) ***Management of the production of mercury, its emissions and its supply, demand and use in industrial production processes, in addition to the management of mercury surplus and stocks, must be planned with the aim of protecting the environment and health, always taking into account the precautionary principle.***

Or. it

Amendment 106
Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) Significant progress has been achieved in the Union in the past 10 years in the field of mercury management **following** the adoption of the Strategy and of a wide range of measures concerning mercury emissions, supply, demand and use and the management of mercury surplus and stocks.

Amendment

(5) Significant progress has been achieved in the Union in the past 10 years in the field of mercury management, **for example by means of** the adoption of the Strategy and of a wide range of measures concerning mercury emissions, supply, demand and use and the management of mercury surplus and stocks.

Or. fr

Amendment 107
Piernicola Pedicini, Marco Affronte, Eleonora Evi

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) **The** Strategy establishes that the negotiation and conclusion of an international legally-binding instrument should be a priority **as** Union **action alone cannot** guarantee **effective** protection of **the citizens of the Union against** the negative health effects of mercury.

Amendment

(6) **In addition to the provisions of the mercury management strategy, which** establishes that the negotiation and conclusion of an international legally-binding instrument should be a priority, **the European Union should endeavour to excel among its global partners in order to** guarantee **a** protection of **its** citizens **from** the negative health effects of mercury **that is truly effective, by setting best practice examples to all countries that are party to the Minamata Convention.**

Or. it

Amendment 108
Notis Marias

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) The Strategy establishes that the negotiation and conclusion of an international ***legally-binding*** instrument should be a priority as Union action alone cannot guarantee effective protection of the citizens of the Union against the negative health effects of mercury.

Amendment

(6) The Strategy establishes that the negotiation and conclusion of an international instrument should be a priority as Union action alone cannot guarantee effective protection of the citizens of the Union against the negative health effects of mercury.

Or. el

Amendment 109

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) The Union and 26 Member States have signed in Kumamoto on 11 October 2013 the Minamata Convention on Mercury ("the Convention").³⁷ The Union ***and all its Member States are therefore committed to*** its conclusion, transposition and implementation³⁸.

Amendment

(7) The Union and 26 Member States have signed in Kumamoto on 11 October 2013 the Minamata Convention on Mercury ("the Convention").³⁷ ***Unlike the Union as an organisation, Estonia and Portugal do not for the time being wish to be associated with*** its conclusion, transposition and implementation³⁸.

³⁷ <https://treaties.un.org>

³⁸ Council Decision XXX of XX/XX/XX on the conclusion of the Minamata Convention on Mercury (OJ L , , p.).

³⁷ <https://treaties.un.org>

³⁸ Council Decision XXX of XX/XX/XX on the conclusion of the Minamata Convention on Mercury (OJ L , , p.).

Or. fr

Amendment 110

Bolesław G. Piecha, Jadwiga Wiśniewska

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) The Union and 26 Member States have signed in Kumamoto **on 11 October 2013** the Minamata Convention on Mercury ("the Convention")³⁷. The Union and all its Member States are therefore committed to its conclusion, transposition and implementation³⁸.

³⁷ <https://treaties.un.org>

³⁸ Council Decision XXX of XX/XX/XX on the conclusion of the Minamata Convention on Mercury (OJ L , , p.).

Amendment

(7) The Union and 26 Member States have signed in Kumamoto the Minamata Convention on Mercury ("the Convention")³⁷. The Union and all its Member States are therefore committed to its conclusion, transposition and implementation³⁸.

³⁷ <https://treaties.un.org>

³⁸ Council Decision XXX of XX/XX/XX on the conclusion of the Minamata Convention on Mercury (OJ L , , p.).

Or. pl

Justification

Not all of the Member States have signed the convention yet.

Amendment 111

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) Swift ratification of the Convention by *the Union and its Member* States will encourage major global mercury users and emitters, that are signatories of the Convention, to ratify and implement it.

Amendment

(8) Swift ratification of the Convention by *European* States will encourage major global mercury users and emitters that are signatories of the Convention, to ratify and implement it.

Or. fr

Amendment 112

Pilar Ayuso, Stefan Eck, Francesc Gambús

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) As Union legislation already transposes many of the obligations of the Convention, this Regulation should **only** lay down provisions that complement the Union acquis and that are needed to ensure its full alignment with the Convention and, accordingly, to enable the Union and its Member States to ratify and implement it.

Amendment

(9) As Union legislation already transposes many of the obligations of the Convention, this Regulation should lay down provisions that complement the Union acquis and that are needed to ensure its full alignment with the Convention and, accordingly, to enable the Union and its Member States to ratify and implement it. ***This Regulation should also lay down new provisions that go beyond the Convention, in keeping with the Strategy and Union legislation on the environment and protection of human health, particularly in the field of waste.***

Or. es

Justification

The new regulation should not restrict itself to adapting Union legislation to the Convention. The Union could move forward more quickly on some aspects of the Convention, thus setting the foundations for the Convention in the future.

Amendment 113

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) As Union legislation already transposes many of the obligations of the Convention, this Regulation should only lay down provisions that complement the Union acquis and that are needed to ensure its full alignment with the Convention and, accordingly, to enable the Union and its Member States to ratify and implement it.

Amendment

(9) As Union legislation already transposes many of the obligations of the Convention, this Regulation should only lay down provisions that complement the Union acquis and that are needed to ensure its full alignment with the Convention and, accordingly, to enable the Union and its Member States to ratify and implement it. ***The sovereign wishes of Estonia and Portugal on this subject should be taken into account, while calling on those Member States, through constructive***

Amendment 114
Michel Dantin

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) As Union legislation already transposes many of the obligations of the Convention, this Regulation should **only** lay down provisions that complement the Union acquis and that are needed to ensure its full alignment with the Convention and, accordingly, to enable the Union and its Member States to ratify and implement it.

Amendment

(9) As Union legislation already transposes many of the obligations of the Convention, this Regulation should **as a priority** lay down provisions that complement the Union acquis and that are needed to ensure its full alignment with the Convention and, accordingly, to enable the Union and its Member States to ratify and implement it.

Amendment 115
Massimo Paolucci, Damiano Zoffoli, Tibor Szanyi, Nicola Caputo, Jytte Guteland, Christel Schaldemose, Carlos Zorrinho, Simona Bonafè, Renata Briano, Miriam Dalli

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) As Union legislation already transposes many of the obligations of the Convention, this Regulation should **only** lay down provisions that complement the Union acquis and that are needed to ensure its full alignment with the Convention and, accordingly, to enable the Union and its Member States to ratify and implement it.

Amendment

(9) As Union legislation already transposes many of the obligations of the Convention, this Regulation should lay down provisions that complement the Union acquis and that are needed to ensure its full alignment with the Convention and, accordingly, to enable the Union and its Member States to ratify and implement it.

Amendment 116
Michel Dantin

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Additional measures at Union level whose level of ambition goes beyond that of the Convention may be adopted where they make it possible to reduce the harmful effects of mercury efficiently and effectively, in accordance with the scientific state of the art, on condition that such measures do not place European businesses at a competitive disadvantage in relation to the rest of the world. By way of example, the Union should encourage the use of recycled mercury for industrial purposes.

Or. fr

Justification

In order to reduce global mercury production and send a positive signal, recycling and the use of recycled mercury should be encouraged in the Union.

Amendment 117

Massimo Paolucci, Damiano Zoffoli, Susanne Melior, Tibor Szanyi, Carlos Zorrinho, Elena Gentile, Simona Bonafè, Renata Briano

Proposal for a regulation
Recital 10

Text proposed by the Commission

Amendment

(10) The mercury export ban set out in Regulation (EC) No 1102/2008 of the European Parliament and of the Council³⁹ should be complemented by *restrictions* on the import of mercury *depending on the source, the intended use and the place of origin of mercury*. The national authorities

(10) The mercury export ban set out in Regulation (EC) No 1102/2008 of the European Parliament and of the Council³⁹ should be complemented by *a ban* on the import of mercury *for uses other than disposal as waste*. The national authorities designated in accordance with Regulation

designated in accordance with Regulation (EU) No 649/2012 of the European Parliament and of the Council⁴⁰ should perform the administrative functions linked to the implementation of such *restrictions*.

³⁹ Regulation (EC) No 1102/2008 of the European Parliament and of the Council of 22 October 2008 on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury (OJ L 304, 14.11.2008, p. 75).

⁴⁰ Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals (OJ L 201, 27.7.2012, p. 60).

(EU) No 649/2012 of the European Parliament and of the Council⁴⁰ should perform the administrative functions linked to the implementation of such *measures*.

³⁹ Regulation (EC) No 1102/2008 of the European Parliament and of the Council of 22 October 2008 on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury (OJ L 304, 14.11.2008, p. 75).

⁴⁰ Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals (OJ L 201, 27.7.2012, p. 60).

Or. en

Amendment 118

Michel Dantin

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) *The mercury export ban set out in* Regulation (EC) No 1102/2008 of the European Parliament and of the Council³⁹ should be complemented by restrictions on the import of mercury depending on the source, the intended use and the place of origin of mercury. The national authorities designated in accordance with Regulation (EU) No 649/2012 of the European Parliament and of the Council⁴⁰ should perform the administrative functions linked to the implementation of such restrictions.

³⁹ Regulation (EC) No 1102/2008 of the European Parliament and of the Council of

Amendment

(10) *In accordance with* Regulation (EC) No 1102/2008 of the European Parliament and of the Council³⁹, *the mercury export ban* should be complemented by restrictions on the import of mercury depending on the source, the intended use and the place of origin of mercury. The national authorities designated in accordance with Regulation (EU) No 649/2012 of the European Parliament and of the Council⁴⁰ should perform the administrative functions linked to the implementation of such restrictions.

³⁹ Regulation (EC) No 1102/2008 of the European Parliament and of the Council of

22 October 2008 on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury (OJ L 304, 14.11.2008, p. 75).

⁴⁰ Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals (OJ L 201, 27.7.2012, p. 60).

22 October 2008 on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury (OJ L 304, 14.11.2008, p. 75).

⁴⁰ Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals (OJ L 201, 27.7.2012, p. 60).

Or. fr

Justification

In order to avoid a shortage of mercury or its compounds used as raw materials in industries producing products containing mercury (authorised under Annex III of this Regulation), the Union should be able to import mercury under certain conditions.

Amendment 119

Gesine Meissner, Ulrike Müller

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) The export, import and manufacturing of a range of mercury-added products accounting for a significant share of the use of mercury and mercury compounds within the Union and globally should be prohibited.

Amendment

(11) The export, import and manufacturing of a range of mercury-added products accounting for a significant share of the use of mercury and mercury compounds within the Union and globally should be prohibited; ***continued use should be strictly monitored and meet the conditions set out in Articles 3 and 4 of this Regulation.***

Or. en

Amendment 120

Anneli Jäätteenmäki, Fredrick Federley, Frédérique Ries, Jasenko Selimovic

Proposal for a regulation

Recital 11

Text proposed by the Commission

Amendment

(11) The export, import and manufacturing of a range of mercury-added products accounting for a significant share of the use of mercury and mercury compounds within the Union **and globally** should be prohibited.

(11) The export, import and manufacturing of a range of mercury-added products accounting for a significant share of the use of mercury and mercury compounds within the Union should be prohibited, ***provided that such prohibitions do not lead to an increase in the total release of mercury globally.***

Or. en

Justification

The EU should be able to import mercury waste from third countries that do not have the capacity to treat the waste appropriately, thus reducing the risk of unintentional release of mercury into the environment.

Amendment 121

Massimo Paolucci, Damiano Zoffoli, Tibor Szanyi, Nicola Caputo, Carlos Zorrinho, Simona Bonafè, Renata Briano

Proposal for a regulation

Recital 11

Text proposed by the Commission

Amendment

(11) The export, import and manufacturing of a range of mercury-added products accounting for a significant share of the use of mercury and mercury compounds within the Union and globally should be prohibited.

(11) The export, import and manufacturing of a range of mercury-added products ***not complying with the limits established by the applicable Union legislation, and*** accounting for a significant share of the use of mercury and mercury compounds within the Union and globally, should be prohibited.

Or. en

Justification

Double standards for internal and external markets should not apply.

Amendment 122

Massimo Paolucci, Damiano Zoffoli, Susanne Melior, Tibor Szanyi, Nicola Caputo, Carlos Zorrinho, Elena Gentile, Simona Bonafè, Renata Briano, Miriam Dalli

Proposal for a regulation

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) This Regulation should not prevent the export, import and manufacturing of medicinal products providing demonstrable significant health benefits where there are no mercury-free active substances available as alternatives.

Or. en

Justification

Mercury-added medicines bringing significant health benefits and in which mercury as an active substance cannot be substituted should not be subject to ban, as it is already the case under Regulation 1102/2008.

Amendment 123

Massimo Paolucci, Damiano Zoffoli, Tibor Szanyi, Nicola Caputo, Simona Bonafè, Renata Briano

Proposal for a regulation

Recital 12

Text proposed by the Commission

Amendment

(12) This Regulation should therefore have a twofold legal basis, Articles 192(1) and 207 of the TFEU, as it seeks to protect both the environment and human health and to ensure uniformity in respect of its trade aspects through the export and import prohibition and restrictions affecting mercury, mercury compounds and mercury-added products.

deleted

Or. en

Amendment 124
Jytte Guteland, Christel Schaldemose

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) *This Regulation should therefore have a twofold legal basis, Articles 192(1) and 207 of the TFEU, as it seeks to protect both the environment and human health and to ensure uniformity in respect of its trade aspects through the export and import prohibition and restrictions affecting mercury, mercury compounds and mercury-added products.*

Amendment

(12) *As the main objective of this Regulation is to protect both the environment and human health from the negative effects of mercury, this Regulation should have Article 192(1) TFEU as its legal basis.*

Or. en

Justification

Legal basis should reflect the main objective of the legislation and Convention, i.e. to protect human health and the environment.

Amendment 125
Michel Dantin

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) This Regulation *should therefore have a twofold legal basis, Articles 192(1) and 207 of the TFEU, as it* seeks to protect both the environment and human health and to ensure uniformity in respect of its trade aspects through the export and import prohibition and restrictions affecting mercury, mercury compounds and mercury-added products.

Amendment

(12) This Regulation seeks to protect both the environment and human health and to ensure uniformity in respect of its trade aspects through the export and import prohibition and restrictions affecting mercury, mercury compounds and mercury-added products, *and it should have a twofold legal basis, namely Articles 192(1) and 207 of the TFEU.*

Or. fr

Justification

Because of the cross-border nature of mercury, this Regulation should have an external dimension in order to encourage reductions in mercury pollution in third countries. Imports into the Union of mercury waste for purposes of stabilisation from third countries which do not have the financial resources to treat this hazardous waste correctly and/or sufficient quantities of waste to justify constructing a stabilisation unit are a clear example of this.

Amendment 126

Anneli Jäätteenmäki, Frédérique Ries, Jasenko Selimovic

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) This Regulation should ***therefore*** have ***a twofold*** legal basis, ***Articles 192(1) and 207 of the TFEU***, as it seeks to protect both *the* environment and human health ***and to ensure uniformity in respect of its trade aspects through*** the export and import prohibition and restrictions affecting mercury, mercury compounds and mercury-added products.

Amendment

(12) This Regulation should have ***Article 192(1) TFEU as its*** legal basis, as it seeks to protect both the environment and human health. The export and import prohibition and restrictions affecting mercury, mercury compounds and mercury-added products ***should therefore be subject to environment and human health considerations.***

Or. en

Amendment 127

Michel Dantin

Proposal for a regulation

Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) With the aim of reducing imports of mercury and storage of mercury waste, either stabilised or partially stabilised, the use of mercury obtained by means of recycling should be encouraged where possible.

Or. fr

Amendment 128
Michel Dantin

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) This Regulation applies without prejudice to the provisions of the applicable Union acquis that set stricter requirements for such products, including in terms of their maximum content of mercury.

Amendment

(13) This Regulation applies without prejudice to the provisions of the applicable Union acquis that set stricter requirements for such products, including in terms of their maximum content of mercury, ***but without being restricted to that aspect.***

Or. fr

Justification

Banning exports of products to third countries containing a mercury dose which exceeds the EU limit but accords with the Convention would not have any positive impact on health and the environment, as foreign businesses could still market such products outside the EU. Only European businesses would be placed at a disadvantage, whereas the production conditions of foreign businesses do not always guarantee the same level of protection as the EU.

Amendment 129
Michel Dantin, Françoise Grossetête, Angélique Delahaye

Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) This Regulation aims to protect human health while also ensuring the availability of medicated and medicinal products containing mercury that confer proven benefits to health for which no mercury-free alternative exists.

Or. fr

Amendment 130

Massimo Paolucci, Damiano Zoffoli, Tibor Szanyi, Nicola Caputo, Jytte Guteland, Christel Schaldemose, Carlos Zorrinho, Elena Gentile, Simona Bonafè, Renata Briano, Miriam Dalli

Proposal for a regulation

Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) In accordance with Article 193 TFEU, this Regulation should not prevent Member States from maintaining or introducing more stringent protective measures, provided that such measures are compatible with the Treaties and the Commission has been notified.

Or. en

Amendment 131

Susanne Melior

Proposal for a regulation

Recital 14

Text proposed by the Commission

Amendment

(14) In the absence of relevant available mercury-free production processes, operating conditions for the production of sodium or potassium methylate or ethylate involving the use of mercury should be set.

(14) In the absence of relevant available mercury-free production processes, operating conditions for the production of sodium or potassium methylate or ethylate involving the use of mercury should be set ***with a view to reducing total mercury emissions and releases from such production processes by 50 per cent by 2020 compared to 2010 in order to limit environmental and health impacts. Measures should be taken to reduce the use of mercury and to phase out its use in such production processes as quickly as possible and in any event within 10 years of the entry into force of the Convention.***

Or. en

Amendment 132
Norbert Lins, Birgit Collin-Langen

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) In the absence of relevant available mercury-free production processes, operating conditions for the production of sodium or potassium methylate or ethylate involving the use of mercury should be set.

Amendment

(14) In the absence of relevant available mercury-free production processes, operating conditions for the production of sodium or potassium methylate or ethylate involving the use of mercury should be set ***with a view to reducing total mercury emissions and releases from such production processes by 50 % by 2020 compared to 2010 in order to limit environmental and health impacts. Measures should be taken to reduce the use of mercury and to phase out its use in such production processes as quickly as possible and in any event within 10 years of the entry into force of the Convention.***

Or. en

Justification

In order to comply with the Minamata Convention the EU should take the wording of Annex B, Part II of the Convention.

Amendment 133
Pilar Ayuso, Francesc Gambús

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) ***In the absence of relevant available*** mercury-free production processes, operating conditions for the production of sodium or potassium methylate or ethylate involving the use of mercury should be set.

Amendment

(14) ***Given that alternative*** mercury-free production processes ***are available, temporary*** operating conditions for the production of sodium or potassium methylate or ethylate involving the use of mercury should be set. ***Moreover, in order to enable industry to make investments***

sufficiently in advance, a date needs to be set as soon as possible for the introduction of a ban on mercury in the production of sodium or potassium methylate or ethylate.

Or. es

Justification

Mercury-free alternatives are already available for the production of sodium or potassium methylate or ethylate. The Convention itself urges the Parties to ensure 'the phase out of this use as fast as possible'. In the amendments, it is proposed that this be achieved in 2023.

Amendment 134 **Michel Dantin**

Proposal for a regulation **Recital 14**

Text proposed by the Commission

(14) In the absence of relevant available mercury-free *production processes, operating conditions* for the production of *sodium or potassium methylate or ethylate involving the use of mercury* should be *set*.

Amendment

(14) *The production of sodium or potassium methylate or ethylate by means of a process using mercury ought ultimately to be prohibited.* In the absence of *a* relevant available mercury-free *process* for the production of potassium methylate or ethylate, *the derogation period* should be *extended for a maximum specified period and/or until a mercury-free process has been deemed technically and economically feasible.*

Or. fr

Amendment 135 **Anneli Jäätteenmäki, Fredrick Federley, Frédérique Ries, Jasenko Selimovic, José Inácio Faria, Gerben-Jan Gerbrandy**

Proposal for a regulation **Recital 14**

Text proposed by the Commission

Amendment

(14) In the absence of relevant available mercury-free production processes, operating conditions for the production of sodium or potassium methylate or ethylate involving the use of mercury should be set.

(14) In the absence of relevant available mercury-free production processes, operating conditions for the production of sodium or potassium methylate or ethylate involving the use of mercury should be set. ***A gradual phase-out and replacement with feasible mercury-free production processes should take place as soon as possible.***

Or. en

Amendment 136

Massimo Paolucci, Damiano Zoffoli, Tibor Szanyi, Nicola Caputo, Carlos Zorrinho, Elena Gentile, Simona Bonafè, Renata Briano, Miriam Dalli

Proposal for a regulation

Recital 14

Text proposed by the Commission

Amendment

(14) In the absence of relevant available mercury-free production processes, ***operating conditions for the production of sodium or potassium methylate or ethylate involving the use of mercury*** should be set.

(14) ***The production of sodium or potassium methylate or ethylate which involves the use of mercury should be prohibited.*** In the absence of relevant available mercury-free production processes ***for potassium methylate or ethylate, operating conditions and a phasing-out period for such production*** should be set.

Or. en

Amendment 137

Piernicola Pedicini, Marco Affronte, Eleonora Evi

Proposal for a regulation

Recital 15

Text proposed by the Commission

Amendment

(15) The manufacturing and placing on

(15) The manufacturing and placing on

the market of new mercury-added products and the establishment of new mercury-based manufacturing processes would increase the use of mercury and of mercury compounds and mercury emissions within the Union. Such new activities should therefore be prohibited unless an assessment demonstrates that these uses would provide significant *environmental and health* benefits and that no *technically and economically feasible* mercury-free alternatives providing such benefits are available.

the market of new mercury-added products and the establishment of new mercury-based manufacturing processes would increase the use of mercury and of mercury compounds and mercury emissions within the Union. Such new activities should therefore be prohibited unless an assessment demonstrates that these uses would provide significant health benefits and that no mercury-free alternatives providing such benefits are available.

Or. it

Amendment 138

Massimo Paolucci, Damiano Zoffoli, Tibor Szanyi, Nicola Caputo, Carlos Zorrinho, Elena Gentile, Simona Bonafè, Renata Briano, Miriam Dalli

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) The manufacturing and placing on the market of new mercury-added products and the establishment of new mercury-based manufacturing processes would increase the use of mercury and of mercury compounds and mercury emissions within the Union. Such new activities should therefore be prohibited unless an assessment demonstrates that these uses would provide significant environmental and health benefits and that no technically *and economically* feasible mercury-free alternatives providing such benefits are available.

Amendment

(15) The manufacturing and placing on the market of new mercury-added products and the establishment of new mercury-based manufacturing processes would increase the use of mercury and of mercury compounds and mercury emissions within the Union. Such new activities should therefore be prohibited unless an assessment *of the risks and the benefits* demonstrates that these uses would provide significant environmental and health benefits and that no technically feasible mercury-free alternatives providing such benefits are available.

Or. en

Amendment 139

Notis Marias

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) The use of mercury and mercury compounds in ASGM accounts for a significant share of mercury use and emissions worldwide, and should therefore be regulated.

Amendment

(16) The use of mercury and mercury compounds in ASGM accounts for a significant share of mercury use and emissions worldwide, and should therefore be regulated ***immediately***.

Or. el

Amendment 140
Michel Dantin

Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) It is essential that mercury waste be traceable so as to ensure that it is properly treated and disposed of and to prevent illegal use thereof Accordingly, an effective traceability system throughout the mercury waste management chain ought to be introduced at Union level.

Or. fr

Amendment 141
Notis Marias

Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) In view of efforts to develop and promote renewable energy sources in the EU Member States, the contribution of biomass to mercury emissions should be given immediate attention.

Amendment 142

Michel Dantin

Proposal for a regulation

Recital 16 b (new)

Text proposed by the Commission

Amendment

(16b) Buccodental health awareness-raising and education is the most effective way of preventing caries and, hence, of reducing the use of a dental restoration such as dental amalgam. Member States ought to promote buccodental health, for example by setting national objectives.

Or. fr

Justification

It is essential to address the core issue so as to reduce the use of any dental restoration method. Promoting buccodental health is an effective precaution for preventing caries that is a matter of national competence. It is one of the recommendations made by the Convention.

Amendment 143

Michel Dantin

Proposal for a regulation

Recital 17

Text proposed by the Commission

Amendment

(17) The use of dental amalgam in an encapsulated form and the implementation of amalgam separators should be made mandatory to protect dental practitioners and patients from mercury exposure and to ensure that resulting mercury waste are not released into the environment, but are collected and subjected to sound waste management. Given the size of the undertakings from the *dentristy* sector concerned by this change, it is appropriate

(17) The use of dental amalgam in an encapsulated ***pre-dosed*** form and the implementation of amalgam separators should be made mandatory to protect dental practitioners and patients from mercury exposure and to ensure that resulting mercury waste are not released into the environment, but are collected and subjected to sound waste management. ***To ensure that amalgam separators are effective, minimum requirements for***

to provide sufficient time to adapt to the new provision.

performance of equipment and amalgam waste management by practitioners ought to be guaranteed at Union level. Given the size of the undertakings from the *dentistry* sector concerned by this change, it is appropriate to provide sufficient time to adapt to the new provision.

Or. fr

Justification

The addition of the term 'pre-dosed' is intended to specify that the capsules are to be used once for dental repair work, and not re-used.

Amendment 144

Massimo Paolucci, Damiano Zoffoli, Susanne Melior, Tibor Szanyi, Nicola Caputo, Carlos Zorrinho, Elena Gentile, Simona Bonafè, Renata Briano

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) The use of dental amalgam in an *encapsulated form and* the implementation of amalgam separators should be made mandatory to protect dental practitioners and patients from mercury exposure and to ensure that resulting mercury waste are not released into the environment, but are collected and subjected to sound waste management. Given the size of the undertakings from the *dentistry* sector concerned by this change, it is appropriate to provide sufficient time to adapt to the new provision.

Amendment

(17) The use of dental amalgam *should be prohibited for the treatment of children and pregnant and breastfeeding women, and the phasing out of its use for the treatment of all patients and in the training of dental practitioners should also be an aim.* The implementation of amalgam separators *with a minimum retention efficiency* should be made mandatory to protect dental practitioners and patients from mercury exposure and to ensure that resulting mercury waste are not released into the environment, but are collected and subjected to sound waste management. Given the size of the undertakings from the *dentistry* sector concerned by this change, it is appropriate to provide sufficient time to adapt to the new provision.

Or. en

Amendment 145

Michèle Rivasi

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) The use of dental amalgam in an encapsulated form and the implementation of amalgam separators ***should be made mandatory to protect dental practitioners and patients from mercury exposure and to ensure that resulting mercury waste are not released into the environment, but are collected and subjected to sound waste management. Given the size of the undertakings from the dentistry sector concerned by this change, it is appropriate to provide sufficient time to adapt to the new provision.***

Amendment

(17) The use of dental amalgam in an encapsulated form and the implementation of amalgam separators ***are already widespread in the European Union. Such measures in addition to the collection and sound management of dental amalgam and amalgam waste are considered to be sufficient in reducing mercury releases from this sector, but they fail to address the problem of perpetual demand of mercury in the Union and the negative impact on the environment. To protect dental practitioners, patients and the environment from mercury exposure, the use of dental amalgam should be phased out, as is already the case in several Union countries.***

Or. en

Justification

Small modification of amendment 19 by the rapporteur to specify the purpose of amalgam separators.

Amendment 146

Anneli Jäätteenmäki, Fredrick Federley, Frédérique Ries, Jasenko Selimovic, Ulrike Müller, José Inácio Faria, Gerben-Jan Gerbrandy

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) The use of dental amalgam in an encapsulated form and the implementation of amalgam separators should be made

Amendment

(17) The use of dental amalgam in an encapsulated form and the implementation of amalgam separators should be made

mandatory to protect dental practitioners and patients from mercury exposure and to ensure that resulting mercury waste are not released into the environment, but are collected and subjected to sound waste management. Given the size of the undertakings from the *dentistry* sector concerned by this change, it is appropriate to provide sufficient time to adapt to the new provision.

mandatory to protect dental practitioners and patients from mercury exposure and to ensure that resulting mercury waste are not released into the environment, but are collected and subjected to sound waste management. Given the size of the undertakings from the *dentistry* sector concerned by this change, it is appropriate to provide sufficient time to adapt to the new provision ***and to encourage the dentistry sector to gradually and permanently reduce the use of dental amalgam.***

Or. en

Amendment 147

Piernicola Pedicini, Marco Affronte, Eleonora Evi

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) ***The*** use of dental amalgam in an encapsulated form and the implementation of amalgam separators should be made mandatory to protect dental practitioners and patients from mercury exposure and to ensure that resulting mercury waste ***are*** not released into the environment, but ***are*** collected and subjected to sound waste management. ***Given the size of the undertakings from the dentistry sector concerned by this change, it is appropriate to provide sufficient time to adapt to the new provision.***

Amendment

(17) ***Pending the total elimination of the use of mercury in dentistry, the*** use of dental amalgam in an encapsulated form and the implementation of amalgam separators should be made mandatory to protect dental practitioners and patients from mercury exposure and to ensure that resulting mercury waste ***is*** not released into the environment, but ***is*** collected and subjected to sound waste management.

Or. it

Amendment 148

Notis Marias

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) The use of dental amalgam in an encapsulated form and the implementation of amalgam separators should be made mandatory to protect dental practitioners and patients from mercury exposure and to ensure that resulting mercury waste are **not** released into the environment, but are collected and subjected to sound waste management. Given the size of the undertakings from the **dentristy** sector concerned by this change, it is appropriate to provide sufficient time to adapt to the new provision.

Amendment

(17) The use of dental amalgam in an encapsulated form and the implementation of amalgam separators should be made mandatory to protect dental practitioners and patients from mercury exposure and to ensure that resulting mercury waste are, **under no circumstances**, released into the environment, but are collected and subjected to sound **and legal** waste management. Given the size of the undertakings from the **dentistry** sector concerned by this change, it is appropriate to provide sufficient time to adapt to the new provision.

Or. el

Amendment 149
Michel Dantin

Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) Member States should be called on to support the training of students and dentists in the use of mercury-free alternatives, in particular for vulnerable groups such as pregnant women and children, and to encourage buccodental health research and innovation in order to improve knowledge of existing materials and restoration techniques and to develop new materials.

Or. fr

Justification

Research into restoration materials ought to be encouraged, in particular as regards new materials, about which knowledge remains limited and a complete risk analysis cannot be carried out. It is one of the recommendations made by the Convention.

Amendment 150

Massimo Paolucci, Damiano Zoffoli, Susanne Melior, Tibor Szanyi, Nicola Caputo, Jytte Guteland, Christel Schaldemose, Carlos Zorrinho, Elena Gentile, Simona Bonafè, Renata Briano

**Proposal for a regulation
Recital 17 a (new)**

Text proposed by the Commission

Amendment

(17a) Parties to the Minamata Convention have committed to take measures to encourage professional organisations and dental schools to educate and train dental professionals and students on the use of mercury-free dental restoration alternatives and on promoting best management practices; such measures should be taken into account when reviewing Directive 2005/36/EC of the European Parliament and of the Council^{1a}.

^{1a} Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

Or. en

Amendment 151

Massimo Paolucci, Damiano Zoffoli, Tibor Szanyi, Nicola Caputo, Jytte Guteland, Christel Schaldemose, Carlos Zorrinho, Elena Gentile, Simona Bonafè, Renata Briano

**Proposal for a regulation
Recital 17 b (new)**

Text proposed by the Commission

Amendment

(17b) Permanent storage of metallic mercury should be avoided in order to ensure its non-availability as a commodity. In order to ensure its long-

term safe disposal, metallic mercury should be transformed into a solidified form prior to permanent storage.

Or. en

Amendment 152

Massimo Paolucci, Damiano Zoffoli, Susanne Melior, Tibor Szanyi, Nicola Caputo, Carlos Zorrinho, Elena Gentile, Simona Bonafè, Renata Briano

Proposal for a regulation

Recital 17 c (new)

Text proposed by the Commission

Amendment

(17c) Over 6 000 tonnes of metallic mercury waste will be generated in the Union by 2017, mainly as a result of the mandatory decommissioning of mercury cells in the chlor-alkali industry in accordance with Commission Implementing Decision 2013/732/EU^{1a}. Given the limited available capacity for undertaking the solidification of liquid mercury waste, the temporary storage of liquid mercury waste should still be allowed under this Regulation, for a period of time sufficient to ensure the solidification of all such waste generated, but only in above ground facilities.

^{1a} Commission Implementing Decision 2013/732/EU of 9 December 2013 establishing the best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions, for the production of chlor-alkali (OJ L 332, 11.12.2013, p. 34).

Or. en

Amendment 153

Pilar Ayuso, Francesc Gambús

Proposal for a regulation
Recital 18

Text proposed by the Commission

Amendment

(18) Most of the criteria established in Council Directive 1999/31/EC⁴¹ for the temporary storage of mercury waste should apply to the permanent storage of mercury waste in underground storage facilities. The applicability of some of those criteria should depend on the specific characteristics of each underground storage facility, as determined by the competent authorities of the Member States in charge of the implementation of Directive 1999/31/EC. *deleted*

⁴¹ Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182 of 16.7.1999, p. 1).

Or. es

Justification

The proposal seeks to establish the same requirements for temporary storage as for permanent storage. However, this key element of the Commission proposal is not backed up by an impact assessment.

Amendment 154

Massimo Paolucci, Damiano Zoffoli, Tibor Szanyi, Nicola Caputo, Elena Gentile, Simona Bonafè, Renata Briano

Proposal for a regulation
Recital 18

Text proposed by the Commission

Amendment

(18) Most of the criteria established in Council Directive 1999/31/EC⁴¹ for the temporary storage of mercury waste should apply to the permanent storage of mercury waste in underground storage facilities. The applicability of some of *deleted*

those criteria should depend on the specific characteristics of each underground storage facility, as determined by the competent authorities of the Member States in charge of the implementation of Directive 1999/31/EC.

⁴¹ Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182 of 16.7.1999, p. 1).

Or. en

Amendment 155
Michel Dantin

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) Most of the criteria established in Council Directive 1999/31/EC⁴¹ for the temporary storage of mercury waste should apply to the permanent storage of mercury waste in underground storage facilities. The applicability of some of those criteria should depend on the specific characteristics of each underground storage facility, as determined by the competent authorities of the Member States in charge of the implementation of Directive 1999/31/EC.

Amendment

(18) The permanent storage of liquid mercury should be prohibited in order to prevent harm to human health and the environment and to prevent the illegal use thereof.

⁴¹ Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182 of 16.7.1999, p. 1).

Or. fr

Amendment 156
Michèle Rivasi

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) Most of the criteria established in Council Directive 1999/31/EC⁴¹ for the temporary storage of mercury waste should apply to the permanent *storage* of mercury waste *in underground storage facilities*. *The applicability of some of those criteria should depend on the specific characteristics of each underground storage facility, as determined by the competent authorities of the Member States in charge of the implementation of Directive 1999/31/EC.*

⁴¹ Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182 of 16.7.1999, p. 1).

Amendment

(18) *Mercury waste should be solidified prior to any final disposal. Temporary storage for a limited period of time is necessary in light of limited capacities for solidification. Given the recurring problems of stability of underground storage facilities, solidified mercury waste should only be disposed of above ground in adequate facilities under adequate conditions.* Most of the criteria established in Council Directive 1999/31/EC⁴¹ for the temporary storage of mercury waste should apply to the permanent *disposal of solidified* mercury waste.

⁴¹ Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182 of 16.7.1999, p. 1).

Or. en

Justification

Pure mercury waste is liquid. It should not be disposed of or stored as such, except for temporary storage awaiting solidification to take account of limited capacity for solidification. Given the recurring problems of stability of underground storage facilities, solidified mercury waste should only be disposed of above ground in adequate facilities under adequate conditions.

Amendment 157
Michèle Rivasi

Proposal for a regulation
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) Contaminated sites contribute to re-mobilisation and re-emissions and releases of mercury to air, soil and water. In the absence of comprehensive

information about abandoned contaminated sites, the development of an inventory and guidelines for the management of all contaminated sites in the Union is necessary. In order to allow for that development, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of laying down the methods and approaches for the ecologically sustainable management and remediation of sites contaminated by mercury or mercury compounds, in line with the polluter pays principle.

Or. en

Justification

Small modification of amendment 21 by the rapporteur to add a reference to the polluter pays principle.

Amendment 158

Pilar Ayuso, Stefan Eck, Francesc Gambús

Proposal for a regulation

Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) The permanent storage without pre-treatment of metallic mercury that is considered as waste should be ruled out owing to the risks it poses, as an extremely hazardous substance in its liquid state. Prior to the permanent storage of mercury waste, the relevant operations to stabilise and solidify such waste must be carried out in order to reduce these risks, in keeping with Article 6 of Directive 1999/31/EC. The permanent storage (or disposal) of mercury waste will be permitted only after it has been solidified.

Or. es

Justification

Metallic mercury is a liquid, and the management of such waste poses greater risks than is the case for solids. Directive 1999/31/EC prohibits the acceptance of liquid waste in landfills. By analogy and in view of its hazardous nature, the same should apply to mercury waste. To minimise the risks, permanent storage should be permitted only where mercury waste has first undergone stabilisation and solidification treatment.

Amendment 159

Pilar Ayuso, Stefan Eck, Francesc Gambús

Proposal for a regulation

Recital 18 b (new)

Text proposed by the Commission

Amendment

(18b) The safety of permanent storage underground or in salt mines should be carefully analysed, since there are no studies that adequately assess the risks linked to this form of storage for mercury waste. The Commission may draw up recommendations for the characteristics of facilities for the permanent storage of mercury waste. It may also propose a revision of Directive 1999/31/EC.

Or. es

Justification

The proposal considers underground storage to be the preferred option for the disposal of mercury waste and classes salt mines as the safety 'reference point' by which other underground storage sites are to be measured. Insufficient evidence has been provided to back up these two elements of the proposal. We need to assess whether a layer of salt makes an underground cavity safer. We also need to assess whether, given the characteristics of mercury waste, underground storage is to be preferred to above-ground storage.

Amendment 160

Massimo Paolucci, Damiano Zoffoli, Tibor Szanyi, Nicola Caputo, Simona Bonafè, Renata Briano

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) In order to align Union legislation with Decisions of the Conference of the Parties of the Convention supported by the Union, the power to adopt acts in accordance with Article 290 *of the* TFEU should be delegated to the Commission in respect of amending the annexes to this Regulation ***and supplementing this Regulation with technical requirements for environmentally sound interim storage of mercury and mercury compounds.*** It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Amendment

(19) In order to align Union legislation with Decisions of the Conference of the Parties of the Convention supported by the Union, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending the annexes to this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Or. en

Amendment 161

Massimo Paolucci, Damiano Zoffoli, Susanne Melior, Tibor Szanyi, Nicola Caputo, Carlos Zorrinho, Simona Bonafè, Renata Briano

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) ***In order to ensure uniform conditions for the implementation of this Regulation with regard to prohibiting or allowing new mercury using products and processes and reporting obligations, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and the Council⁴².***

Amendment

(20) ***The power to adopt acts in accordance with Article 290 TFEU should also be delegated to the Commission in respect of prohibiting or allowing new products and processes using mercury and in respect of setting technical requirements for environmentally sound interim storage of mercury, mercury compounds and mixtures of mercury.***

⁴² *Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).*

Or. en

Amendment 162

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) Since the objective of this Regulation, namely to ensure a high level of protection of human health and the environment from mercury, by means of a mercury and mercury-added product export and import prohibition, of restrictions on mercury use in manufacturing processes, products, ASGM and dental amalgam and of obligations applicable to mercury waste, cannot be sufficiently achieved by Member States, but can rather, by reason of the transboundary nature of mercury pollution and the nature of the measures to be taken, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

Amendment

(24) Since the objective of this Regulation, namely to ensure a high level of protection of human health and the environment from mercury, by means of a mercury and mercury-added product export and import prohibition, of restrictions on mercury use in manufacturing processes, products, ASGM, ***through the use of mercury***, and dental amalgam and of obligations applicable to mercury waste, cannot be sufficiently achieved by Member States, but can rather, by reason of the transboundary nature of mercury pollution and the nature of the measures to be taken, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

Or. fr

Amendment 163

Massimo Paolucci, Damiano Zoffoli, Tibor Szanyi, Nicola Caputo, Carlos Zorrinho, Simona Bonafè, Renata Briano

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

This Regulation establishes measures and conditions concerning the trade, manufacture, use and *interim* storage of mercury, mercury compounds, mixtures, mercury-added products and the management of mercury waste.

Amendment

This Regulation establishes measures and conditions concerning the trade, manufacture, use and storage of mercury, mercury compounds, mixtures, mercury-added products and the management of mercury waste.

Or. en

Amendment 164

Massimo Paolucci, Damiano Zoffoli, Tibor Szanyi, Nicola Caputo, Carlos Zorrinho, Simona Bonafè, Renata Briano

Proposal for a regulation

Article 2 – paragraph 1 – point 1 a (new)

Text proposed by the Commission

Amendment

1a. 'mercury compound' means any substance consisting of atoms of mercury and one or more atoms of other chemical elements that can be separated into different components only by chemical reactions;

Or. en

Amendment 165

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 2 – paragraph 1 – point 6

Text proposed by the Commission

Amendment

6. 'primary mercury mining' means

6. 'primary mercury mining' means

mining in which the principal material sought is mercury.

mining in which the principal material sought is mercury. ***Mining must not be confused with more than insignificant ASGM and processing activities, which may give rise to the use of mercury and mercury compounds.***

Or. fr

Amendment 166
Michèle Rivasi

Proposal for a regulation
Article 2 – paragraph 1 – point 6 a (new)

Text proposed by the Commission

Amendment

6a. 'temporary storage' means the storage of mercury or mercury compounds, that have been defined as waste, for a limited period of time before being subsequently solidified and disposed of;

Or. en

Justification

A definition of temporary storage should be introduced, as temporary storage takes a key role in the management of mercury waste. It should be seen as an intermediate step before solidification and final disposal.

Amendment 167
Michel Dantin

Proposal for a regulation
Article 2 – paragraph 1 – point 6 a (new)

Text proposed by the Commission

Amendment

6a. 'temporary storage' means the storage of mercury waste for a limited period prior to the final-disposal process.

Justification

Temporary storage is the stage preceding mercury waste treatment (waste stabilisation). Mercury waste must be stabilised (or partly stabilised) prior to permanent storage.

Amendment 168

Peter Liese, Jens Gieseke, Ingeborg Gräßle, Norbert Lins, Birgit Collin-Langen, Michel Dantin, Renate Sommer

Proposal for a regulation

Article 3 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The first subparagraph shall not apply to the export of the mercury compounds listed in Annex I for laboratory-scale research.

Amendment

The first subparagraph shall not apply to the export of the mercury compounds listed in Annex I for laboratory-scale research, ***for mercury in pre-dosed capsules for the in-situ generation of dental amalgam, for vaccines and substances for allergy testing and for mercury or mercury compounds intended for the manufacture of homeopathic and anthroposophic medicinal products or their active pharmaceutical ingredients.***

Justification

The first paragraph of Article 3 contains export prohibitions for mercury and for mercury compounds and for mixtures listed in Annex I which are used e.g. as raw materials for medical purposes and cannot be substituted. As a consequence, the export of those raw materials and intermediates to companies outside the EU will be impeded and the availability of homeopathic and anthroposophic mercury-added medicinal products will decrease. That needs to be changed.

Amendment 169

Gesine Meissner, Ulrike Müller

Proposal for a regulation

Article 3 – paragraph 1 – subparagraph 2 a (new)

The first subparagraph shall not apply to the export of mercury and of mercury compounds and mixtures listed in Annex I used as starting material for active pharmaceutical ingredients in homeopathic preparations manufactured in accordance with the European Pharmacopeia, if the following conditions are met:

- ***the manufacturer compiles and submits an annual compliance report in relation to any activities involving mercury to the national competent authority;***
- ***the medicinal product is authorised by a national competent authority to be marketed as a medicinal product; and***
- ***the manufacturer complies with the safety-assessment requirements for such products set out by the competent national authority.***

Or. en

Amendment 170

Anneli Jäätteenmäki, Fredrick Federley, Frédérique Ries, Jasenko Selimovic

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. The export of mixtures of mercury not listed in Annex I for the purposes of recovering the mercury shall be prohibited.

2. The export of mixtures of mercury not listed in Annex I for the purposes of recovering the mercury shall be prohibited ***outside the European Union, the European Economic Area and Switzerland.***

Or. en

Justification

This provision is aimed at prohibiting the dumping and unnecessary long-distance transport of mercury and mercury compounds, but allowing for export to countries of a high-level mercury waste management capacity.

Amendment 171

Michèle Rivasi

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The import of mercury and of mixtures listed in Annex I *for uses other than disposal as waste* shall be prohibited.

Amendment

The import of mercury, and of **mercury compounds and** mixtures listed in Annex I, shall be prohibited.

However, the import of mercury and of mixtures listed in Annex I for disposal shall be prohibited as of 1 January 2028.

Or. en

Justification

While it makes sense to allow for the import of mercury from third countries to help such countries with safe disposal, in the long run, those countries should be enabled to deal with mercury waste themselves, not least to avoid dangerous transports. Therefore, the import for disposal should be limited to 10 years. In the meantime, countries with solidification technologies should help third countries to acquire the necessary technology to dispose of mercury waste safely in their countries.

Amendment 172

Michel Dantin

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The import of mercury and of mixtures listed in Annex I for uses other than disposal as waste shall be prohibited.

Amendment

The import of mercury and of mixtures **as** listed in Annex I for uses other than disposal as waste shall be prohibited.

Justification

Since some non-EU countries do not have sufficient financial capacity or quantities of mercury waste to be processed to set up stabilisation units, the EU must be in a position to import the waste streams concerned so as to ensure the final disposal thereof and thus reduce the risk of pollution.

Amendment 173

Gesine Meissner, Ulrike Müller

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The import of mercury and of mercury compounds and mixtures listed in Annex I shall be permitted if used as starting material for active pharmaceutical ingredients in homeopathic preparations manufactured in accordance with the European Pharmacopeia, if the following conditions are met:

- *the manufacturer compiles and submits an annual compliance report in relation to any activities with mercury to the national competent authority;*
- *the medicinal product is authorised by a national competent authority to be marketed as a medicinal product; and*
- *the manufacturer complies with the safety-assessment requirements for such products set out by the competent national authority.*

Or. en

Amendment 174

Massimo Paolucci, Damiano Zoffoli, Tibor Szanyi, Nicola Caputo, Jytte Guteland, Christel Schaldemose, Carlos Zorrinho, Elena Gentile, Simona Bonafè, Renata Briano

Proposal for a regulation
Article 4 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

By way of derogation from the first subparagraph, import shall be allowed in any of the following circumstances:

deleted

- *the exporting country is a Party to the Convention and the exported mercury is not from primary mercury mining as set out in Article 3(3) and (4), of that Convention;*
- *the exporting country not being a Party to the Convention has provided certification that the mercury is not from primary mercury mining and not from the chlor-alkali industry, and the importing Member State has granted its written consent to the import.*

Or. en

Justification

Phasing out dental amalgam and aligning export standards to those already existing on the internal market will reduce the request of mercury as raw material. Therefore, the internal demand could be covered by mercury recycling and reuse.

Amendment 175

Michel Dantin, Françoise Grossetête, Angélique Delahaye

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 2 – indent 2 a (new)

Text proposed by the Commission

Amendment

- *the mercury and mixtures listed in Annex I are used for the production of medicated and medicinal products, without prejudice to either of the above instances.*

Or. fr

Amendment 176

Michel Dantin

Proposal for a regulation

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. By way of derogation from the first subparagraph, import shall be allowed only where recycled mercury is no longer available and provided that the use thereof is technically possible and/or does not affect product quality.

Or. fr

Justification

In order to reduce mercury production and encourage the re-use of existing mercury, preference should be given to the use of recycled mercury in the EU. Mercury recycling has at least three advantages: it improves mercury traceability; it encourages a reduction in the storage of stabilised or partially stabilised mercury; and it ensures higher mercury quality because of the triple distillation method.

Amendment 177

Jytte Guteland, Christel Schaldemose

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. The import of mercury for use in artisanal and small-scale gold mining shall be prohibited. ***deleted***

Or. en

Justification

the sure of mercury in artisanal and small scale gold mining depends on the price of gold more than anything else. If the EU imports moderate amounts of mercury from Parties of the Convention or not is likely to have only a minor impact on consumption elsewhere.

Amendment 178
Jytte Guteland, Christel Schaldemose

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. The national authority or authorities designated in accordance with Article 4 of Regulation (EU) No 649/2012 shall carry out the administrative functions resulting from the requirements laid down in paragraphs 1 and 2 of this Article.

deleted

Or. en

Amendment 179
Stefan Eck
on behalf of the GUE/NGL Group

Proposal for a regulation
Article 4 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The Commission shall identify the financial and technical means for contributing to the capacity-building and the transfer of technical assistance and technology pursuant to the obligations deriving from the Minamata Convention. The Commission in collaboration with Member States and relevant stakeholders shall promote and facilitate the development, transfer and diffusion of, and access to, up-to-date environmentally sound alternative technologies to developing country Parties, in particular the least developed countries, so as to strengthen their capacity to effectively implement the Minamata Convention. This obligation shall include all areas and phases of the elaboration of mercury,

including the disposal as waste.

Or. en

Justification

Obligation based on art. 14 of the Minamata Convention. The EU as a developed country Party has an important role to play on contributing to the capacity -building of especially the least developed countries

Amendment 180

Massimo Paolucci, Damiano Zoffoli, Tibor Szanyi, Nicola Caputo, Carlos Zorrinho, Elena Gentile, Simona Bonafè, Renata Briano

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

1. Without prejudice to stricter requirements set out in other applicable Union legislation, the export, import and the manufacturing in the Union of the mercury-added products as set out in Annex II shall be prohibited from **1 January 2021**.

Amendment

1. Without prejudice to stricter requirements set out in other applicable Union legislation, the export, import and the manufacturing in the Union of the mercury-added products as set out in Annex II shall be prohibited **as** from **the dates specified therein**.

Or. en

Justification

Indicating the dates in the annex will make it easier to modify, e.g. anticipate, them if needed.

Amendment 181

Jytte Guteland, Christel Schaldemose

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

1. Without prejudice to stricter requirements set out in other applicable Union legislation, the export, import and

Amendment

1. Without prejudice to stricter requirements set out in other applicable Union legislation, the export, import and

the manufacturing in the Union of *the* mercury-added products *as set out in Annex II* shall be prohibited from 1 January 2021.

the manufacturing in the Union of mercury-added products shall be prohibited from 1 January 2021.

Or. en

Justification

There should be a complete export ban of all mercury-added products. Such a ban would have only negligible economic impacts and would avoid that products that are not allowed to be put on the EU market could still be exported, which would be double standards. This change entails the deletion of Annex II.

Amendment 182

Michèle Rivasi

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

1. Without prejudice to stricter requirements set out in other applicable Union legislation, the export, import and the manufacturing in the Union of the mercury-added products as set out in Annex II shall be prohibited *from 1 January 2021*.

Amendment

1. Without prejudice to stricter requirements set out in other applicable Union legislation, the export, import and the manufacturing in the Union of the mercury-added products as set out in Annex II shall be prohibited.

Or. en

Justification

There is no reason to grant three extra years for the trade in products that have been banned in the EU. The prohibition to export, import and manufacture mercury-added products as set out in Annex II should apply as the date of application of this Regulation.

Amendment 183

Notis Marias

Proposal for a regulation

Article 5 – paragraph 2 – indent 1

Text proposed by the Commission

Amendment

- *products essential for civil protection and military uses;* *deleted*

Or. el

Amendment 184

Massimo Paolucci, Damiano Zoffoli, Susanne Melior, Tibor Szanyi, Nicola Caputo, Carlos Zorrinho, Elena Gentile, Simona Bonafè, Renata Briano

Proposal for a regulation

Article 5 – paragraph 2 – indent 2 a (new)

Text proposed by the Commission

Amendment

- *medicinal products, authorised to be marketed by a national competent authority at the date of entry into force of this Regulation, and providing demonstrable significant health benefits for which there are no technically feasible mercury-free alternatives.*

Or. en

Amendment 185

Notis Marias

Proposal for a regulation

Article 5 – paragraph 2 – indent 2 a (new)

Text proposed by the Commission

Amendment

- *the parties shall, however, undertake to make efforts to limit exports and imports of mercury-added products, including those referred to in the above subparagraph.*

Or. el

Amendment 186

Michel Dantin, Françoise Grossetête, Angélique Delahaye

Proposal for a regulation

Article 5 – paragraph 2 – indent 2 a (new)

Text proposed by the Commission

Amendment

- *medicated and medicinal products for which there is no feasible mercury-free alternative.*

Or. fr

Justification

It should be ensured that this article does not apply to medicinal products conferring proven health benefits for which there is no mercury-free alternative.

Amendment 187

Piernicola Pedicini, Marco Affronte, Eleonora Evi

Proposal for a regulation

Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall undertake an expert assessment of mercury use in the manufacture of vaccines, as also mentioned in the Council conclusions of 24 June 2005 and the European Parliament Resolution of March 2006, with a view to achieving a restriction of such use and, when appropriate and safe alternatives exist, a total ban, and to support research into viable options for the future delivery of thiomersal-free multi-dose vaccines in developing countries.

Or. en

Amendment 188

Michèle Rivasi

Proposal for a regulation

Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *Based on the list of mercury-added products established pursuant to paragraph 1, the Commission shall where appropriate present a legislative proposal in order to regulate all mercury-added products that are not yet regulated in the Union.*

Or. en

Justification

There should be a clear obligation on the Commission to come forward with a proposal on all mercury-added products that are not yet regulated.

Amendment 189

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

Amendment

The Commission shall **adopt** decisions, **by means of implementing acts**, to specify the forms to be used for the purpose of implementing Articles 3 and 4.

The Commission shall **propose** decisions to specify the forms to be used for the purpose of implementing Articles 3 and 4.

Or. fr

Amendment 190

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

Amendment

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 18(2). ***deleted***

Or. fr

Amendment 191

Piernicola Pedicini, Marco Affronte, Eleonora Evi

Proposal for a regulation

Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. From 1 January 2019 onwards, the maximum permissible concentration threshold of mercury and mercury compounds in any fuel or waste prior to its combustion shall not exceed 25µg/kg weight/weight (dry).

Or. en

Amendment 192

Carolina Punset

Proposal for a regulation

Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. From 1 January 2019 onwards, the maximum permissible concentration threshold of mercury and mercury compounds in any fuel or waste prior to its combustion shall not exceed 25µg/kg weight/weight (dry).

Or. en

Amendment 193
Pilar Ayuso, Francesc Gambús

Proposal for a regulation
Article 7 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The Commission shall be empowered to adopt delegated acts in accordance with Article 17 in order to set out requirements for environmentally sound interim storage of mercury and mercury compounds adopted by the Conference of the Parties to the Convention, *where the Union has supported the Decision concerned.*

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 17 in order to set out requirements for environmentally sound interim storage of mercury and mercury compounds adopted by the Conference of the Parties to the Convention.

Or. es

Amendment 194
Michèle Rivasi

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. The manufacture and placing on the market of mercury-added products not covered by any known use prior to *1 January 2018* shall be prohibited.

Amendment

1. The manufacture and placing on the market of mercury-added products not covered by any known use prior to *the date of entry into force of this Regulation* shall be prohibited.

Or. en

Justification

The ban on the manufacture and placing on the market of completely new mercury-added products not covered by any known use should start as of entry into force of the new Regulation, not just as of the date of application, otherwise new products might be put onto the market in the interim phase. This should be avoided.

Amendment 195
Massimo Paolucci, Damiano Zoffoli, Susanne Melior, Tibor Szanyi, Jytte Guteland,

Christel Schaldemose, Nicola Caputo, Carlos Zorrinho, Simona Bonafè, Renata Briano, Miriam Dalli

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. The manufacture and placing on the market of mercury-added products not covered by any *known* use prior to 1 January 2018 shall be prohibited.

Amendment

1. The manufacture and placing on the market of mercury-added products not covered by any *approved* use prior to 1 January 2018 shall be prohibited.

Or. en

Amendment 196
Piernicola Pedicini, Marco Affronte, Eleonora Evi

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Manufacturing processes involving the use of mercury and/or mercury compounds that did not exist prior to *1 January 2018* shall be prohibited.

Amendment

Manufacturing processes involving the use of mercury and/or mercury compounds that did not exist prior to *the entry into force of this Regulation* shall be prohibited.

Or. it

Amendment 197
Piernicola Pedicini, Marco Affronte, Eleonora Evi

Proposal for a regulation
Article 8 – paragraph 3 – introductory part

Text proposed by the Commission

3. By way of derogation from paragraphs 1 and 2, where an economic operator intends to manufacture and/or place on the market a new mercury-added product or to operate a new manufacturing process, the operator shall notify the competent authorities of the Member State

Amendment

3. By way of derogation from paragraphs 1 and 2, where an economic operator intends to manufacture and/or place on the market a new mercury-added product or to operate a new manufacturing process, the operator shall notify the competent authorities of the Member State

concerned and provide them, with the following:

concerned and provide them, *also by way of derogation from the rules on the industrial protection of technical documentation*, with the following:

Or. it

Amendment 198

Pilar Ayuso, Stefan Eck, Francesc Gambús

Proposal for a regulation

Article 8 – paragraph 3 – indent 1 a (new)

Text proposed by the Commission

Amendment

- *evidence showing that there are no technological alternatives to the use of mercury for the product or process,*

Or. es

Amendment 199

Pilar Ayuso, Francesc Gambús

Proposal for a regulation

Article 8 – paragraph 3 – indent 2

Text proposed by the Commission

Amendment

- an assessment of its environmental and health risks,

- an assessment of its environmental and health risks *and benefits*,

Or. es

Amendment 200

Massimo Paolucci, Damiano Zoffoli, Susanne Melior, Tibor Szanyi, Nicola Caputo, Carlos Zorrinho, Elena Gentile, Simona Bonafè, Renata Briano, Miriam Dalli

Proposal for a regulation

Article 8 – paragraph 3 – indent 2

Text proposed by the Commission

- an assessment of its environmental and health risks;

Amendment

- an assessment of its environmental and health risks ***and benefits***;

Or. en

Amendment 201

Massimo Paolucci, Damiano Zoffoli, Tibor Szanyi, Nicola Caputo, Carlos Zorrinho, Simona Bonafè, Renata Briano

Proposal for a regulation

Article 8 – paragraph 3 – indent 2 a (new)

Text proposed by the Commission

Amendment

- ***information on the absence of technically feasible mercury-free alternatives providing such benefits***;

Or. en

Amendment 202

Michel Dantin

Proposal for a regulation

Article 8 – paragraph 3 – indent 2 a (new)

Text proposed by the Commission

Amendment

- ***information on the lack of a mercury-free alternative that is technically or economically feasible***;

Or. fr

Amendment 203

Daciana Octavia Sârbu, Pavel Poc

Proposal for a regulation

Article 8 – paragraph 3 – indent 3

Text proposed by the Commission

- a detailed explanation of the manner in which such product or process must be manufactured, used *and* operated to ensure a high level of protection of the environment and of human health.

Amendment

- a detailed explanation of the manner in which such product or process must be manufactured, used, operated, *and, in the case of products, disposed of* to ensure a high level of protection of the environment and of human health.

Or. en

Justification

The full life cycle of the product should be considered

Amendment 204

Massimo Paolucci, Damiano Zoffoli, Tibor Szanyi, Nicola Caputo, Simona Bonafè, Renata Briano

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Upon notification by the Member State concerned, the Commission shall verify in particular whether it has been demonstrated that the new mercury-added product or new manufacturing process would provide significant environmental and health benefits and that no technically *and economically* feasible mercury-free alternatives providing such benefits are available.

Amendment

Upon notification by the Member State concerned, the Commission shall verify in particular whether it has been demonstrated that the new mercury-added product or new manufacturing process would provide significant environmental and health benefits and that no technically feasible mercury-free alternatives providing such benefits are available.

Or. en

Amendment 205

Pilar Ayuso, Stefan Eck, Francesc Gambús

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The Commission shall adopt decisions, by means of implementing acts, in view of specifying whether the relevant new mercury-added product or new manufacturing process is allowed.

Amendment

The Commission shall adopt decisions, by means of implementing acts, in view of specifying whether the relevant new mercury-added product or new manufacturing process is allowed. ***The Member State concerned may not authorise the new product or process before the Commission has adopted its decision.***

Or. es

Amendment 206

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The Commission shall ***adopt*** decisions, ***by means of implementing acts***, in view of specifying whether the relevant new mercury-added product or new manufacturing process is allowed.

Amendment

The Commission shall ***propose*** decisions in view of specifying whether the relevant new mercury-added product or new manufacturing process is allowed.

Or. fr

Amendment 207

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 3

Text proposed by the Commission

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 18(2).

Amendment

deleted

Or. fr

Amendment 208

Michèle Rivasi

Proposal for a regulation

Article 9 – paragraph 1 – indent 1

Text proposed by the Commission

- **take steps to reduce, and where feasible eliminate**, the use of mercury and mercury compounds in, **and the emissions and releases to the environment of mercury from**, such mining and processing;

Amendment

- **prohibit** the use of mercury and mercury compounds in such mining and processing;

Or. en

Justification

Contrary to the rest of the world, where there is still a lot of ASGM, there is no more ASGM in the EU. According to the impact assessment by the Commission, France has already banned it in the only place where it took place (French Guiana). As such, EU law on this matter is only relevant insofar as it sets the right way forward internationally. It is therefore not appropriate to merely require the reduction of the use of mercury in ASGM, but to completely ban mercury use in ASGM, as was also done by France. Such an approach automatically does away with all emissions and releases of mercury.

Amendment 209

Anneli Jäätteenmäki, Fredrick Federley, Frédérique Ries, Jasenko Selimovic, Gerben-Jan Gerbrandy

Proposal for a regulation

Article 9 – paragraph 1 – indent 1

Text proposed by the Commission

- take steps to reduce, **and where feasible eliminate**, the use of mercury and mercury compounds in, and the emissions and releases to the environment of mercury from, such mining and processing;

Amendment

- take steps to reduce **and phase out** the use of mercury and mercury compounds in, and the emissions and releases to the environment of mercury from, such mining and processing;

Or. en

Amendment 210

Piernicola Pedicini, Marco Affronte, Eleonora Evi

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

1. **From 1 January 2019 onwards** dental amalgam shall only be used in an encapsulated form.

Amendment

1. **Within 12 months of the entry into force of this Regulation** dental amalgam shall only be used in an encapsulated form.

Or. it

Amendment 211

Jytte Guteland, Christel Schaldemose

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

1. From 1 January **2019 onwards** dental amalgam shall only be used in an encapsulated form.

Amendment

1. From 1 January **2018 and until 1 January 2020, dentists shall offer alternatives to dental amalgam.**

Or. en

Amendment 212

Michel Dantin

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

1. From 1 January 2019 onwards dental amalgam shall only be used in **an** encapsulated form.

Amendment

1. From 1 January 2019 onwards dental amalgam shall only be used in **a pre-dosed** encapsulated form.

Or. fr

Justification

The addition of the term 'pre-dosed' is intended to specify that the capsules are to be used once for dental repair work, and not re-used.

Amendment 213

Massimo Paolucci, Damiano Zoffoli, Susanne Melior, Tibor Szanyi, Nicola Caputo, Carlos Zorrinho, Elena Gentile, Simona Bonafè, Renata Briano, Miriam Dalli

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

1. From 1 January **2019** onwards dental amalgam shall only be used in an encapsulated form.

Amendment

1. From 1 January **2018** onwards dental amalgam shall only be used in an encapsulated form.

Or. en

Amendment 214

Michèle Rivasi

Proposal for a regulation

Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall ensure that every dental facility provides at least the following information with regard to dental amalgam and its alternatives to patients:

- the composition of dental amalgam;***
- the availability of alternative mercury-free fillings and their composition; and***
- that the use of dental amalgam is not indicated for primary teeth, for patients with mercury allergies and for persons with chronic kidney diseases with decreased renal clearance.***

Justification

Each dentist should be obliged to inform patients about the nature of dental amalgam and the availability of alternatives, as well as their composition. They should also provide information about the contra-indications.

Amendment 215
Michel Dantin

Proposal for a regulation
Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. From 1 January 2019 onwards, the use of dental amalgam shall be banned in the context of dental repair work carried out on pregnant women or on milk teeth, except in cases where the practitioner regards it as necessary on the grounds that there is no satisfactory alternative.

Or. fr

Justification

The Convention urges the Parties gradually to reduce the use of dental amalgams which contain mercury, but the Commission proposal is less ambitious in this regard. It would seem to make sense to restrict the use of amalgams in the context of the treatment of vulnerable groups to justified situations in which there is no satisfactory alternative.

Amendment 216
Anneli Jäätteenmäki, Frédérique Ries, Ulrike Müller, José Inácio Faria, Jasenko Selimovic, Gerben-Jan Gerbrandy, Stefan Eck

Proposal for a regulation
Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. From one year after the entry into

force of this Regulation, dental amalgam shall not be used for the treatment of pregnant or breastfeeding women or children who undergo treatment on their deciduous teeth.

Or. en

Amendment 217

Massimo Paolucci, Damiano Zoffoli, Susanne Melior, Tibor Szanyi, Nicola Caputo, Carlos Zorrinho, Elena Gentile, Simona Bonafè, Renata Briano, Miriam Dalli

Proposal for a regulation

Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. From 1 January 2018, dental amalgam shall not be used for the treatment of children under 12 years old and of pregnant and breastfeeding women.

Or. en

Amendment 218

Jytte Guteland, Christel Schaldemose

Proposal for a regulation

Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. From 1 January 2020 onwards, dental amalgam in any form shall not be used.

Or. en

Amendment 219

Jytte Guteland, Christel Schaldemose

Proposal for a regulation
Article 10 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. By way of derogation from paragraph 1a, Member States may allow use of dental amalgam in respect of specific medical needs when no other alternatives are suitable.

Or. en

Amendment 220

Massimo Paolucci, Damiano Zoffoli, Susanne Melior, Tibor Szanyi, Nicola Caputo, Carlos Zorrinho, Elena Gentile, Simona Bonafè, Renata Briano, Miriam Dalli

Proposal for a regulation
Article 10 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The use of dental amalgam shall be phased-out by 31 December 2021.

Or. en

Amendment 221

Massimo Paolucci, Damiano Zoffoli, Susanne Melior, Tibor Szanyi, Nicola Caputo, Carlos Zorrinho, Elena Gentile, Simona Bonafè, Renata Briano

Proposal for a regulation
Article 10 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. By way of derogation from paragraphs 1a and 1b, the use of dental amalgam shall continue to be allowed only when deemed necessary by the dental practitioner.

Or. en

Amendment 222
Jytte Guteland, Christel Schaldemose

Proposal for a regulation
Article 10 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. From 1 January 2018 and until 1 January 2020, and when paragraph 1b applies, dental amalgam shall only be used in pre-dosed encapsulated form.

Or. en

Amendment 223
Michel Dantin

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. From 1 January **2019** onwards dental facilities shall be equipped with amalgam separators aimed at retaining and collecting amalgam particles. ***Those*** separators ***shall be*** maintained as required to ensure a high level of retention.

2. From 1 January **2021** onwards dental facilities shall be equipped with amalgam separators aimed at retaining and collecting ***all*** amalgam particles, ***including those contained in liquid waste.*** ***Practitioners shall take steps to ensure that*** separators ***are*** maintained as required to ensure a high ***and ongoing*** level of retention ***of at least 95% of amalgam particles.***

Or. fr

Justification

Guaranteeing a high level of performance of amalgam separators throughout their lifetime is the only way of effectively reducing the risks associated with the use of dental amalgam. The definition needs to be clarified in an effort to ensure that all residues contained in items of equipment and liquid waste are dealt with properly. A transitional period is necessary for the countries which are least well equipped.

Amendment 224

Andrzej Grzyb

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

2. From 1 January **2019** onwards dental facilities shall **be** equipped with amalgam separators aimed at retaining and collecting amalgam particles. Those separators shall be maintained as required to ensure a high level of retention.

Amendment

2. From 1 January **2021** onwards dental facilities **using dental amalgam or removing dental amalgam fillings** shall **ensure that their facilities are** equipped with amalgam separators aimed at retaining and collecting amalgam particles. Those separators shall be maintained as required to ensure a high level of retention.

Or. en

Amendment 225

Bolesław G. Piecha, Jadwiga Wiśniewska

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

2. From 1 January **2019** onwards dental facilities shall be equipped with amalgam separators aimed at retaining and collecting amalgam particles. Those separators shall be maintained as required to ensure a high level of retention.

Amendment

2. From 1 January **2021** onwards dental facilities **using or removing dental amalgam** shall be equipped with amalgam separators aimed at retaining and collecting amalgam particles. Those separators shall be maintained as required to ensure a high level of retention.

Or. pl

Justification

This requirement should apply only to dental facilities that still use amalgam, and should be introduced within a reasonable space of time.

Amendment 226

Piernicola Pedicini, Marco Affronte, Eleonora Evi

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

2. **From 1 January 2019 onwards** dental facilities shall be equipped with amalgam separators aimed at retaining and collecting amalgam particles. Those separators shall be maintained as required to ensure a high level of retention.

Amendment

2. **Within six months of the entry into force of this Regulation** dental facilities shall be equipped with amalgam separators aimed at retaining and collecting amalgam particles. Those separators shall be maintained as required to ensure a high level of retention.

Or. it

Amendment 227

Massimo Paolucci, Damiano Zoffoli, Tibor Szanyi, Nicola Caputo, Jytte Guteland, Christel Schaldemose, Carlos Zorrinho, Elena Gentile, Simona Bonafè, Renata Briano

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

2. From 1 January **2019** onwards dental facilities shall be equipped with amalgam separators aimed at retaining and collecting amalgam particles. Those separators shall be maintained as required to ensure a **high level of retention**.

Amendment

2. From 1 January **2018** onwards dental facilities shall be equipped with amalgam separators aimed at retaining and collecting amalgam particles. Those separators shall be maintained as required to ensure a retention **of at least 95 % of the amalgam particles**.

Or. en

Amendment 228
Julie Girling

Proposal for a regulation
Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. By no later than 31 December 2019, the Commission shall submit a

report to the European Parliament and the Council assessing the technical, environmental, and economic feasibility of phasing out the use of dental amalgam within the Union by 31 December 2021.

Or. en

Amendment 229

Jytte Guteland, Christel Schaldemose

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission

3. Capsules and amalgam separators complying with harmonised EN standards or with other national or international standards that ensure an equivalent level of quality and of level retention shall be presumed to satisfy the requirement set out under paragraphs *1* and 2.

Amendment

3. Capsules and amalgam separators complying with harmonised EN standards or with other national or international standards that ensure an equivalent level of quality and of level retention shall be presumed to satisfy the requirement set out under paragraphs *1c* and 2.

Or. en

Amendment 230

Piernicola Pedicini, Marco Affronte, Eleonora Evi

Proposal for a regulation

Article 10 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States may provide for tax incentives to enable dentists to equip themselves with the capsules and amalgam separators referred to in this Article.

Or. it

Amendment 231
Michel Dantin

Proposal for a regulation
Article 10 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Practitioners shall be responsible for the conditioning and disposal of their waste and must make sure that these stages are carried out in an environmentally sound manner. They must satisfy themselves that the service providers who collect their waste comply with the rules in force.

Or. fr

Amendment 232
Jytte Guteland, Christel Schaldemose

Proposal for a regulation
Article 10 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Notwithstanding paragraphs 1 to 2, Member States may further restrict, as they deem necessary, the use of dental amalgam.

Or. en

Amendment 233
Piernicola Pedicini, Marco Affronte, Eleonora Evi

Proposal for a regulation
Article 10 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The use of dental amalgam shall be prohibited as from 31 December 2020.

Amendment 234
Michèle Rivasi

Proposal for a regulation
Chapter 3 a (new)

Text proposed by the Commission

Amendment

Chapter IIIa

Prevention and control of mercury emissions from industrial activities

Article 10a

Industrial activities

All permits for the following industrial activities shall include conditions ensuring that emissions into the air and water do not exceed the stricter emission levels associated with the best available techniques (BAT) for mercury set out in the revised BAT conclusions:

- ***large combustion plants referred to in Article 28 of Directive 2010/75/EU of the European Parliament and of the Council^{1a};***
- ***the iron and steel sector covered by the activities specified in points 1.3, 2.1 and 2.2 of Annex I to Directive 2010/75/EU;***
- ***the production of cement, lime and magnesium oxide covered by the activities specified in point 3.1 of Annex I to Directive 2010/75/EU;***
- ***the non-ferrous metal sector covered by the activities specified in points 2.1, 2.5 and 6.8 of Annex I to Directive 2010/75/EU.***

^{1a} ***Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention***

and control) (OJ L 334, 17.12.2010, p.17).

Or. en

Justification

Annual mercury emissions from large industrial activities are very high. BAT conclusions set out emission ranges achievable under economically and technically viable conditions. The upper BAT range often corresponds to negotiated emission levels already met by the majority of EU installations, not what is actually feasible with acceptable costs. To provide for a level playing field and to deliver effective mercury reductions, all future permits should be based on the stricter BAT levels.

Amendment 235
Carolina Punset

Proposal for a regulation
Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Prevention and control of mercury emissions from industrial activities - large combustion plants - emissions to air

From 1 January 2021 onwards all permits for combustion plants referred to in Article 28 of Directive 2010/75/EU shall include conditions ensuring that emissions into the air do not exceed the following emission limit values to air:

(a) combustion plants with a total rated thermal input >300MWth: 1µg/Nm³;

(b) combustion plants with a total rated thermal input <300MWth: 3.5 µg/Nm³.

The emission limit values referred to in the first subparagraph are based on an average over a period of one year of valid hourly averages obtained by continuous measurements.

The standard conditions and monitoring requirements to be used are those set out

*in the revised BAT conclusions of the
Large Combustion Plants Reference
Document.*

Or. en

Amendment 236

Piernicola Pedicini, Marco Affronte, Eleonora Evi

Proposal for a regulation

Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Emissions to air

From 1 January 2019 onwards, all permits for installations covered by the activities specified in points 1.3, 2.1 and 2.2 of Annex I to Directive 2010/75/EU shall include conditions ensuring that emissions into the air do not exceed 10µg/Nm³ for mercury.

The emission limit values referred to in the first subparagraph are based on an average over a period of one year of valid hourly averages obtained by continuous measurements.

The standard conditions to be used are those set out in the BAT conclusions of the Commission Implementing Decision 2012/135/EU^{1a}.

^{1a} *Commission Implementing Decision 2012/135/EU of 28 February 2012 establishing the best available techniques (BAT) conclusions under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions for iron and steel production (OJ L 70, 8.3.2012, p. 63).*

Or. en

Amendment 237

Michèle Rivasi

Proposal for a regulation

Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10 a

Vaccines

Pharmaceutical companies shall no longer use mercury in vaccines for children below six years of age where safer alternatives are available.

Or. en

Justification

In 1999, the CPMP of the EMEA recommended that it would be prudent to promote the general use of vaccines without thiomersal and other mercurial containing preservatives within the shortest possible timeframe. In the US, since 2001, all vaccines for children under the age of six no longer contain thiomersal (with the exception of flu vaccines). It is therefore important to set out clear obligations on pharmaceutical companies to replace mercury in vaccines wherever possible.

Amendment 238

Piernicola Pedicini, Marco Affronte, Eleonora Evi

Proposal for a regulation

Article 10 b (new)

Text proposed by the Commission

Amendment

Article 10b

Emissions to water

From 1 January 2021 Member States shall ensure that for installations referred to in Council Directive 91/271/EEC^{1a} mercury emissions in waste water streams do not exceed 3µg/l at discharge point.

The same limit shall apply to all input waste streams received at the installation in question prior to mixing with other waste water streams.

The limit shall apply where a mercury release threshold of 1 000 grams per year is exceeded.

The emission limit values are based on a daily average of flow-weighted 24-hour flow-proportional composite samples.

The monitoring and sampling frequency set may be reduced in case of emissions proven to be sufficiently stable, in particular when Member States have fully implemented a ban of dental amalgam and taken all appropriate measures to prevent dental amalgam entering upstream waste water streams for the installation concerned.

^{1a} *Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment (OJ L 135 30.5.1991, p. 40).*

Or. en

Amendment 239
Carolina Punset

Proposal for a regulation
Article 10 b (new)

Text proposed by the Commission

Amendment

Article 10b

Prevention and control of mercury emissions from industrial activities - iron and steel - emissions to air

From [date of entry into force of this Regulation] onwards, all permits for installations covered by the activities specified in points 1.3, 2.1 and 2.2 of Annex I to Directive 2010/75/EU shall

include conditions ensuring that emissions into the air do not exceed the following emission limit values:

- (a) 10µg/Nm³ for mercury;*
- (b) 5 mg/Nm for dust.*

The emission limit values referred to in the first subparagraph are based on an average over a period of one year of valid hourly averages obtained by continuous measurements.

The standard conditions to be used are those set out in the BAT conclusions of the Commission Implementing Decision 2012/135/EU.

Or. en

Amendment 240
Carolina Punset

Proposal for a regulation
Article 10 c (new)

Text proposed by the Commission

Amendment

Article 10c

Prevention and control of mercury emissions from industrial activities - cement, lime and magnesium oxide production - emissions to air

From [date of entry into force of this Regulation] onwards, all permits for installations covered by the activities specified in point 3.1 of Annex I to Directive 2010/75/EU shall include conditions ensuring that emissions into the air do not exceed 10µg/Nm³ for mercury.

The emission limit values referred to in the first subparagraph are based on an average over a period of one year of valid hourly averages obtained by continuous measurements.

The standard conditions to be used are those set out in the BAT conclusions of the Commission Implementing Decision 2013/163/EU^{1a}.

^{1a} *Commission Implementing Decision 2013/163/EU of 26 March 2013 establishing the best available techniques (BAT) conclusions under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions for the production of cement, lime and magnesium oxide (OJ L 100, 9.4.2013, p. 1).*

Or. en

Amendment 241
Carolina Punset

Proposal for a regulation
Article 10 d (new)

Text proposed by the Commission

Amendment

Article 10d

Prevention and control of mercury emissions from industrial activities - non-ferrous metals - emissions to air

From 1 July 2020 onwards, all permits for installations covered by the activities specified in points 2.1, 2.5 and 6.8 of Annex I to Directive 2010/75/EU shall include conditions ensuring that emissions into the air do not exceed 10µg/Nm³ for mercury.

The emission limit values referred to in the first subparagraph are based on an average over a period of one year of valid hourly averages obtained by continuous measurements.

The standard conditions to be used are those set out in the BAT conclusions of the Commission Implementing Decision

(EU) 2016/1032^{1a}.

^{1a} Commission Implementing Decision (EU) 2016/1032 of 13 June 2016 establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the non-ferrous metals industries (OJ L 174, 30.6.2016, p. 32).

Or. en

Amendment 242
Carolina Punset

Proposal for a regulation
Article 10 e (new)

Text proposed by the Commission

Amendment

Article 10e

Prevention and control of mercury emissions from industrial activities - emissions to water

From 1 January 2021 onwards all permits for installations referred to in Annex I of Directive 2010/75/EU shall include conditions ensuring that mercury emissions in waste water streams do not exceed the following emission limit values prior to discharge point, or in case of indirect discharges, prior to mixing with other waste water streams:

(a) 0.75µg/l for waste water from installations covered by the activities specified in points 1.1 and 1.2 of Annex I to Directive 2010/75/EU;

(b) 0.75µg/l for waste water from activities covered by the activities specified in points 3(a) and 3(b) of Annex I to Regulation (EC) No 166/2006^{1a}. Where point 3(b) concerns lignite, the threshold of the surface of the area is brought to

above 5 hectares if effectively under extractive operation and above 10 hectares if this concerns waste water treatment from mining operations that stopped or will stop by 2020;

(c) 1 µg/l for waste water from installations covered by the activities specified in points 4.1, 4.2 and 6.11 of Annex I to Directive 2010/75/EU;

(d) 1 µg/l for waste water from installations covered by the activities specified in points 2.2 and 2.5 of Annex I to Directive 2010/75/EU;

(e) 3µg/l for other installations covered by the activities specified in Annex I to Directive 2010/75/EU where the mercury release threshold does exceed 800 grams per year.

The emission limit values referred to in the first subparagraph are based on a daily average of flow-weighted 24-hour flow-proportional composite samples.

^{1a} Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (OJ L 033, 4.2.2006, p.1).

Or. en

Amendment 243
Carolina Punset

Proposal for a regulation
Article 10 f (new)

Text proposed by the Commission

Amendment

Article 10f

Prevention and control of mercury emissions from urban waste water

treatment plants - emissions to water

From 1 January 2021 onwards Member States shall ensure that for installations referred to in Council Directive 91/271/EEC^{1a} mercury emissions in waste water streams do not exceed 3µg/l at discharge point, or in case of indirect discharges, prior to mixing with other waste water stream. These limits shall apply provided a mercury release threshold of 1000 grams per year is exceeded.

The emission limit values referred to in the first subparagraph are based on a daily average of flow-weighted 24-hour flow-proportional composite samples.

The monitoring and sampling frequency set in Annex I may be reduced in case of emissions proven to be sufficiently stable, in particular when Member States have fully implemented a ban of dental amalgam and taken all appropriate measures to prevent dental amalgam to enter in upstream waste water streams for the installation concerned.

^{1a} *Council Directive (91/271/EEC) of 21 May 1991 concerning urban waste water treatment (OJ L 135 30.5.1991, p. 40).*

Or. en

Amendment 244
Jytte Guteland, Christel Schaldemose

Proposal for a regulation
Article 11 – title

Text proposed by the Commission

Amendment

Mercury waste

Sources of mercury waste

Or. en

Amendment 245

Jytte Guteland, Christel Schaldemose

Proposal for a regulation

Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

Without prejudice to Commission Decision 2000/532/EC⁴⁴, the following shall be considered as waste and be disposed of without endangering human health or harming the environment in accordance with Directive 2008/98/EC:

⁴⁴ Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (OJ L 226, 6.9.2000, p. 3).

Amendment

The following shall be considered as waste and be disposed of without endangering human health or harming the environment in accordance with Directive 2008/98/EC:

⁴⁴ Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (OJ L 226, 6.9.2000, p. 3).

Or. en

Amendment 246

Michel Dantin

Proposal for a regulation

Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

Without prejudice to Commission Decision 2000/532/EC⁴⁴, the following shall be considered as waste and be disposed of without endangering human health or harming the environment in accordance with Directive 2008/98/EC:

⁴⁴ Commission Decision 2000/532/EC of 3

Amendment

(Does not affect the English version.)

May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (OJ L 226, 6.9.2000, p. 3).

Or. fr

Justification

(Does not affect the EN version.)

Amendment 247

Jytte Guteland, Christel Schaldemose

Proposal for a regulation

Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission is empowered to adopt, not later than 1 January 2019, delegated acts in accordance with Article 17 of this Regulation, in order to supplement this Regulation by setting out thresholds for mercury levels in waste containing or contaminated with mercury compounds, and by adopting requirements for the environmentally sound management of such waste streams.

Or. en

Amendment 248

Michèle Rivasi

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

1. The companies operating within the industry sectors referred to in points (a), (b) and (c) of Article 11 shall send each year by 31 May to the competent authorities of the Member States concerned data related to the total amount of mercury waste stored in each installation and sent to individual temporary *or permanent* storage facilities as well as the location and contact details of those facilities.

Amendment

1. The companies operating within the industry sectors referred to in points (a), (b) and (c) of Article 11 shall send each year by 31 May to the competent authorities of the Member States concerned data related to the total amount of mercury waste stored in each installation and sent to individual temporary storage facilities, *solidification facilities and final disposal facilities* as well as the location and contact details of those facilities.

Or. en

Justification

The reporting should include transfers to solidification facilities. In light of the requirement of solidification, there should be no longer any permanent storage, but only final disposal.

Amendment 249

Pilar Ayuso, Francesc Gambús

Proposal for a regulation

Article 13 – title

Text proposed by the Commission

Disposal of mercury waste

Amendment

Temporary storage of mercury waste

Or. es

Amendment 250

Massimo Paolucci, Damiano Zoffoli, Susanne Melior, Tibor Szanyi, Nicola Caputo, Carlos Zorrinho, Elena Gentile, Simona Bonafè, Renata Briano, Miriam Dalli

Proposal for a regulation

Article 13 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. Mercury waste shall be permanently stored in solidified form in

salt mines that are adapted for the disposal of mercury, or in deep underground hard rock formations providing a level of safety and confinement equivalent to that of such salt mines;

Or. en

Amendment 251

Michèle Rivasi

Proposal for a regulation

Article 13 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. Mercury waste shall undergo solidification into mercury sulphide prior to any disposal.

Or. en

Justification

Pure mercury waste is liquid. It should not be disposed of or stored as such, except for temporary storage awaiting solidification to take account of limited capacity for solidification. Several companies offer solidification technologies converting liquid mercury into inert mercury sulphide. To avoid diverging understanding of the term solidification, the final product of solidification should be specified.

Amendment 252

Massimo Paolucci, Damiano Zoffoli, Susanne Melior, Tibor Szanyi, Nicola Caputo, Carlos Zorrinho, Elena Gentile, Simona Bonafè, Renata Briano, Miriam Dalli

Proposal for a regulation

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. By way of derogation from point (a) of Article 5(3) of Directive 1999/31/EC, mercury waste may be stored in **one of the following ways:**

1. By way of derogation from **paragraph -1 and from** point (a) of Article 5(3) of Directive 1999/31/EC, mercury waste may be **temporarily** stored in **liquid**

form for up to five years subject to the specific requirements for the temporary storage of mercury waste, as laid down in Annexes I, II and III to that Directive, in above-ground facilities dedicated to and equipped for the temporary storage of mercury.

Or. en

Amendment 253

Michel Dantin

Proposal for a regulation

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

1. By way of derogation from point (a) of Article 5(3) of Directive 1999/31/EC, mercury waste may be stored in one of the following ways:

Amendment

1. By way of derogation from point (a) of Article 5(3) of Directive 1999/31/EC, mercury waste may be stored ***temporarily, for a maximum period of 10 years in accordance with the specific requirements for the temporary storage of mercury waste as laid down in Annexes I, II and II to that Directive,*** in one of the following ways:

Or. fr

Amendment 254

Michèle Rivasi

Proposal for a regulation

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

1. By way of derogation from point (a) of Article 5(3) of Directive 1999/31/EC, mercury waste may be stored ***in one of the following ways:***

Amendment

1. By way of derogation from point (a) of Article 5(3) of Directive 1999/31/EC, mercury waste may be ***temporarily*** stored ***for a period not exceeding five years in above-ground facilities dedicated to and equipped for the temporary storage of mercury awaiting***

solidification prior to final disposal.

Or. en

Justification

There should be no underground storage of liquid mercury waste, neither temporarily nor permanently. Out of sight, out of mind! Liquid mercury waste is highly toxic, and salt mines are anything but safe, as the Asse in Germany and Stocamine in France have shown. Temporary storage awaiting solidification should only be done in adequate above-ground facilities. In light of the solidification capacities already available or ready to go to market, temporary storage is only necessary for a maximum period of five years.

Amendment 255

Pilar Ayuso, Francesc Gambús

Proposal for a regulation

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

1. By way of derogation from point (a) of Article 5(3) of Directive 1999/31/EC, mercury waste may be stored *in one of the following ways:*

Amendment

1. By way of derogation from point (a) of Article 5(3) of Directive 1999/31/EC, mercury waste may be stored *temporarily for up to five years in above-ground facilities dedicated to and equipped for the temporary storage of mercury.*

Or. es

Justification

At present there is no time limit for the temporary storage of mercury waste. A time limit should be set, allowing industry sufficient time. Moreover, the temporary storage of mercury waste should not be permitted in underground facilities owing to the greater risks involved, as described in the amendment to Article 13a.

Amendment 256

Albert Deß

Proposal for a regulation

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

(1) By way of derogation from point (a) of Article 5(3) of Directive 1999/31/EC, mercury waste may be stored in one of the following ways:

(1) By way of derogation from point (a) of Article 5(3) of Directive 1999/31/EC **and accompanied by a plan for the permanent storage of waste in solidified form, together with a timeframe**, mercury waste may be stored in one of the following ways:

Or. de

Justification

Permanent disposal in solidified form is preferable for environmental and health reasons. The plan for such disposal should be documented before temporary storage in liquid form.

Amendment 257

Pilar Ayuso, Francesc Gambús

Proposal for a regulation

Article 13 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) temporarily stored for more than one year or permanently stored in salt mines that are adapted for the disposal of mercury, or in deep underground hard rock formations providing a level of safety and confinement equivalent to that of those salt mines;

deleted

Or. es

Justification

At present there is no time limit for the temporary storage of mercury waste. A time limit should be set, allowing industry sufficient time. Moreover, the temporary storage of mercury waste should not be permitted in underground facilities owing to the greater risks involved, as described in the amendment to Article 13a.

Amendment 258

Michèle Rivasi

Proposal for a regulation

Article 13 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) temporarily stored for more than one year or permanently stored in salt mines that are adapted for the disposal of mercury, or in deep underground hard rock formations providing a level of safety and confinement equivalent to that of those salt mines; **deleted**

Or. en

Justification

There should be no underground storage of liquid mercury waste, neither temporarily nor permanently. Out of sight, out of mind! Liquid mercury waste is highly toxic, and salt mines are anything but safe, as the Asse in Germany and Stocamine in France have shown. Temporary storage awaiting solidification should only be done in adequate above-ground facilities.

Amendment 259

Massimo Paolucci, Damiano Zoffoli, Tibor Szanyi, Nicola Caputo, Elena Gentile, Simona Bonafè, Renata Briano, Miriam Dalli

Proposal for a regulation

Article 13 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) temporarily stored for more than one year or permanently stored in salt mines that are adapted for the disposal of mercury, or in deep underground hard rock formations providing a level of safety and confinement equivalent to that of those salt mines; **deleted**

Or. en

Amendment 260
Michel Dantin

Proposal for a regulation
Article 13 – paragraph 1 – point a

Text proposed by the Commission

(a) ***temporarily stored for more than one year or permanently stored*** in salt mines that are adapted for the disposal of mercury, or in deep underground hard rock formations providing a level of safety and confinement equivalent to that of those salt mines;

Amendment

(a) in salt mines that are adapted for the disposal of mercury, or in deep underground hard rock formations providing a level of safety and confinement equivalent to that of those salt mines;

Or. fr

Amendment 261
Piernicola Pedicini, Marco Affronte, Eleonora Evi

Proposal for a regulation
Article 13 – paragraph 1 – point a

Text proposed by the Commission

(a) temporarily stored for ***more than one year or permanently stored*** in salt mines that are adapted for the disposal of mercury, or in deep underground hard rock formations providing a level of safety and confinement equivalent to that of those salt mines;

Amendment

(a) temporarily stored, ***and for a maximum of 12 months, in appropriate above-ground facilities in which the liquid mercury shall be solidified and stabilised before being stored in accordance with point (b).***

Or. it

Amendment 262
Jytte Guteland, Christel Schaldemose

Proposal for a regulation
Article 13 – paragraph 1 – point a

Text proposed by the Commission

(a) temporarily stored for more than

Amendment

(a) temporarily stored for more than ***six***

one year or permanently stored in salt mines that are adapted for the disposal of mercury, or in deep underground hard rock formations providing a level of safety and confinement equivalent to that of those salt mines;

months and for less than five years or permanently stored in salt mines that are adapted for the disposal of mercury, or in deep underground hard rock formations providing a level of safety and confinement equivalent to that of those salt mines;

Or. en

Justification

Temporary storage should be temporary, which requires both a lower and an upper time-limit.

Amendment 263

Albert Deß

Proposal for a regulation

Article 13 – paragraph 1 – point a

Text proposed by the Commission

(a) temporarily stored for **more than** one year **or permanently stored** in salt mines that are adapted for the disposal of mercury, or in deep underground hard rock formations providing a level of safety and confinement equivalent to that of those salt mines;

Amendment

(a) temporarily stored for **up to** one year in salt mines that are adapted for the disposal of mercury, or in deep underground hard rock formations providing a level of safety and confinement equivalent to that of those salt mines;

Or. de

Justification

Temporary storage of liquid mercury should be made possible so that storage options which comply with the requisite technical conditions can be made available in the event of a lack of (e.g. temporary) capacity for mercury consolidation (conversion to cinnabar).

Amendment 264

Michèle Rivasi

Proposal for a regulation

Article 13 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) temporarily stored in above-ground facilities dedicated to and equipped for the temporary storage of mercury. *deleted*

Or. en

(Linked to the amendment by the same author to the introductory part of Article 13, first paragraph.)

Justification

The possibility to temporarily store mercury waste in adequate above-ground facilities is proposed to be moved into the introductory part. It is therefore no longer necessary to keep it here.

Amendment 265

Massimo Paolucci, Damiano Zoffoli, Tibor Szanyi, Nicola Caputo, Elena Gentile, Simona Bonafè, Renata Briano

Proposal for a regulation

Article 13 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) temporarily stored in above-ground facilities dedicated to and equipped for the temporary storage of mercury. *deleted*

Or. en

Amendment 266

Pilar Ayuso, Francesc Gambús

Proposal for a regulation

Article 13 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) temporarily stored in above-ground facilities dedicated to and *deleted*

equipped for the temporary storage of mercury.

Or. es

Justification

At present there is no time limit for the temporary storage of mercury waste. A time limit should be set, allowing industry sufficient time. Moreover, the temporary storage of mercury waste should not be permitted in underground facilities owing to the greater risks involved, as described in the amendment to Article 13a.

Amendment 267

Albert Deß

Proposal for a regulation

Article 13 – paragraph 1 – point b

Text proposed by the Commission

(b) *temporarily stored* in above-ground facilities dedicated to and equipped for the *temporary* storage of mercury.

Amendment

(b) *stored* in above-ground facilities dedicated to and equipped for the storage of mercury *in the proximity either of the operator that will solidify the waste or the operator where the permanent disposal will take place.*

Or. de

Justification

We support the temporary storage of liquid mercury in the proximity of solidifying facilities or permanent disposal facilities.

Amendment 268

Piernicola Pedicini, Marco Affronte, Eleonora Evi

Proposal for a regulation

Article 13 – paragraph 1 – point b

Text proposed by the Commission

(b) *temporarily stored* in *above-ground facilities dedicated to and equipped* for the *temporary storage* of

Amendment

(b) *permanently stored, in a solidified and stabilised form, in salt mines that are adapted* for the *disposal of mercury, or in*

mercury.

deep underground hard rock formations providing a level of safety and confinement equivalent to that of those salt mines;

Or. it

Amendment 269

Jytte Guteland, Christel Schaldemose

Proposal for a regulation

Article 13 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) temporarily stored in above-ground facilities dedicated to and equipped for the temporary storage of mercury.

(b) temporarily stored *for more than six months and for less than five years* in above-ground facilities dedicated to and equipped for the temporary storage of mercury.

Or. en

Justification

Temporary storage should be temporary, which requires both a lower and an upper time-limit.

Amendment 270

Michel Dantin

Proposal for a regulation

Article 13 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) *temporarily stored* in above-ground facilities dedicated to and equipped for the temporary storage of mercury.

(b) in above-ground facilities dedicated to and equipped for the temporary storage of mercury.

Or. fr

Amendment 271

Massimo Paolucci, Damiano Zoffoli, Tibor Szanyi, Nicola Caputo, Elena Gentile, Simona Bonafè, Renata Briano, Miriam Dalli

Proposal for a regulation

Article 13 – paragraph 2

Text proposed by the Commission

Amendment

2. The specific requirements for the temporary storage of mercury waste, as laid down in Annexes I, II and III to Directive 1999/31/EC shall apply to the permanent storage facilities referred to in point (a) of paragraph 1 of this Article under the following conditions laid down in the following Annexes to that Directive:

deleted

(a) Annex I, Section 8 (first, third and fifth indents) and Annex II to Directive 1999/31/EC shall apply;

(b) Annex I, Section 8 (second, fourth and sixth indents) and Annex III, Section 6, to Directive 1999/31/EC shall only apply where deemed appropriate by the competent authorities of the Member States in charge of implementing that Directive.

Or. en

Amendment 272

Michel Dantin

Proposal for a regulation

Article 13 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The specific requirements for the temporary storage of mercury waste, as laid down in Annexes I, II and III to Directive 1999/31/EC shall apply to the permanent storage facilities referred to in point (a) of paragraph 1 of this Article under the following conditions laid down

2. Permanent storage shall be authorised only if the mercury waste has been stabilised or partially stabilised in salt mines that are adapted for the disposal of mercury, or in deep underground hard rock formations providing a level of safety and

in the following Annexes to that Directive:

confinement equivalent to that of those salt mines.

The operators of facilities carrying out mercury stabilisation must establish, within the register referred to in Article 35 of Directive 2008/98/EC, a register containing the following information:

Or. fr

Justification

New stabilisation facilities and techniques are being developed in the EU. The significant volume of mercury waste which will be generated in the future as a result of the bans imposed by this regulation will thus have to be treated, with a view to final disposal, within 10 years. The permanent storage of liquid mercury is therefore not justified. This measure is consistent with the guidelines adopted in 2015 in the context of the Basel Convention.

Amendment 273

Pilar Ayuso, Francesc Gambús

Proposal for a regulation

Article 13 – paragraph 2 – introductory part

Text proposed by the Commission

2. The specific requirements for the temporary storage of mercury waste, as laid down in *Annexes I, II and III* to Directive 1999/31/EC *shall apply to the permanent storage facilities referred to in point (a) of paragraph 1 of this Article under the following conditions laid down in the following Annexes to that Directive:*

Amendment

2. The specific requirements for the temporary storage of mercury waste *shall be those* laid down in *Annex I, section 8, Annex II and Annex III, section 6*, to Directive 1999/31/EC.

Or. es

Justification

The specific requirements for the temporary storage of mercury waste have already been laid down in the annexes to Directive 1999/31/EC. There is no reason for this regulation to be less stringent than the directive.

Amendment 274
Pilar Ayuso, Francesc Gambús

Proposal for a regulation
Article 13 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) Annex I, Section 8 (first, third and fifth indents) and Annex II to Directive 1999/31/EC shall apply; *deleted*

Or. es

Justification

The specific requirements for the temporary storage of mercury waste have already been laid down in the annexes to Directive 1999/31/EC. There is no reason for this regulation to be less stringent than the directive.

Amendment 275
Michel Dantin

Proposal for a regulation
Article 13 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) Annex I, Section 8 (first, third and fifth indents) and Annex II to Directive 1999/31/EC shall apply;

(a) for each shipment of mercury waste received:

(i) the origin and quantity of the mercury waste received;

(ii) the name and contact information of the supplier.

Or. fr

Amendment 276
Michèle Rivasi

Proposal for a regulation
Article 13 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) Annex I, Section 8 (first, third **and fifth** indents) and Annex II to Directive 1999/31/EC shall apply;

(a) Annex I, Section 8 (first, third, **fifth and sixth** indents) and Annex II to Directive 1999/31/EC shall apply;

Or. en

(Linked to the amendment to point (b) of the same subparagraph by the same author.)

Justification

Fall-back amendment in case underground permanent storage of mercury waste remains as a possibility. Annex I, Section 8, sixth indent requires for temporary storage of metallic mercury that "Storage shall be arranged in a way to ensure that all containers are easily retrievable". In light of the problems in several salt mines, this should also be mandatory for any permanent storage, and not be subject to the discretion of competent authorities whether they deem this appropriate or not.

Amendment 277

Pilar Ayuso, Francesc Gambús

Proposal for a regulation

Article 13 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) **Annex I, Section 8 (second, fourth and sixth indents) and Annex III, Section 6, to Directive 1999/31/EC shall only apply where deemed appropriate by the competent authorities of the Member States in charge of implementing that Directive.**

deleted

Or. es

Justification

The specific requirements for the temporary storage of mercury waste have already been laid down in the annexes to Directive 1999/31/EC. There is no reason for this regulation to be less stringent than the directive.

Amendment 278
Michel Dantin

Proposal for a regulation
Article 13 – paragraph 2 – point b

Text proposed by the Commission

(b) *Annex I, Section 8 (second, fourth and sixth indents) and Annex III, Section 6, to Directive 1999/31/EC shall only apply where deemed appropriate by the competent authorities of the Member States in charge of implementing that Directive.*

Amendment

(b) *for each shipment of stabilised mercury waste leaving the facility:*

(i) *the quantity of stabilised mercury waste and its mercury content;*

(ii) *the destination and the planned disposal operations for the stabilised mercury waste;*

(iii) *the certificate issued by the operator responsible for the permanent storage of the solidified mercury waste, as provided for in Article 1b.*

Or. fr

Amendment 279
Michèle Rivasi

Proposal for a regulation
Article 13 – paragraph 2 – point b

Text proposed by the Commission

(b) *Annex I, Section 8 (second, fourth **and sixth** indents) and Annex III, Section 6, to Directive 1999/31/EC shall only apply where deemed appropriate by the competent authorities of the Member States in charge of implementing that Directive.*

Amendment

(b) *Annex I, Section 8 (second **and** fourth indents) and Annex III, Section 6, to Directive 1999/31/EC shall only apply where deemed appropriate by the competent authorities of the Member States in charge of implementing that Directive.*

Or. en

(Linked to the amendment to point (a) of the same subparagraph by the same author.)

Justification

Fall-back amendment in case underground permanent storage remains as a possibility. Annex I, Section 8, sixth indent requires for temporary storage of metallic mercury that "Storage shall be arranged in a way to ensure that all containers are easily retrievable". In light of the problems in several salt mines, this should also be mandatory for any permanent storage, and not be subject to the discretion of competent authorities whether they deem this appropriate or not.

Amendment 280 **Michel Dantin**

Proposal for a regulation **Article 13 – paragraph 2 – point b a (new)**

Text proposed by the Commission

Amendment

(ba) the quantity of mercury waste stored in the facility at the end of each month.

Or. fr

Amendment 281 **Michel Dantin**

Proposal for a regulation **Article 13 – paragraph 2 – point b b (new)**

Text proposed by the Commission

Amendment

(bb) The operator of the facility shall forward the register to the authorities designated by the Member State by 31 January at the latest.

Or. fr

Justification

In order to ensure that mercury is traceable at every stage of the treatment chain, a register should be introduced in an effort to centralise and standardise the information required for such monitoring and, in particular, to make each actor involved in that process aware of their responsibilities.

Amendment 282

Michel Dantin

Proposal for a regulation

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Once the disposal operation has been completed, facility operators responsible for the permanent storage of mercury waste must issue a certificate stipulating that the entire shipment of mercury waste has been stored permanently in accordance with Directive 1999/31/EC. That certificate shall include information concerning the place of storage.

Or. fr

Amendment 283

Jytte Guteland, Christel Schaldemose

Proposal for a regulation

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Mercury waste shall be placed in storage batches followed by sealing and backfilling of the storage chamber, which shall not be left open for more than six months.

Or. en

Justification

So as to protect human health and the environment from mercury emissions, only solidified mercury shall be disposed of in underground storage.

Amendment 284

Michèle Rivasi

Proposal for a regulation
Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States with companies offering solidification technology shall promote the use of solidification of liquid mercury waste in third countries.

Or. en

Justification

It is important that Member States in which companies offer solidification technology help to ensure the necessary technology transfer to third countries for the solidification of liquid mercury waste.

Amendment 285
Jytte Guteland, Christel Schaldemose

Proposal for a regulation
Article 13 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Without prejudice to paragraphs 2 and 2a of this Article, metallic mercury permanently stored shall be transformed into mercury sulphide (HgS) through stabilization or solidification prior to its storage. It shall be stored only in licensed underground storage in salt mines or hard rock formations for which proof of long-term safety has been furnished in accordance with Annex A to Council Decision 2003/33/EC^{1a}.

^{1a} Council Decision 2003/33/EC of 19 December 2002 establishing criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 of and Annex II to Directive 1999/31/EC (OJ L 11, 16.1.2003, p. 27).

Justification

The stabilization or solidification of metallic mercury is effective to significantly reduce the first and foremost risk of mercury being released into the environment, but also the risk of it being brought back into the market.

Amendment 286
Michel Dantin

Proposal for a regulation
Article 13 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. The Commission shall report to Parliament and the Council before 1 January 2023 on whether the period set out in paragraph 1 needs to be changed. The Commission may accompany this report with a legislative proposal.

Or. fr

Justification

This means that the transitional period can be modified, if necessary, in line with progress made in processing existing stocks; the intention being, among other things, to reduce the amount of mercury collected illegally.

Amendment 287
Michel Dantin

Proposal for a regulation
Article 13 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. By 1 January 2019, the Commission shall ensure the traceability of waste mercury throughout the chain and for all parties involved, in accordance with the provisions of this regulation and

the applicable EU law.

If there is found to be a gap in legislation, the Commission shall introduce, by means of delegated acts, a system for reporting and monitoring mercury waste. The system shall log inflows and outflows of mercury waste for each party involved in the chain, particularly waste producers, waste collection operators, temporary storage operators, stabilisation facility operators and permanent storage operators. The reporting shall state the quantity of mercury waste held by each person or entity at all links in the chain.

Or. fr

Justification

Traceability is crucial. The E-PRTR does not, however, appear to be ideally suited to tracking mercury waste because it identifies quantities of mercury waste and not the quantity of mercury present in waste. What is more, it applies only to facilities holding a minimum tonnage of waste. The system fails to take account of small facilities and non-industrial actors (such as dentists).

Amendment 288

Michèle Rivasi

Proposal for a regulation

Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13a

Reporting by waste operators

1. Operators of installations undertaking the temporary storage, solidification or final disposal of solidified mercury waste shall, as part of the record keeping required under Article 35 of Directive 2008/98/EC, establish a register including the following information:

(a) for each shipment of mercury waste received:

- (i) the origin and amount of mercury waste received;*
- (ii) the name and contact details of the supplier;*
- (iii) the name and contact details of the owner of the temporarily stored waste;*
- (b) for each shipment of mercury waste leaving the temporary storage installation:*
 - (i) the amount of mercury waste and its mercury content;*
 - (ii) the destination of the mercury waste;*
 - (iii) the certificate provided by the operator of destination;*
- (c) for each shipment of solidified mercury waste leaving the installation:*
 - (i) the amount of solidified mercury waste and its mercury content;*
 - (ii) the destination and intended disposal operation of the solidified mercury waste;*
 - (iii) the certificate provided by the operator undertaking the permanent disposal of the solidified mercury waste as referred to in paragraph 2;*
- (d) the amount of mercury waste stored at the installation at the end of each month.*

The operator of the installation shall transmit the register to the authority designated by the Member State every year by 31 January.

2. Operators of installations undertaking the final disposal of solidified mercury waste shall, as soon as the disposal operation is completed, issue a certificate that the entire shipment of solidified mercury waste has been placed into final disposal in accordance with Directive 1999/31/EC, including information on the disposal location.

Justification

There should also be clear annual reporting requirements for temporary storage and solidification facilities to be able to track the progress of solidification and final disposal.

Amendment 289

Massimo Paolucci, Damiano Zoffoli, Susanne Melior, Tibor Szanyi, Nicola Caputo, Jytte Guteland, Christel Schaldemose, Carlos Zorrinho, Elena Gentile, Simona Bonafè, Renata Briano

Proposal for a regulation**Article 13 a (new)**

Text proposed by the Commission

Amendment

Article 13a***Information from storage and disposal operators of mercury waste***

1. Operators of installations undertaking the temporary storage or the solidification of mercury waste shall, as part of the record keeping required under Article 35 of Directive 2008/98/EC, establish a register including the following information:

(a) for each shipment of mercury waste received:

(i) the origin and amount of mercury waste received;

(ii) the name and contact details of the supplier;

(b) for each shipment of solidified mercury waste leaving the installation:

(i) the amount of solidified mercury waste and its mercury content;

(ii) the destination and intended disposal operation of the solidified mercury waste;

(iii) the certificate provided by the operator undertaking the permanent storage of the solidified mercury waste as

referred to in paragraph 2;

(c) for each shipment of mercury waste leaving the temporary storage installation:

(i) the amount of mercury waste and its mercury content;

(ii) the destination and intended disposal operation of the mercury waste;

(iii) the certificate provided by the operator undertaking the temporary storage of the mercury waste;

(d) the amount of mercury waste stored at the installation at the end of each month.

The operator of the installation shall transmit the register to the authority designated by the Member State every year, by 31 January.

2. Operators of installations undertaking the permanent storage of mercury waste shall, as soon as the disposal operation is completed, issue a certificate that the entire shipment of mercury waste has been placed into permanent storage in accordance with Directive 1999/31/EC, including information on the storage location.

Or. en

Amendment 290

Pilar Ayuso, Francesc Gambús

Proposal for a regulation

Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13a

Final storage (disposal) of mercury waste

1. Mercury waste may be permanently stored only after having undergone stabilisation and solidification

treatment.

2. Mercury waste stabilisation and solidification treatment shall be carried out in above-ground facilities in accordance with the provisions laid down in Directive 2008/98/EC on waste.

3. Once it has been stabilised and solidified, mercury waste may be permanently stored only in above-ground facilities dedicated to and equipped for the permanent storage of mercury or in underground facilities providing a level of safety and confinement equivalent to that of those above-ground facilities.

4. The requirements for the permanent storage of mercury waste, once it has been stabilised and solidified, shall be those laid down in Directive 1999/31/EC.

5. By 31 December 2020, the Commission shall draw up a report assessing the safety of the various alternatives for the permanent storage of mercury waste referred to in paragraph 3, including salt mines. That report shall take account of the risks linked to underground storage, such as proximity to aquifers, the probability of water infiltration, the weakness of the rock cover, corrosion of containers and the difficulty of intervening in the event of an emergency. On the basis of the conclusions of the report and in keeping with Union legislation, the Commission shall submit a proposal for the amendment of this Regulation and, where appropriate, of Directive 1999/31/EC.

Or. es

Justification

Mercury is a liquid, and the management of such waste poses greater risks than is the case for solids. Directive 1999/31/EC prohibits the acceptance of liquid waste in landfills. Permanent storage should be permitted only where mercury waste has first undergone stabilisation and solidification treatment. The proposal considers underground storage to be

the preferred option and classes salt mines as the safety 'reference point'. Insufficient evidence has been provided to back up these two elements of the proposal.

Amendment 291

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

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 applied. The penalties provided for must be effective, proportionate and dissuasive. ***The Member States shall notify those provisions to the Commission by [xxx] and shall notify it without delay of any subsequent amendment affecting them.***

Amendment

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 applied. The penalties provided for must be effective, proportionate and dissuasive.

Or. fr

Amendment 292

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 15 – paragraph 1 – point a

Text proposed by the Commission

(a) information concerning the implementation of this Regulation;

Amendment

deleted

Or. fr

Amendment 293

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 15 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) information needed for the fulfilment by the Union and by the Member States of its reporting obligation established under Article 21 of the Minamata Convention;

deleted

Or. fr

Amendment 294

Bolesław G. Piecha, Jadwiga Wiśniewska

Proposal for a regulation

Article 15 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) information needed for the fulfilment by the Union **and by the Member States** of its reporting obligation established under Article 21 of the Minamata Convention;

(b) information needed for the fulfilment by the Union of its reporting obligation established under Article 21 of the Minamata Convention;

Or. pl

Justification

Member States have their own reporting requirements, which should not be duplicated by EU legislation.

Amendment 295

Michèle Rivasi

Proposal for a regulation

Article 15 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) a summary of the information gathered in accordance with Article 12;

(c) a summary of the information gathered in accordance with Article 12 **and Article 13a**;

(Linked to the amendment by the same author introducing a reporting requirement for solidification facilities.)

Justification

The annual report by Member States should also include a summary of the information received by the solidification facilities.

Amendment 296

Massimo Paolucci, Damiano Zoffoli, Susanne Melior, Tibor Szanyi, Nicola Caputo, Carlos Zorrinho, Simona Bonafè, Renata Briano

Proposal for a regulation

Article 15 – paragraph 1 – point d

Text proposed by the Commission

(d) a list of individual stocks of mercury exceeding 50 metric tonnes, which are located in their territory ***and, where Member States are made aware, a list of sources of mercury supply generating annual stocks of mercury exceeding 10 metric tonnes.***

Amendment

(d) a list of individual stocks of mercury, ***mercury compounds or mercury waste*** exceeding 50 metric tonnes, which are located in their territory, ***as well as the amount*** of mercury ***at each site.***

Amendment 297

Michèle Rivasi

Proposal for a regulation

Article 15 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) information on the mercury and mercury compounds used and produced in:

- the by-product from oil/gas production, iron and steel production and non-ferrous metal mining and processing;***
- the waste recycling facilities;***

- *the alcoholate, vinyl chloride monomer, and polyurethane production;*
- *the manufacturing of mercury-added products.*

Or. en

Justification

Small modification of amendment 72 by the rapporteur to specify all relevant by-products on which information should be reported.

Amendment 298

Massimo Paolucci, Damiano Zoffoli, Susanne Melior, Tibor Szanyi, Nicola Caputo, Carlos Zorrinho, Simona Bonafè, Renata Briano

Proposal for a regulation

Article 15 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) a list of sources of mercury supply generating annual stocks of mercury exceeding 10 metric tonnes.

Or. en

Amendment 299

Boleslaw G. Piecha, Jadwiga Wiśniewska

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

The Commission shall adopt appropriate questionnaires in order to specify the content, the information and the key performance indicators to be included in the report referred to in paragraph 1 as well as the format of this report and the timing of its publication and of its updates.

The Commission shall adopt appropriate questionnaires in order to specify the content, the information and the key performance indicators to be included in the report referred to in paragraph 1 as well as the format of this report and the timing of its publication and of its updates. ***The questionnaires shall not cover issues in respect of which reporting requirements***

remain within the exclusive competence of the parties to the Convention.

Or. pl

Justification

Member States have their own reporting requirements, which should not be duplicated by EU legislation.

Amendment 300
Andrzej Grzyb

Proposal for a regulation
Article 15 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Commission shall adopt appropriate questionnaires in order to specify the content, the information and the key performance indicators to ***be included in the report*** referred to in paragraph 1 as well as the format of this report ***and the timing of its publication and of its updates.***

Amendment

The Commission shall adopt appropriate questionnaires in order to specify the content, the information and the key performance indicators to ***meet the requirements*** referred to in paragraph 1 as well as the format ***and the frequency*** of this report. ***The questionnaires shall not duplicate reporting obligations of the Parties to the Convention.***

Or. en

Amendment 301
Andrzej Grzyb

Proposal for a regulation
Article 15 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The questionnaires may also organise reporting in such a way as to enable the Union to provide the Secretariat of the Convention with a single report submitted on behalf of the Union and its Member States.

Amendment

deleted

Amendment 302

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

The questionnaires may also organise reporting in such a way as to enable the Union to provide the Secretariat of the Convention with a single report submitted on behalf of the Union and its Member States. *deleted*

Or. fr

Amendment 303

Bolesław G. Piecha, Jadwiga Wiśniewska

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

The questionnaires may also organise reporting in such a way as to enable the Union to provide the Secretariat of the Convention with a single report submitted on behalf of the Union and its Member States. *deleted*

Or. pl

Justification

Member States have their own reporting requirements, which should not be duplicated by EU legislation.

Amendment 304

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation
Article 15 – paragraph 2 – subparagraph 3

Text proposed by the Commission

The Commission shall **adopt** decisions, **by means of implementing acts**, to provide a template for those questionnaires and to make an electronic reporting tool available to the Member States.

Amendment

The Commission shall **propose** decisions to provide a template for those questionnaires and to make an electronic reporting tool available to the Member States.

Or. fr

Amendment 305
Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation
Article 15 – paragraph 2 – subparagraph 4

Text proposed by the Commission

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 18(2).

Amendment

deleted

Or. fr

Amendment 306
Michèle Rivasi

Proposal for a regulation
Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15a

Crematoria

By 1 July 2018, the Commission shall submit a report to the European Parliament and Council regarding mercury emissions from crematoria, to be accompanied by a legislative proposal, where appropriate, to significantly reduce such emissions.

Justification

Crematoria are an important source of mercury emissions into the environment. The Commission should assess the situation and make a legislative proposal to significantly reduce such emissions by 1 July 2018.

Amendment 307
Julie Girling

Proposal for a regulation
Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15a

Review

The Commission shall, no later than 31 December 2025, carry out a review of this Regulation, inter alia in light of developments on the Minamata Convention and the implementation of this Regulation. Where appropriate, the review shall be accompanied by a legislative proposal amending this Regulation.

Or. en

Justification

This amendment ensures full alignment with the review clause recently agreed in the revised NEC Directive.

Amendment 308
Michèle Rivasi

Proposal for a regulation
Article 15 b (new)

Text proposed by the Commission

Amendment

Article 15b

Review

By 31 December 2021, the Commission shall carry out a review of this Regulation inter alia in light of the development of the Convention and present a legislative proposal to amend this Regulation, where appropriate. The review shall include proposing measures to reduce the use of mercury in industrial activities and the phasing out of its use as quickly as possible and in any event within 10 years of the entry into force of the Convention.

Or. en

Justification

It is important that the Commission reviews this Regulation four years after its application, in particular so as to implement the objective of the Minamata Convention to phase out the use of mercury within 10 years of the entry into force of the Convention.

Amendment 309

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 16 – paragraph 1

Text proposed by the Commission

Amendment

The Commission shall ***be empowered to adopt delegated acts in accordance with Article 17*** in order to amend Annexes I, II, III and IV to transpose Decisions adopted by the Conference of the Parties to the Convention, where the Union has supported the Decision concerned.

The Commission shall ***propose amendments to*** Annexes I, II, III and IV ***to Member States*** to transpose Decisions adopted by the Conference of the Parties to the Convention, where the Union has supported the Decision concerned.

Or. fr

Amendment 310

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation
Article 17

Text proposed by the Commission

Amendment

Article 17

deleted

Exercise of the delegation

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.***
- 2. The delegation of powers referred to in Articles 7(3) and 16 shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.***
- 3. The delegation of power referred to in Articles 7(3) and 16 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.***
- 4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.***
- 5. A delegated act adopted pursuant to Articles 7(3) and 16 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.***

Amendment 311

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

Amendment

1. For the adoption of forms for import and export under Article 6, of a decision under Article 8(4), and of questionnaires in accordance with Article 15(2) the Commission shall be assisted by a Committee. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011. *deleted*

Or. fr

Amendment 312

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

Amendment

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. *deleted*

Or. fr

Amendment 313

Massimo Paolucci, Damiano Zoffoli, Tibor Szanyi, Nicola Caputo, Jytte Guteland, Christel Schaldemose, Carlos Zorrinho, Elena Gentile, Simona Bonafè, Renata Briano

Proposal for a regulation

Article 20 – paragraph 2

Text proposed by the Commission

Amendment

It shall apply from *1st January 2018*.

It shall apply from *the date of its entry into force*.

Or. en

Amendment 314

Massimo Paolucci, Carlos Zorrinho, Damiano Zoffoli, Nicola Caputo, Elena Gentile, Renata Briano, Simona Bonafè,

Proposal for a regulation

Annex II – part A

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification.

Double standards for internal and external markets should not apply.

Amendment 315

Jytte Guteland, Christel Schaldemose

Proposal for a regulation

Annex II – part A

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

Due to amendment on Article 5. There should be a complete export ban for all mercury-added products.

Amendment 316

Massimo Paolucci, Carlos Zorrinho, Damiano Zoffoli, Nicola Caputo, Elena Gentile,
Renata Briano, Simona Bonafè

Proposal for a regulation

Annex II – part A

Text proposed by the Commission

1. Batteries, <i>except for button zinc silver oxide batteries with a mercury content < 2%, button zinc air batteries with a mercury content < 2%.</i>
2. Switches and relays, except very high accuracy capacitance and loss measurement bridges and high frequency radio frequency switches and relays in monitoring and control instruments with a maximum mercury content of 20 mg per bridge, switch or relay.
3. <i>Compact fluorescent lamps (CFLs) for general lighting purposes that are ≤ 30 watts with a mercury content exceeding 5 mg per lamp burner.</i>
4. <i>The following linear fluorescent lamps (LFLs) for general lighting purposes:</i> <i>(a) Triband phosphor < 60 watts with a mercury content exceeding 5 mg per lamp;</i> <i>(b) Halophosphate phosphor ≤ 40 watts with a mercury content exceeding 10 mg per lamp.</i>
5. <i>High pressure mercury vapour lamps (HPMV) for general lighting purposes.</i>
6. <i>The following mercury added cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for electronic displays:</i> <i>(a) short length (≤ 500 mm) with mercury content exceeding 3.5 mg per lamp;</i> <i>(b) medium length (> 500 mm and ≤ 1 500 mm) with mercury content exceeding 5 mg per lamp;</i> <i>(c) long length (> 1 500 mm) with mercury content exceeding 13 mg per lamp.</i>
7. Cosmetics with mercury and mercury compounds, except those special cases included in Annex V entry 17 of Regulation (EC) No 1223/2009 of the European Parliament and of the Council
8. Pesticides, biocides and topical antiseptics.
9. The following non-electronic measuring devices <i>where no suitable mercury-free alternative is available:</i>
(a) barometers;
(b) hygrometers;
(c) manometers;

(d) thermometers;
(e) sphygmomanometers;
This entry does not cover the following measuring devices:
(a) non-electronic measuring devices installed in large-scale equipment or those used for high precision measurement;
(b) measuring devices more than 50 years old on 3 October 2007;
(c) measuring devices, which are to be displayed in public exhibitions for cultural and historical purposes.

Amendment

<i>Mercury-added products</i>	<i>Date as from which the export, import and manufacturing of the mercury-added products shall be prohibited</i>
1. Batteries <i>or accumulators within the maximum levels of mercury content established by Directive 2006/66/EC of the European Parliament and of the Council</i> ¹	31.12.2020
2. Switches and relays, except very high accuracy capacitance and loss measurement bridges and high frequency radio frequency switches and relays in monitoring and control instruments with a maximum mercury content of 20 mg per bridge, switch or relay.	31.12.2020
3. <i>Lamps containing mercury within the maximum levels of mercury content established by Directive 2011/65/EU of the European Parliament and of the Council</i> ² .	31.12.2020
<i>deleted</i>	
<i>deleted</i>	
<i>deleted</i>	
7. Cosmetics with mercury and mercury compounds, except those special cases included in Annex V entry 17 of Regulation (EC) No 1223/2009 of the European Parliament and of	31.12.2020

the Council. ³	
8. Pesticides, biocides and topical antiseptics.	31.12.2020
9. The following non-electronic measuring devices: (a) barometers; (b) hygrometers; (c) manometers; (d) thermometers; (e) sphygmomanometers; <i>(e a) strain gauges to be used with plythysmographs;</i> <i>(e b) tensiometers</i>	31.12.2020
This entry does not cover the following measuring devices:	
(a) non-electronic measuring devices installed in large-scale equipment or those used for high precision measurement <i>where no suitable mercury-free alternative is available;</i>	
(b) measuring devices more than 50 years old on 3 October 2007;	
(c) measuring devices, which are to be displayed in public exhibitions for cultural and historical purposes.	
9 a. The following mercury using measuring devices intended for professional and industrial uses: <i>(a) mercury pycnometers;</i> <i>(b) mercury metering devices for determination of the softening point;</i>	31.12.2020

¹ *Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing*

Directive 91/157/EEC (OJ L 266, 26.9.2006, p.1)

² *Directive 2011/65/EU of 8 June 2011 of the European Parliament and of the Council on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJ L 174 1.7.2011, p. 88).*

³ Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59).

Or. en

Justification.

Double standards for internal and external markets should not apply.

Amendment 317
Sirpa Pietikäinen, Simona Bonafè

Proposal for a regulation
Annex II – part A – paragraph 3

Text proposed by the Commission

Compact fluorescent lamps (CFLs) <i>for general lighting purposes that are ≤ 30 watts</i> with a mercury content exceeding 5 mg per <i>lamp</i> burner.

Amendment

<i>Mercury-added products</i>	<i>Date as from which the export, import and manufacturing of the mercury-added products shall be prohibited</i>
3. Compact fluorescent lamps (CFLs) <i>with a mercury content exceeding (per burner):</i> <i>(a) For general lighting purposes < 30 W: 2.5 mg</i> <i>(b) For general lighting purposes ≥ 30 W and < 50 W: 3.5 mg</i> <i>(c) For general lighting purposes ≥ 50 W and < 150 W: 5 mg</i>	31.12.2020

<p><i>(d) For general lighting purposes ≥ 150 W: 15 mg</i></p> <p><i>(e) For general lighting purposes with circular or square structural shape and tube diameter ≤ 17 mm: 7 mg</i></p> <p><i>(f) For special purposes: 5 mg</i></p> <p><i>(g) For general lighting purposes < 30 W with a lifetime equal or above 20.000h (allowed until 31 December 2017).</i></p>	
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Or. en

Amendment 318
Sirpa Pietikäinen

Proposal for a regulation
Annex II – part A – paragraph 4

Text proposed by the Commission

4. The following linear fluorescent lamps (LFLs) for general lighting purposes:
(a) <i>Triband phosphor < 60 watts</i> with a mercury content exceeding <i>5 mg per lamp</i> ;
(b) <i>Halophosphate phosphor ≤ 40 watts</i> with a mercury content exceeding <i>10 mg per lamp</i> .

Amendment

<i>Mercury-added products</i>	<i>Date as from which the export, import and manufacturing of the mercury-added products shall be prohibited</i>
<p>(a). <i>Linear fluorescent lamps</i> with a mercury content exceeding (per lamp):</p> <p><i>(1) Tri-band phosphor with normal lifetime and a tube diameter < 9 mm (e.g. T2): 4 mg;</i></p> <p><i>(2) Tri-band phosphor with normal lifetime and a tube diameter ≥ 9 mm and ≤ 17 mm</i></p>	<i>31 December 2020</i>

<p><i>(e.g. T5): 3 mg;</i></p> <p><i>(3) Tri-band phosphor with normal lifetime and a tube diameter > 17 mm and ≤ 28 mm (e.g. T8): 3.5 mg;</i></p> <p><i>(4) Tri-band phosphor with normal lifetime and a tube diameter > 28 mm (e.g. T12): 3.5 mg;</i></p> <p><i>(5) Tri-band phosphor with long lifetime (≥ 25 000 h): 5 mg.</i></p>	
<p><i>(b) Other fluorescent lamps with a mercury content exceeding (per lamp):</i></p> <p><i>(1) Linear halophosphate lamps with tube > 28 mm (e.g. T10 and T12).</i></p>	<i>31 December 2020</i>
<p><i>(2) Non-linear halophosphate lamps (all diameters):</i></p> <p><i>(3) Non-linear tri-band phosphor lamps with tube diameter > 17 mm (e.g. T9):15 mg;</i></p> <p><i>(4) Lamps for other general lighting and special purposes (e.g. induction lamps) :15 mg.</i></p>	
<p><i>4 a. Other low pressure discharge lamps with a mercury content exceeding (per lamp):15 mg.</i></p>	<i>31 December 2020</i>
<p><i>4 b. High Pressure Sodium (vapour) lamps for general lighting purposes with a mercury content exceeding (per burner) in lamps with improved colour rendering index Ra > 60:</i></p> <p><i>(a) P ≤ 155 W: 30mg per burner</i></p> <p><i>(b) 155 W < P ≤ 405 W:40 mg per burner</i></p> <p><i>(c) P > 405 W:40 mg per burner</i></p>	<i>31 December 2020</i>
<p><i>4 c. Other High Pressure Sodium (vapour) lamps for general lighting purposes with a mercury content exceeding (per burner):</i></p> <p><i>(a) P ≤ 155 W: 25 mg per burner</i></p>	<i>31 December 2020</i>

<p><i>(b) 155 W < P ≤ 405 W: 30mg per burner</i></p> <p><i>(c) P > 405 W: 40 mg per burner</i></p>	
<p><i>4 d. Hand crafted luminous discharge tubes used for signs, decorative or architectural and specialist lighting and light –artwork, with a mercury content exceeding as follows (allowed until 31 December 2018) :</i></p> <p><i>(a) 20mg per electrode pair +0.3 mg per tube length in cm, but not more than 80 mg, for outdoor applications and indoor applications exposed to temperatures below 20oC;</i></p> <p><i>(b)15mg per electrode pair +0.24 mg per tube length in cm, but not more than 80 mg, for all other indoor applications.</i></p>	<p><i>31 December 2020</i></p>

Or. en

Justification.

Restrictions on mercury levels should be set at the same level for internal market and exports from the EU

Amendment 319
Michèle Rivasi

Proposal for a regulation
Annex II – part A – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. The following mercury using measuring devices intended for professional and industrial uses:

- (a) mercury pycnometers;**
- (b) mercury metering devices for determination of the softening point;**

Or. en

Justification

These mercury-added products have been prohibited according to Commission Regulation (EU) No 847/2012. They should therefore be added to the list of mercury-added products the export of which is to be prohibited pursuant to Article 5 of this Regulation.

Amendment 320

Jytte Guteland, Christel Schaldemose

Proposal for a regulation

Annex II – part B

Text proposed by the Commission

Amendment

[...]

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Or. en

Justification

Due to amendment on Article 5. There should be a complete export ban for all mercury-added products.

Amendment 321

Massimo Paolucci, Carlos Zorrinho, Damiano Zoffoli, Nicola Caputo, Elena Gentile, Renata Briano, Simona Bonafè,

Proposal for a regulation

Annex II – part B

Text proposed by the Commission

Amendment

[...]

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Or. en

Justification.

Double standards for internal and external markets should not apply.

Amendment 322

Miroslav Mikolášik, Eduard Kukan, Ivan Štefanec, József Nagy, Branislav Škripek

Proposal for a regulation
Annex III – part 1 – point a

Text proposed by the Commission

Amendment

(a) from 1 January **2019**: **acetaldehyde production**

(a) from 1 January **2018**: **where mercury is used as a catalyst**

Or. en

Justification

As clearly stated in Annex B Part I of the Minamata Convention, the acetaldehyde production in which mercury or mercury compounds are used as a catalyst shall be phased out by 2018. To comply with the MC, this proposal should not weaken its approach. For polyethanes, there are already five different organic mercury salts that will be prohibited by REACH Europe from the 10th October 2017.

Amendment 323

Massimo Paolucci, Damiano Zoffoli, Tibor Szanyi, Nicola Caputo, Jytte Guteland, Christel Schaldemose, Carlos Zorrinho, Elena Gentile, Simona Bonafè, Renata Briano

Proposal for a regulation
Annex III – part 1 – point a

Text proposed by the Commission

Amendment

(a) from 1 January **2019**: acetaldehyde production

(a) from 1 January **2018**: acetaldehyde production

Or. en

Amendment 324

Jytte Guteland, Christel Schaldemose

Proposal for a regulation
Annex III – part 1 – point a

Text proposed by the Commission

Amendment

(a) from 1 January **2019**: acetaldehyde production

(a) from 1 January **2018**: acetaldehyde production

Amendment 325

Miroslav Mikolášik, Eduard Kukan, Ivan Štefanec, József Nagy, Branislav Škripek

Proposal for a regulation

Annex III – part 1 – point b

Text proposed by the Commission

Amendment

(b) from **1 January 2019**: vinyl chloride monomer production

(b) from **11 December 2017** where mercury is used as an electrode or from **11 December 2020** where Article 15 (4) of Directive 2010/75/EU is applied

Or. en

Justification

Chlor-alkali industry is already in the process of phasing out mercury technology: Under the Industrial Emissions Directive, the BAT conclusions have become legally binding, implying that four years after that publication before 11 December 2017, mercury based production technology must be ceased. European chlor-alkali producers using mercury technology must convert or dismantle their plants. Mercury-free processes are already available and widely used for the production of sodium methylate and ethylate. This obligation will give legal certainty for future processes.

Amendment 326

Massimo Paolucci, Damiano Zoffoli, Tibor Szanyi, Nicola Caputo, Jytte Guteland, Christel Schaldemose, Carlos Zorrinho, Elena Gentile, Simona Bonafè, Renata Briano

Proposal for a regulation

Annex III – part 1 – point b

Text proposed by the Commission

Amendment

(b) from 1 January **2019**: vinyl chloride monomer production

(b) from 1 January **2018**: vinyl chloride monomer production

Or. en

Amendment 327

Jytte Guteland, Christel Schaldemose

Proposal for a regulation
Annex III – part 1 – point b

Text proposed by the Commission

(b) from 1 January **2019**: vinyl chloride monomer production

Amendment

(b) from 1 January **2018**: vinyl chloride monomer production

Or. en

Amendment 328
Michel Dantin, Miroslav Mikolášik

Proposal for a regulation
Annex III – part 1 – point b

Text proposed by the Commission

(b) from 1 January **2019**: vinyl chloride monomer production

Amendment

(b) from 1 January **2025**: vinyl chloride monomer production

Or. fr

Justification

Since sodium methylate or ethylate can be produced without using mercury, the use of mercury in this process should be banned. A transitional period is, however, necessary to give the one or more European enterprises concerned adequate time to convert their production facilities.

Amendment 329
Miroslav Mikolášik, Eduard Kukan, Ivan Štefanec, József Nagy, Branislav Škripek

Proposal for a regulation
Annex III – part 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) Point (b) shall apply for the production of potassium methylate and ethylate and for vinyl chlorid monomer only from 1 January 2021.

Justification

Mercury-free processes for the production of potassium methylate and ethylate and for vinyl chloride monomer already exist only on pilot scale, but to ensure a full mercury-free supply, the European industry needs more time to adapt.

Amendment 330
Michel Dantin

Proposal for a regulation
Annex III – part 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) from 1 January 2025: sodium methylate or ethylate production

Or. fr

Justification

Since there is a procedure for producing sodium methylate or ethylate without mercury that is already widely used around the world, the use of mercury in this process should be banned. A transitional period is, however, necessary to give the European enterprises concerned adequate time to convert their production facilities.

Amendment 331
Jytte Guteland, Christel Schaldemose

Proposal for a regulation
Annex III – part 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) from 10 October 2017: polyurethane using mercury containing catalysts

Or. en

Amendment 332

Massimo Paolucci, Damiano Zoffoli, Tibor Szanyi, Nicola Caputo, Jytte Guteland, Christel Schaldemose, Carlos Zorrinho, Elena Gentile, Simona Bonafè, Renata Briano

Proposal for a regulation

Annex III – part 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) from 1 January 2018: sodium methylate and ethylate production

Or. en

Amendment 333

Michel Dantin

Proposal for a regulation

Annex III – part 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) By way of derogation from Part I, the production of potassium methylate or ethylate shall be permitted for a period of up to ten years from the entry into force of this regulation, provided that no alternative process has been deemed viable.

As soon as appropriate alternative techniques are available within the Union, the Commission shall ban, by means of delegated acts adopted in accordance with Article 17, the mercury-based process concerned.

Or. fr

Justification

Since no mercury-free alternative process for the production of potassium methylate or ethylate has been found to be technically and/or economically viable, a derogation period should be granted until such time as new technologies can be developed.

Amendment 334

Massimo Paolucci, Damiano Zoffoli, Tibor Szanyi, Nicola Caputo, Carlos Zorrinho, Elena Gentile, Simona Bonafè, Renata Briano

Proposal for a regulation

Annex III – part 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) from 1 January 2022: potassium methylate and ethylate production

Or. en

Amendment 335

Jytte Guteland, Christel Schaldemose

Proposal for a regulation

Annex III – part 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) from 1 January 2018: chlor-alkali production

Or. en

Justification

For the sake of clarity, an end-date for the use of mercury in chlor-alkali production should be included in Annex III.

Amendment 336

Jytte Guteland, Christel Schaldemose

Proposal for a regulation

Annex III – part 2 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

The production of sodium or potassium methylate or ethylate shall be carried out in accordance with the following requirements:

The production of sodium or potassium methylate or ethylate shall be ***phased out as quickly as possible and in any event within 10 years of the entry into force of the Convention. Before that date, the***

aforementioned production shall be
carried out in accordance with the
following requirements:

Or. en

Amendment 337

Miroslav Mikolášik, Eduard Kukan, Ivan Štefanec, József Nagy, Branislav Škripek

Proposal for a regulation

Annex III – part 2 – paragraph 2 – introductory part

Text proposed by the Commission

The production of *sodium or* potassium methylate or ethylate shall be carried out in accordance with the following requirements:

Amendment

The production of potassium methylate or ethylate *and vinyl chlorid monomer* shall be carried out in accordance with *point (b) of Part I and* the following requirements:

Or. en

Justification

During the interim period until January 2021, these provisions should apply.

Amendment 338

Susanne Melior

Proposal for a regulation

Annex III – part 2 – paragraph 2 – indent 2

Text proposed by the Commission

- *Reduction of direct and indirect release of mercury and of mercury compounds into air, water and land* in terms of per *tonne of substances produced* by 50% by 2020 *as* compared to 2010; and

Amendment

- *Reduce emissions and releases* in terms of per *unit production* by 50 % by 2020 compared to 2010; and

Or. en

Justification

This is part of the Minamata-Convention Annex B; Part II.

Amendment 339

Norbert Lins, Birgit Collin-Langen

Proposal for a regulation

Annex III – part – paragraph 2 – indent 2

Text proposed by the Commission

- ***Reduction of direct and indirect release of mercury and of mercury compounds into air, water and land*** in terms of per ***tonne of substances produced*** by 50% by 2020 ***as*** compared to 2010; and

Amendment

- ***Reduce emissions and releases*** in terms of per ***unit production*** by 50% by 2020 compared to 2010; and

Or. en

Justification

In order to comply with the Minamata Convention the EU should take the exact wording of Annex B, Part II of the Convention. Changing the text in the Regulation could lead to ambiguity, implementation problems and litigation.

Amendment 340

Pilar Ayuso, Francesc Gambús

Proposal for a regulation

Annex III – part 2 – paragraph 2 – indent 3

Text proposed by the Commission

- At the date of entry into force of this Regulation, the capacity of installations using mercury and mercury compounds for the production of sodium or potassium methylate or ethylate that were in operation before that date ***shall*** not be increased and no new installations ***shall*** be allowed.

Amendment

- At the date of entry into force of this Regulation, the capacity of installations using mercury and mercury compounds for the production of sodium or potassium methylate or ethylate that were ***already*** in operation before that date ***may*** not be increased and no new installations ***may*** be allowed.

Or. es

Amendment 341
Renate Sommer

Proposal for a regulation
Annex III – part 2 – paragraph 2 – indent 3 a (new)

Text proposed by the Commission

Amendment

- ***The use of mercury should not be allowed five years after a mercury-free process for the production of all four alcoholates requiring less energy per ton of substances produced has become technically and economically feasible.***

Or. en

Justification

In line with the Minamata Convention, mercury processes should be phased out, when a technically and economically viable alternative process has become available. This process should fulfil two conditions: it should be suitable for the production of all four alcoholates, i.e. sodium- and potassium methylate and ethylate, and it should be as energy efficient as the alcoholate process.

Amendment 342
Pilar Ayuso, Francesc Gambús

Proposal for a regulation
Annex III – part 2 – paragraph 2 – indent 3 a (new)

Text proposed by the Commission

Amendment

- ***from 1 January 2023 the release of mercury or of mercury compounds into air, water or land shall not be allowed.***

Or. es

Justification

Mercury-free alternatives are already available for the production of sodium or potassium methylate or ethylate. The Convention itself urges the Parties to ensure ‘the phase out of this use as fast as possible’. In the amendments, it is proposed that this be achieved in 2023.

