



2016/0023(COD)

12.10.2016

COMPROMISE AMENDMENTS

1 - 10

Draft report
Stefan Eck
(PE584.2204v01-00)

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))

Compromise package 1

Michel Dantin

on behalf of the PPE Group

Massimo Paolucci

on behalf of the S&D Group

Julie Girling

on behalf of the ECR Group

Anneli Jäätteenmäki

on behalf of the ALDE Group

Stefan Eck

on behalf of the GUE/NGL Group

Michèle Rivasi

on behalf of the Verts/ALE Group

Piernicola Pedicini

on behalf of the EFDD Group

Compromise amendment replacing Amendments 17, 18, 43-47, 139, 208 and 209

Amendment 1

Proposal for a regulation

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 ***with negative effects both for the local communities and globally***, and should therefore be ***eliminated in the Union and regulated at international level. It is estimated that small-scale gold mining is practised in 77 countries. Globally, small-scale miners produce between 20 percent and 30 percent of all gold that is mined. The Union should encourage, within the framework of the Minamata Convention, all other Parties to the Convention to cooperate in order to monitor closely through accurate and strict reporting of export and import activity the trade of surplus mercury intended for use in ASGM and to track the transportation of***

mercury in waste.

Or. en

Justification

Amendment 2

Proposal for a regulation Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) Member States and the Union should seek to reduce the human and environmental impact of ASGM activities that use mercury. In developing policy solutions in that regard, the Union and the Member States should take account of the role poverty plays as a cause of ASGM activities. Accordingly, Member States should aim to develop economic alternatives to ASGM activities. In addition, the Union should firmly commit to cooperating with, and providing technical assistance to, the other Minamata Convention Parties.

Or. en

Justification

Amendment 3

Proposal for a regulation Recital 16 b (new)

Text proposed by the Commission

Amendment

(16b) In parallel with addressing economic and social factors, when developing policy solutions for the problem of mercury use in ASGM, Member States should aim to protect communities from the criminal structures involved in ASGM activities and develop solutions to tackle illegal mining activities in general.

Or. en

Justification

Amendment 4

Proposal for a regulation Recital 16 c (new)

Text proposed by the Commission

Amendment

(16 c) Member States that have ASGM activities in which mercury is used on their territory should develop a national action plan as also required by Article

7(3) of the Minamata Convention.

Or. en

Justification

Amendment 5

Proposal for a regulation
Recital 16 d (new)

Text proposed by the Commission

Amendment

(16d) In order to highlight the problem of mercury use in ASGM and allow consumers to make informed decisions when purchasing gold products, the Union should take the steps necessary to promote, among the other Parties to the Convention, the creation of a labelling scheme for gold that has been extracted without recourse to the use of mercury.

Or. en

Justification

Amendment 6

Proposal for a regulation

Recital 16 e (new)

Text proposed by the Commission

Amendment

(16e) The use and the transport of mercury involves health and environmental risks. In order to track mercury use in ASGM activities, the Commission should encourage the Parties to the Minamata Convention to create a worldwide tracking tool. The Commission should aim to model that new tracking tool on the E-PRTR in terms of performance and effectiveness.

Or. en

Justification

Amendment 7

Proposal for a regulation Article 9

Text proposed by the Commission

Amendment

Member States on the territory of which ***more than insignificant*** artisanal and small-scale gold mining and processing activities are carried out shall:

- ***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;
- develop and implement a national plan in

Member States on the territory of which artisanal and small-scale gold mining and processing activities ***using mercury or mercury compounds*** are carried out shall:

- ***eliminate*** the use of mercury and mercury compounds in, and the emissions and releases to the environment of mercury from, such mining and processing;
- develop and implement a national plan in

accordance with Annex IV.

accordance with Annex IV.

The Commission shall encourage the Parties to the Minamata Convention to create a worldwide tracking tool, so that mercury use for ASGM purposes is tracked.

The Commission shall promote among the Parties to the Convention the creation and implementation of a labelling scheme that develops consumer awareness worldwide of the availability of mercury-free extracted gold.

Or. en

Justification

Amendment 8

Proposal for a regulation Annex IV – point (a)

Text proposed by the Commission

Amendment

(a) national objectives and reduction targets;

(a) national objectives and reduction targets *ensuring a full elimination of the use of mercury and mercury compounds;*

Or. en

Justification

Compromise package 2
Michel Dantin
on behalf of the PPE Group

Massimo Paolucci

on behalf of the S&D Group

Anneli Jäätteenmäki

on behalf of the ALDE Group

Stefan Eck

on behalf of the GUE/NGL Group

Michèle Rivasi

on behalf of the Verts/ALE Group

Piernicola Pedicini

on behalf of the EFDD Group

Compromise amendment replacing Amendments 19, 48-53, 142-148 and 210-213, 215-229, 232 and 233

Amendment 9

Proposal for a regulation

Recital 16 f (new)

Text proposed by the Commission

Amendment

(16f) Bucodental health awareness-raising and education is the most effective way of preventing tooth cavities and decay and, hence, of reducing the use of a dental restoration such as dental amalgam. Member States ought to promote bucodental health, for example by setting national objectives.

Or. en

Justification

Amendment 10

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 a total elimination of the use of mercury in dentistry, the*** use of dental amalgam in an encapsulated form and the implementation of amalgam separators, ***which are already widespread in the European Union, 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 ***is, under no circumstances*** released into the environment, but ***is*** collected and subjected to sound ***and legal*** waste management. ***To ensure that amalgam separators are effective, minimum requirements for the performance of equipment and for amalgam waste management by dental practitioners as well as the training of dental practitioners should be guaranteed at Union level.***

In order to protect dental practitioners, patients and the environment from mercury exposure, the use of dental amalgam should be phased out in the European Union as it is already the case in several European countries.

Or. en

Justification

Amendment 11

Proposal for a regulation

PE592.119v01-00

10/10

AM\1106305EN.docx

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 **one year after the date of entry into force of this Regulation**, dental amalgam shall only be used in **pre-dosed** encapsulated form.

Or. en

Justification

Amendment 12

Proposal for a regulation

Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. From one year after the date of entry into force of this Regulation, use of dental amalgam in any form shall be prohibited for the treatment of pregnant or breastfeeding women or individuals who undergo treatment on their deciduous teeth.

Or. en

Justification

Amendment 13

**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 2022.

Or. en

Justification

Amendment 14

**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 ***one year after the date of entry into force of this Regulation***, dental facilities shall be equipped with amalgam separators aimed at retaining and collecting ***all*** amalgam particles, ***including those contained in used water***. Those separators ***shall be*** maintained as required to ensure a high ***and ongoing*** level of retention ***of at***

least 95% of amalgam particles.

Or. en

Justification

Amendment 15

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

Text proposed by the Commission

Amendment

2a. By way of derogation from paragraph 1b (new), the use of dental amalgam shall continue to be allowed in respect of specific medical needs and only when it is strictly necessary for patient-related health reasons and there is no satisfactory alternative.

2b. Notwithstanding paragraphs 1 to 2 b (new) Member States may further restrict the use of amalgam, in accordance with Article 193 TFEU.

2c. Within two years of the date of entry into force of this Regulation, the Member States shall set out how they intend to implement the phase-out of dental amalgam under paragraphs 1a and 1b, and shall also set national objectives for oral health, and communicate them to the Commission.

Or. en

Justification

Compromise package 3

Michel Dantin

on behalf of the PPE Group

Massimo Paolucci

on behalf of the S&D Group

Anneli Jäätteenmäki

on behalf of the ALDE Group

Stefan Eck

on behalf of the GUE/NGL Group

Michèle Rivasi

on behalf of the Verts/ALE Group

Compromise amendment replacing Amendments 11, 32, 33, 80-82, 117, 118, 171-179

Amendment 16

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.

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 *a ban* on the import of mercury *for purposes other than disposal as waste. Such a derogation for mercury imported for disposal as waste should apply until 31 December 2027. In the meantime, the Commission in collaboration with the Member States and the relevant stakeholders should promote and facilitate the capacity building of third countries regarding the treatment 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 *the prohibition 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).

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

Justification

Amendment 17

Proposal for a regulation Article 4 – paragraph 1

Text proposed by the Commission

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

By way of derogation from the first

AM\1106305EN.docx

Amendment

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

The first subparagraph shall not apply to the import of mercury compounds listed in Annex I when such compounds are used as active substances for the manufacturing of homeopathic medicinal products as defined in Article 1(5) of Directive 2001/83/EC of the European Parliament and of the Council.

By way of derogation from the first

PE592.119v01-00

subparagraph, import *shall be allowed in any of the following circumstances:*

– *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.*

subparagraph, import *of mercury and of mercury compounds and mixtures listed in Annex I for disposal as waste shall be permitted until 31 December 2027. The Commission is empowered to adopt delegated acts in accordance with Article 17 to amend this Regulation by extending this derogation, taking into account the conclusions of the report referred to in subparagraph 5.*

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 for developing country Parties to the Minamata Convention, in particular the least developed countries. 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, in relation to all areas and phases of the treatment of mercury, including the disposal as waste.

By 1 January 2026, the Commission shall present an implementation and feasibility report evaluating the capacity-building and technical assistance provided by the Union, its Member States and by relevant stakeholders to third countries, and evaluating whether the situation in the various regions allows for the treatment of mercury as a waste regionally.

By way of derogation from the first subparagraph, the import of recycled mercury in the Union shall be allowed until three years from the date of entry into force of this Regulation.

By 18 months after the date of entry into force of this Regulation, the Commission shall submit to the European Parliament and the Council a report on the use of recycled mercury in the Union, the availability of recycled mercury and

estimations on the future demand for recycled mercury based on the trends and the obligations arising from this Regulation, accompanied, where appropriate, by a legislative proposal for the extension of the derogation for the imports of recycled mercury.

The import of recycled mercury shall be allowed only when the exporting country is a Party to the Convention and the operator has provided certification about the life-cycle of the recycled mercury and the recycling has been done in a licenced recycling facility according to Union standards.

Or. en

Justification

Amendment 18

Proposal for a regulation Annex I – subparagraph 1

Text proposed by the Commission

Mercury compounds:

Mercury (I) chloride (Hg₂Cl₂, CAS RN 10112-91-1)

Mercury (II) oxide (HgO, CAS RN 21908-53-2)

Cinnabar ore

Amendment

Mercury compounds:

Mercury (I) chloride (Hg₂Cl₂, CAS RN 10112-91-1)

Mercury (II) oxide (HgO, CAS RN 21908-53-2)

Cinnabar ore

Mercury (II) nitrate (Hg(NO₃)₂, CAS RN 10045-94-0)

Mercury sulfide (HgS, CAS RN 1344-48-5)

Mercury (II) sulfate (HgSO₄, CAS RN 7783-35-9)

Or. en

Justification

Compromise package 4

Massimo Paolucci

on behalf of the S&D Group

Anneli Jäätteenmäki

on behalf of the ALDE Group

Stefan Eck

on behalf of the GUE/NGL Group

Michèle Rivasi

on behalf of the Verts/ALE Group

Piernicola Pedicini

on behalf of the EFDD Group

Compromise amendment replacing Amendments 3, 21, 54, 58-60, 98 and 157

Amendment 19

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 while 70 % of the mercury contaminated sites are concentrated in industrial regions of Europe and North America; therefore action at local, regional, national and international levels

is required.

Or. en

Justification

Amendment 20

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, when possible.

Or. en

Justification

Amendment 21

**Proposal for a regulation
Chapter IV - title**

Text proposed by the Commission

Storage and disposal of mercury waste

Amendment

Storage and disposal of mercury waste ***and contaminated sites***

Or. en

Justification

Amendment 22

**Proposal for a regulation
Article 12 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3a. By 30 June 2018, the Commission shall adopt delegated acts in accordance with Article 17, supplementing this Regulation by establishing a tracing tool in order to include information concerning the waste transfers from the contaminated sites. Via this tool, the operator of the decontamination or the

managing authority of the contaminated sites shall communicate on a yearly basis the amount of mercury waste and its mercury content, if the threshold of total mercury and its compounds in waste produced exceeds 5 kg/year in total;

Or. en

Justification

Amendment 23

Proposal for a regulation Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12 a

Contaminated sites

1. By one year after the date of entry into force of this Regulation, Member States shall identify the sites contaminated by mercury or mercury compounds within their territory, and communicate the list of those sites to the Commission and identify the nature of the contamination.

2. By 30 June 2018, the Commission shall adopt delegated acts, in accordance with Article 17, supplementing this Regulation by laying down methods and approaches for the ecologically sustainable management and remediation of sites contaminated by mercury or mercury compounds, which shall include:

(a) engagement of the public

(b) assessment of human health and environmental risk

(c) decontamination measures, taking into account the different national approaches for decontamination

(d) evaluation of outcomes.

3. By 1 January 2020, the Member States shall adopt and submit to the Commission their national strategies for the decontamination of the identified sites within their territory. Those strategies may be integrated into national decontamination strategies covering several substances.

4. By 18 months after the date of entry into force of this Regulation, the Commission shall set up an inventory of the sites contaminated by mercury or mercury compounds and by 1 June 2021 the national strategies shall also be included in the inventory. This information shall be publicly available including on the internet. The Commission shall monitor the implementation of the national strategies.

Or. en

Justification

Compromise package 5
Michel Dantin
on behalf of the PPE Group
Massimo Paolucci
on behalf of the S&D Group
Anneli Jäätteenmäki
on behalf of the ALDE Group
Stefan Eck
on behalf of the GUE/NGL Group
Michèle Rivasi
on behalf of the Verts/ALE Group
Piernicola Pedicini
on behalf of the EFDD Group

Amendment 24

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 **net** environmental and health benefits and that no technically feasible mercury-free alternatives providing such benefits are available.

Or. en

Justification

Amendment 25

Proposal for a regulation

Article 8 – paragraph – 1 (new)

Text proposed by the Commission

Amendment

-1. By one year after the date of entry into force of this regulation, economic operators shall notify the competent authorities of all their existing products and manufacturing processes containing or using mercury and/or mercury compounds, including data on the total quantities as well as the quantities per product of mercury used for the previous year.

Or. en

Justification

Amendment 26

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 ***that were not notified to the competent authorities one year after the date of entry into force of this Regulation*** shall be prohibited.

Or. en

Justification

Amendment 27

**Proposal for a regulation
Article 8 – paragraph 2**

Text proposed by the Commission

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

This paragraph shall not apply to processes manufacturing and/or using mercury added products others than those falling under paragraph 1.

Amendment

2. Manufacturing processes involving the use of mercury and/or mercury compounds that *were not notified to the competent authorities one year after the date of entry into force of this Regulation* shall be prohibited.

Or. en

Justification

Amendment 28

**Proposal for a regulation
Article 8 – paragraph 3**

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 concerned and provide them, with the following:

- a technical description of the product or process concerned;
- an assessment of its environmental and health risks;
- 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

3. By way of derogation from paragraphs 1 and 2 **and only where a new mercury-added product or new manufacturing process would provide significant net environmental and health benefits and where no technically feasible mercury-free alternatives providing such benefits are available, in the event that** 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:

- evidence demonstrating the absence of technically feasible mercury-free alternatives providing net environmental and health benefits;

- a technical description of the product or process concerned;
- an assessment of its environmental and health risks **and benefits;**

– a detailed explanation of the manner in which such product or process must be manufactured, used and operated **and, disposed of after use as waste in order** to ensure a high level of protection of the environment and of human health.

Or. en

Justification

Amendment 29

Proposal for a regulation Article 8 – paragraph 4

Text proposed by the Commission

4. 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.

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.

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

Amendment

4. 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 **net** environmental and health benefits and that no technically feasible mercury-free alternatives providing such benefits are available.

The *Commission* shall adopt **delegated** acts **in accordance with Article 17 to supplement this Regulation** in view of specifying whether the relevant new mercury-added product or new manufacturing process is allowed.

Or. en

Justification

Compromise package **6**
Michel Dantin
on behalf of the PPE Group
Massimo Paolucci
on behalf of the S&D Group
Anneli Jäätteenmäki
on behalf of the ALDE Group

Stefan Eck

on behalf of the GUE/NGL Group

Michèle Rivasi

on behalf of the Verts/ALE Group

Piernicola Pedicini

on behalf of the EFDD Group

Compromise amendment replacing Amendments 71-78, 292-305, 307 and 308

Amendment 30

Proposal for a regulation

Article 15 – paragraph 1 – letter (b)

Text proposed by the Commission

(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;

Amendment

(b) information needed for the fulfilment by the Union and by the Member States of its reporting obligation established under *Articles 8, 9 and* 21 of the Minamata Convention;

Or. en

Justification

Amendment 31

Proposal for a regulation

Article 15 – paragraph 1 – letter (c)

Text proposed by the Commission

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

Amendment

(c) a summary of the information gathered in accordance with Article 12 *and Article 13.3*;

Justification

Amendment 32

Proposal for a regulation

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

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 stocks ***and sites*** of mercury, ***mercury compounds or mercury waste*** exceeding ***cumulatively*** 50 metric tonnes, which are located in their territory, ***as well as the amount*** of mercury ***compounds and mercury waste at each site;***

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

Justification

Amendment 33

Proposal for a regulation

Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall inform the Commission, via a public Union register, of the amounts and location of disposed mercury waste, and the assurances that these have been managed in an environmentally sound manner.

Any transfer of mercury and mercury compounds between industrial installations in a Member State shall be recorded by that Member State and reported to the Commission.

Or. en

Justification

Amendment 34

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

Text proposed by the Commission

Amendment

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.

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

Or. en

Justification

Amendment 35

Proposal for a regulation
Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15a

Reporting by the Commission and review

The Commission shall assess the alignment of this Regulation and of Directive 2010/75/EU on industrial emissions, with articles 8 and 9 of the Minamata Convention and the Convention's provisions related to the use of, most effective BAT and best environmental practices to control mercury releases from relevant mercury sources, such as the revised Best Available Techniques Reference Documents.

This assessment shall be communicated to the Parliament and to the Council at the latest one month before the first CoP of the Minamata Convention takes place, and at the latest on 7 January 2019 in accordance to Article 73(1) of the Industrial Emissions Directive.

Within one year after the first CoP of the Minamata Convention, the Commission shall re-assess if the Union legislation is aligned with the provisions adopted in the first CoP, pursuant to article 8 and 9 as well as relevant revised Best Available Techniques Reference Documents of the

Minamata Convention.

The Commission shall report to the Parliament and to the Council on its findings of these assessments and, if appropriate, accompany them by a legislative proposal.

The Commission shall, no later than 31 December 2025 carry out a review of this Regulation, inter alia in light of the developments on the Minamata Convention and the implementation of this Regulation. If appropriate, the review shall be accompanied by a legislative proposal amending this Regulation. The review shall consider the possibility of including measures to reduce the use of mercury in industrial activities and of phasing out its use as quickly as possible and in any event within 10 years of the entry into force of the Convention.

Or. en

Justification

Compromise package 7

Massimo Paolucci

on behalf of the S&D Group

Anneli Jäätteenmäki

on behalf of the ALDE Group

Stefan Eck

on behalf of the GUE/NGL Group

Michèle Rivasi

on behalf of the Verts/ALE Group

Piernicola Pedicini

on behalf of the EFDD Group

Compromise amendment replacing Amendments 11, 34, 35, 37, 83-88, 119-121, 180-183, 185, 188 and 314-321

Amendment 36

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 ***not complying with the limits established by the applicable Union legislation, should be phased-out with an ultimate short-term target that all products containing intentionally added mercury*** should be prohibited; ***in the meantime, continued use should be strictly monitored and meet the conditions set out in Articles 3 and 4 of this Regulation.***

Or. en

Justification

Amendment 37

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.***

Justification

Amendment 38

**Proposal for a regulation
Article 5 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. The Commission shall by 1 January 2018 lay down a list of all mercury-added products imported, exported or manufactured in the Union which are not listed in Annex II.

Or. en

Justification

Amendment 39

**Proposal for a regulation
Article 5 – paragraph 2**

Text proposed by the Commission

2. The prohibition laid down in paragraph 1 shall not apply to the following mercury-added products:
- products essential for civil protection and military uses;
 - products for research, ***calibration of instrumentation***, for use as reference standard.

Amendment

2. The prohibition laid down in paragraph 1 shall not apply to the following mercury-added products:
- products essential for civil protection and military uses;
 - products for research, for use as reference standard.

Based on the list established pursuant to paragraph 1a (new), the Commission is empowered to adopt delegated acts in accordance with Article 17 to amend Annex II in order to prohibit the manufacturing, import and export of mercury-added products by 1 January 2020.

Or. en

Justification

Amendment 40

**Proposal for a regulation
Annex II – part A**

Text proposed by the Commission

<i>Mercury-added products</i>
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. <i>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.</i>

<p>3. Compact fluorescent lamps (CFLs) for general lighting purposes that are ≤ 30 watts with a mercury content exceeding 5 mg per lamp burner.</p>
<p>4. The following linear fluorescent lamps (LFLs) for general lighting purposes:</p> <p>(a) <i>Triband phosphor</i> < 60 watts with a mercury content exceeding 5 mg per lamp;</p> <p>(b) <i>Halophosphate phosphor</i> ≤ 40 watts with a mercury content exceeding 10 mg per lamp.</p>
<p>5. High pressure mercury vapour lamps (HPMV) for general lighting purposes.</p>
<p>6. The following mercury added cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for electronic displays:</p> <p>(a) <i>short length</i> (≤ 500 mm) with mercury content exceeding 3.5 mg per lamp;</p> <p>(b) <i>medium length</i> (> 500 mm and $\leq 1\,500$ mm) with mercury content exceeding 5 mg per lamp;</p> <p>(c) <i>long length</i> (> 1 500 mm) with mercury content exceeding 13 mg per lamp.</p>
<p>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</p>
<p>8. Pesticides, biocides and topical antiseptics.</p>
<p>9. The following non-electronic measuring devices where no suitable mercury-free alternative is available:</p>
<p>(a) barometers;</p>
<p>(b) hygrometers;</p>
<p>(c) manometers;</p>
<p>(d) thermometers;</p>
<p>(e) sphygmomanometers;</p>
<p>This entry does not cover the following measuring devices:</p>
<p>(a) non-electronic measuring devices installed in large-scale equipment or those used for high precision measurement;</p>
<p>(b) measuring devices more than 50 years old on 3 October 2007;</p>
<p>(c) measuring devices, which are to be displayed in public exhibitions for cultural and historical purposes.</p>

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, whether or not incorporated in appliances, that contain more than 0,0005% of mercury by weight.</i>	<i>31.12.2020</i>
2. <i>Electrical and electronic equipment, including lamps, switches and relays, that exceed the relevant limit values for mercury as established by Annexes II, III and IV to Directive 2011/65/EU of the European Parliament and the Council.</i>	<i>31.12.2020</i>
<i>deleted</i>	
<i>deleted</i>	
<i>deleted</i>	
<i>deleted</i>	
3. 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. ¹	<i>31.12.2020</i>
4. Pesticides, biocides and topical antiseptics.	<i>31.12.2020</i>
5. The following non-electronic measuring devices: (a) barometers; (b) hygrometers; (c) manometers; (d) thermometers <i>and other non-electrical thermometric applications; ;</i> (e) sphygmomanometers; <i>(e a) strain gauges to be used with</i>	<i>31.12.2020</i>

Compromise amendment replacing Amendments 30, 31, 122, 129, 168-170, 184 and 186

Amendment 41

Proposal for a regulation

Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) This Regulation aims to protect human health. Therefore, it should not prevent the export, import and manufacturing of homeopathic medical products, provided that such products confer significant health benefits and there are no mercury-free active substances available as alternatives.

The anthroposophic medicinal products described in an official pharmacopoeia and prepared by a homeopathic method should be treated, for the purposes of this regulation, in the same way as homeopathic medicinal products.

Or. en

Justification

Amendment 42

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 **and, when such compounds are used as active substances for the manufacturing of homeopathic medicinal products as defined in Article 1(5) of Directive 2001/83/EC of the European Parliament and of the Council¹.**

¹ **Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67).**

Or. en

Justification

Compromise package 9

Michel Dantin

on behalf of the PPE Group

Massimo Paolucci

on behalf of the S&D Group

Anneli Jäätteenmäki

on behalf of the ALDE Group

Stefan Eck

on behalf of the GUE/NGL Group

Michèle Rivasi

on behalf of the Verts/ALE Group

Piernicola Pedicini

on behalf of the EFDD Group

Compromise amendment replacing Amendments 15, 89-93, 131-136, 193 and 322-342

Amendment 43

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 alcoholates involving the use of mercury as an electrode should be phased out and replacement with feasible mercury-free production processes should take place as soon as possible.*** In the absence of relevant available mercury-free production processes ***for*** potassium methylate or ethylate, ***the deadline for their phasing out should be longer.***

In order to enable industry to make investments sufficiently in advance, a date should 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. en

Justification

Amendment 44

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

Amendment

The Commission ***is*** empowered to adopt delegated acts in accordance with Article 17 ***to supplement this Regulation*** in order

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.*

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. en

Justification

Amendment 45

**Proposal for a regulation
Annex III – part 1 – points a and b**

Text proposed by the Commission

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

Amendment

- (a) from 1 January **2018: where mercury is used as a catalyst**
- (b) **within four years after the date of entry into force of this Regulation: where mercury is used as an electrode**

Or. en

Justification

Amendment 46

**Proposal for a regulation
Annex III – part 1 – points (b a) (new – (b d) (new)**

Text proposed by the Commission

Amendment

- (ba) By way of derogation from Part I point (a) the production of vinyl chloride monomer shall be permitted for a period**

of three years from the date of entry into force of this Regulation.

(bb) By way of derogation from Part I point (b) the production of potassium methylate or ethylate shall be permitted for a period of four years from the date of entry into force of this Regulation.

The Commission is empowered to adopt delegated acts in accordance with Article 17 to amend this Regulation in order to extend the derogation for a period of maximum 10 years from the date of entry into force of this Regulation, provided that no appropriate alternative techniques are available.

(bc) By way of derogation from Part I point (a), from 10 October 2017: polyurethane using mercury containing catalysts.

(bd) By way of derogation from Part I point (b), from 11 December 2017: for the chlor-alkali production where mercury is used as an electrode.

Or. en

Justification

Amendment 47

Proposal for a regulation Annex III – part 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 sodium or potassium methylate or ethylate shall be carried out in accordance with **point (b) of part I** and the following requirements:

Or. en

Justification

Amendment 48

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

Text proposed by the Commission

Amendment

- Supporting research and development in respect of mercury-free processes;

Or. en

Justification

Compromise package **10**

Michel Dantin

on behalf of the PPE Group

Massimo Paolucci

on behalf of the S&D Group

Anneli Jäätteenmäki

on behalf of the ALDE Group

Stefan Eck

on behalf of the GUE/NGL Group

Michèle Rivasi

on behalf of the Verts/ALE Group

Piernicola Pedicini

on behalf of the EFDD Group

Compromise amendment replacing Amendments 20, 29, 61-69, 151-156, 166, 167 and 249-290

Amendment 49

Proposal for a regulation
Recital 18

Text proposed by the Commission

Amendment

(18) **Most of the criteria established in**

(18) **Due to the hazardous properties of**

PE592.119v01-00

44/44

AM\1106305EN.docx

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.

mercury, its high market value and its compact volume as a result of which it is very attractive for black market procurement, the criteria for temporary storage should be different from those for permanent disposal. In order to ensure its long-term safe disposal, permanent disposal of metallic mercury should be prohibited and it should be transformed into mercury sulfide in a in its most irreversible form prior to permanent disposal. . If, after the conversion of the mercury into mercury sulfide, the mercury waste is as safe as after solidification, no further treatment is required. This would also ensure its non-availability as a commodity. Over 6 000 tonnes of metallic mercury waste are expected to 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 transformation 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 transformation of all such waste generated, but only in above-ground facilities.

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

¹ 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

Justification

Amendment 50

Proposal for a regulation
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18 a) Any type of incineration of mercury waste shall be prohibited as it is incompatible with the environmentally sound management of mercury waste.

Or. en

Justification

Amendment 51

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

Text proposed by the Commission

Amendment

6a. 'temporary storage' means the storage of mercury or mercury compounds, defined as mercury waste, for a limited period of time before being subsequently converted into mercury sulfide with the best available technology

possible and solidified before disposed permanently.

Or. en

Justification

Amendment 52

Proposal for a regulation Article 13– paragraph - 1 (new)

Text proposed by the Commission

Amendment

-1. Mercury waste shall be permanently disposed of - in an environmentally sound manner according to the Technical Guidelines of the Basel Convention - and according to the following conditions:

(a) prior to its disposal, the mercury waste is converted into mercury sulfide using best available technology and solidified;

(b) the mercury waste is disposed of in licenced salt mines that are adapted for the disposal of mercury waste, or in licenced deep underground hard rock formations providing a level of safety and confinement equivalent to or higher than that of such salt mines. The mercury waste has been placed in disposal batches and placed in a storage disposal chamber that is sealed and not left open for more than six months;

or

(c) the mercury waste is disposed in licenced above-ground or in licenced subsurface facilities dedicated to and

equipped for the permanent disposal of mercury waste and that provide a level of safety and confinement equivalent to or higher than that of such salt mines;

(d) the specific requirements for the temporary storage of mercury waste as laid down in the first, third, fifth and sixth indents of Section 8 of Annex I () and Annex II to Directive 1999/31/EC shall also apply to permanent disposal facilities of solidified mercury sulfide;

(e) the specific requirements for the temporary storage of mercury waste as laid down in the second and fourth indents of Section 8 of Annex I () and Section 6 of Annex III to Directive 1999/31/EC shall apply to permanent disposal facilities of solidified mercury sulfide where deemed appropriate by the competent authorities of the Member States in charge of implementing that Directive.

Or. en

Justification

Amendment 53

Proposal for a regulation Article 13– paragraph - 1 a (new)

Text proposed by the Commission

Amendment

-1a. By 31 December 2018, the Commission shall draw up a report assessing the safety of the various alternatives for the permanent disposal of

mercury waste, including above, subsurface and underground disposal. The report shall take into account of the risks and benefits of all options. On the basis of the conclusions of the report, the Commission shall identify and present criteria concerning the permanent storage of mercury waste. Those criteria should be introduced in the annexes to Directive 1999/31/EC, when they are amended for the purpose of this Regulation and submit a proposal for the amendment of this Regulation by 31 December 2019.

Or. en

Justification

Amendment 54

Proposal for a regulation Article 13– paragraph 1

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*:

(a) *temporarily stored for more than one year or permanently stored in salt*

Amendment

1. By way of derogation from ***paragraph 1 and from point (a) of Article 5(3)*** of Directive 1999/31/EC^{1a}, mercury waste may be ***temporarily*** stored in ***liquid form, while awaiting to be converted into mercury sulfide and solidified for up to three years, after it becomes waste, subject to the specific requirements for the temporary storage of mercury waste as laid down in Annexes I, II and III to that Directive provided that such storage:***

(a) ***occurs only in licenced above-ground facilities dedicated to and***

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;

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

equipped for the temporary storage of mercury waste, in the proximity either of the last user of the mercury or the operator that will convert it into mercury sulfide and solidify the mercury waste;

(b) *is accompanied by a plan, including a timeframe, for this conversion to mercury sulfide, its solidification and the permanent storage of the mercury waste.*

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

Or. en

Justification

Amendment 55

Proposal for a regulation Article 13– paragraph 2

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:

(a) *Annex I, Section 8 (first, third and fifth indents) and Annex II to Directive*

Amendment

2. *The operators of facilities undertaking the temporary storage or carrying out conversion into mercury sulfide and solidification and solidification of mercury waste shall, as part of the record-keeping required under Article 35 of Directive 2008/98/EC, keep a register containing the following information:*

(a) *for each shipment of mercury waste received:*

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.

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

(ii) the name and contact information of the supplier and the owner of the temporarily stored waste.

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

(i) the quantity of converted into mercury sulfide and solidified mercury waste and its mercury content;

(ii) the destination and the intended disposal operations for the converted into mercury sulfide and solidified mercury waste;

(iii) the certificate provided by the operator undertaking the permanent storage of the converted into mercury sulfide and solidified mercury waste as referred to in paragraph 4;

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

(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 facility at the end of each month.

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

Or. en

Justification

Amendment 56

**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 disposal of mercury waste shall issue a certificate stipulating that the entire shipment of mercury waste has been disposed of permanently in accordance with the specific requirements for the final disposal of mercury waste as laid down in this Regulation and Directive 1999/31/EC. That certificate shall include information concerning the place of disposal.

Or. en

Justification

Amendment 57

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

Text proposed by the Commission

Amendment

2b. Any type of incineration or co-incineration of mercury waste shall be prohibited.

Or. en

Justification

Amendment 58

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

Text proposed by the Commission

Amendment

2c. Member States in which companies that offer conversion technology are established, shall promote the use of conversion of liquid mercury waste into mercury sulfide in third countries.

Or. en

Justification

Amendment 59

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

Text proposed by the Commission

Amendment

2d. By 1 January 2019, the Commission shall create a tool to ensure the traceability of mercury waste throughout the chain and covering all parties involved, in accordance with the provisions of this Regulation and the applicable Union law.

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, conversion facility operators and permanent disposal operators. The reporting shall state the quantity of mercury waste held by each person or entity at all stages in the chain.

Or. en

Justification

Amendment 60

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

Text proposed by the Commission

Amendment

2e. The Commission shall report to the Parliament and the Council before 1 January 2019 on whether the period set

out in paragraph 2 for the temporary storage needs to be changed. The Commission shall, where appropriate, accompany this report with a legislative proposal.

Or. en

Justification