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Committee on International Trade

2006/0206(COD)

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OPINION

of the Committee on International Trade

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

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

Draftsperson: Jens Holm

PA_Legam

SHORT JUSTIFICATION

The heavy metal mercury is a very dangerous pollutant. As soon as it enters our environment it is spread very easily and can also be transformed into an even more dangerous compound, methyl mercury. This compound accumulates in the food chain, and mostly ends up in fish that people consume. Once it has been released, mercury constitutes a significant threat to human health, animals and the environment for the foreseeable future. There is increasing evidence that the cost to society for public health and environmental damage is probably much higher than had previously been thought.

Mercury and its compounds affect the central nervous system, kidneys, and liver and can disturb auto-immune processes, cause tremors, impaired vision and hearing, paralysis, insomnia, and emotional instability. Mercury compounds cross the placental barrier and can cause developmental deficits during foetal development, and attention deficit and developmental delays during childhood. Even low doses of mercury containing compounds can have serious adverse neurodevelopmental impacts, and have recently been linked with possible harmful effects on the cardiovascular, immune and reproductive systems.

Mercury is today used in industrial processes such as the chlor-alkali industry and artisanal, small-scale gold mining. The metal can also be found in a considerable number of consumer products on sale all over the world. It is in products like fluorescent lamps, electrical components, measuring equipment and dental amalgams. In the EU, the metal is, however, primarily released to nature through the combustion of fossil fuels, especially coal. Mercury is a very mobile metal and can easily travel long distances. The dissemination of mercury constitutes a global problem and there is an urgent need for significant measures.

Thus the strategy concerning mercury which was presented by the Commission at the beginning of 2005 was very welcome. Action 5 in this strategy says "phase out the export of mercury from the Community". This is a particularly important element since the EU is the world's largest mercury exporter. Around 1000 tonnes of raw mercury is every year exported from the EU out of a global total of 3600 tonnes. Most of this mercury ends up in the developing countries, where management and control are less stringent. This poses significant risks of contamination of workers and local communities.

The proposal for a regulation on the banning of exports and the safe storage of metallic mercury was sent to the European Parliament and the Council on 26 October 2006. This proposal represents an important beginning and, at the same time, sends an important signal to the rest of the world that the EU is ready to accept its international responsibility for many of the intentional releases and uses of mercury.

Nevertheless there are certain weaknesses in the proposal which need to be remedied. The suggested modifications aim at making the regulation a genuine tool for reducing the global pool of mercury.

In this respect, the draftsperson proposes a number of amendments that mostly refer to the following points:

- A broadening of the scope of the export ban to include mercury compounds.

- A broadening of the scope of the export ban to include mercury-containing products, which are subject to use and marketing restrictions within the EU.
- The export ban for metallic mercury, mercury compounds and mercury-containing products must be implemented as soon as possible and by 1 January 2008 at the latest.
- A ban on imports of metallic mercury and mercury compounds should be introduced.
- The establishment of a tracking system for the trade of mercury within the Community and also trade with third countries. This would improve the transparency and increase the flow of information for the relevant stakeholders.
- Affected developing countries and countries with economies in transition should be provided with relevant assistance in order to speed up the switch to mercury-free technology and the ultimate elimination of releases and uses of mercury.

AMENDMENTS

The Committee on International Trade calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission ¹	Amendments by Parliament
<p>Amendment 1 Recital 4</p>	
<p>(4) The export of metallic mercury from the Community should be banned in order to significantly reduce the global mercury supply.</p>	<p>(4) The export of metallic mercury <i>and mercury compounds</i> from the Community should be banned in order to significantly reduce the global mercury supply. <i>Member States should have the right to impose broader and more stringent bans in accordance with article 176 of the EC Treaty.</i></p>
<p><i>Justification</i></p> <p><i>It is necessary to broaden the scope of the ban to also include mercury compounds in order to achieve substantial reductions in the global pool of mercury. Member States must have the right to impose more stringent bans.</i></p>	
<p>Amendment 2 Recital 4 a (new)</p>	
<p><i>(4a) The export of products containing mercury, which are subject to use and</i></p>	

¹ Not yet published in OJ.

distribution restrictions within the EU, should also be banned. The Commission should draw up a consolidated list of the products covered which should be updated annually, on the basis of developments under Community law.

Justification

It is necessary to broaden the scope of the ban to also include mercury-containing products, which are subject to use and marketing restrictions within the EU in order to reach substantial reduction in the global pool of mercury. For transparency, these products should be gathered in a consolidated list which should be updated annually by the Commission.

Amendment 3
Recital 7 a (new)

(7a) The import of metallic mercury and mercury compounds should be banned in order to improve environmental protection and public health in the EU.

Justification

To protect the environment and public health in the EU better, and to manage the supply and demand of mercury more effectively, a ban on imports of metallic mercury and mercury compounds should be introduced.

Amendment 4
Recital 8 a (new)

(8a) Member States should submit information on the mercury entering, leaving or being traded across borders within the Community, in order to allow for an assessment of the effectiveness of the instrument in due time.

Justification

Better data on trade flows is needed immediately as shown in the UNEP report on supply, trade and demand information on mercury of November 2006. In this way relevant information will be made available also for comparative purposes at the review process, to demonstrate changes in the markets etc.

Amendment 5
Recital 11 a (new)

(11a) Technical assistance should be provided directly by the Commission and the Member States to developing countries and countries with economies in transition, or indirectly via support for projects by non-governmental organisations (NGOs), especially assistance which facilitates the shift towards alternative mercury-free technologies and the eventual phase-out of uses and releases of mercury and mercury compounds.

Justification

The export ban on mercury might have a significant negative impact in developing countries and economies in transition in the short term, where mercury is, for example, still used in artisan gold mining. Assistance is therefore needed from the EU in order to facilitate the transition to mercury-free technologies.

Amendment 6
Article 5, paragraph 1

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

The Commission shall organise an ***initial*** exchange of information between Member States, ***NGOs*** and the industries concerned ***by 1 July 2010 at the latest.***

Justification

The exchange of information should also include NGOs. A specific date needs to be agreed for the stakeholder meeting to review new data and experiences, as reported by the Member States on the basis of Article 6 as amended.

Amendment 7
Article 5, paragraph 2

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

That exchange shall ***be based on the information collected so far and shall also*** examine the potential need for extending the storage obligation to metallic mercury from other sources and for time limits concerning storage in a facility specifically dedicated to and equipped for the temporary storage of

storage in a facility specifically dedicated to and equipped for the temporary storage of metallic mercury.

metallic mercury.

Justification

For consistency with previous amended articles.

Amendment 8 Article 6, paragraph 2

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

2. Member States shall ***draw up a register of buyers, sellers and traders of mercury and mercury compounds and collect relevant information. They shall*** inform the Commission on the application and market effects of this Regulation in their respective territory ***every two years, no later than 6 months after the end of the period covered. The information shall be provided in a format established by the Commission. The first batch of information shall cover the years 2007-2008 and shall be submitted to the Commission by 30 June 2009 at the latest. The Commission shall publish the information in a concise report within one year of its submission by the Member States, and no later than 30 June 2010.***

Justification

Better data on trade flows is needed immediately as shown in the UNEP report on supply, trade and demand information on mercury of November 2006. In this way relevant information will be made available also for comparative purposes at the review process, to demonstrate changes in the markets etc.

Amendment 9 Article 7, paragraph 1

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

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

Amendment 10
Article 7, paragraph 2

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

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

Justification

To ensure a follow-up of the information collected through the processes stated in articles 5 and 6, a report should be submitted by the Commission with proposals for revision if necessary.

Amendment 11
Article 8

8. ***At least one year before the date set out in Article 1, the*** Commission shall report to the European Parliament and the Council on progress in multilateral activities and negotiations on mercury, assessing in particular the consistency of the ***timing and scope of the*** measures specified in this Regulation with international developments.

8. ***The*** Commission shall report to the European Parliament and the Council ***by 31 December 2009 at the latest*** on progress in multilateral activities and negotiations on mercury, assessing in particular the consistency of the measures specified in this Regulation with international developments.

Amendment 12
Article 8 a (new), paragraph 1

Article 8a

The Commission and the Member States shall, taking into account in particular the needs of affected developing countries and countries with economies in transition, cooperate in promoting technical assistance, including training, for the development of the infrastructure, the capacity and the expertise necessary in order to make progress in the shift towards alternative mercury-free technologies and to eventually phase out uses and releases of

mercury and mercury compounds.

Justification

The export ban on mercury might have significant negative impact in developing countries and in economies in transition in the short term, where mercury is for example still used in artisan gold mining, and assistance is needed from the EU in order to facilitate the transition to mercury free technologies. The wording of this amendment is borrowed from the new proposal for the regulation on export and import of dangerous chemicals.

Amendment 13

Article 8 a (new), paragraph 2

The Commission and the Member States shall also consider giving support to NGOs, which have been especially efficient in delivering those kinds of services.

Justification

Assistance could be considered to be channelled also via NGOs which have significant practical experience of this kind of work.

PROCEDURE

Title	The banning of exports and the safe storage of metallic mercury
References	COM(2006)0636 - C6-0363/2006 - 2006/0206(COD)
Committee responsible	ENVI
Opinion by Date announced in plenary	INTA 14.11.2006
Drafts(wo)man Date appointed	Jens Holm 22.11.2006
Discussed in committee	27.2.2007
Date adopted	21.3.2007
Result of final vote	+: 16 -: 11 0: 0
Members present for the final vote	Kader Arif, Graham Booth, Carlos Carnero González, Béla Glattfelder, Eduard Raul Hellvig, Jacky Henin, Syed Kamall, Ģirts Valdis Kristovskis, Caroline Lucas, Marusya Ivanova Lyubcheva, Erika Mann, David Martin, Georgios Papastamkos, Godelieve Quisthoudt-Rowohl, Tokia Saïfi, Peter Šťastný, Daniel Varela Suanzes-Carpegna, Zbigniew Zaleski
Substitute(s) present for the final vote	Jean-Pierre Audy, Danutė Budreikaitė, Elisa Ferreira, Małgorzata Handzlik, Jens Holm, Eugenijus Maldeikis, Zuzana Roithová
Substitute(s) under Rule 178(2) present for the final vote	Corien Wortmann-Kool, Sepp Kusstatscher