



# Info

## Ban on sale of mercury measuring instruments - MEPs agree two year exemption for barometers

The European Parliament approved, at second reading, a ban on non-electrical mercury thermometers and other mercury instruments for general sale to the public, thereby dropping its earlier call for an open-ended derogation for barometer manufacturers and accepting Council's proposal for a two-year exemption instead. The draft directive prohibiting the sale on the EU market of these devices is part of a broad strategy on mercury, a metal which is highly toxic to humans, ecosystems and wildlife.

Only last month Parliament adopted another report - on the export, import and storage of mercury - which is also part of the strategy.

### Non-electrical devices not banned until now

Electrical measuring devices containing mercury are already covered by existing EU legislation (the RoHS directive). The main product group not yet dealt with by Community law was non-electrical or non-electronic measuring and control equipment, hence this latest directive.

The ban will apply to new fever thermometers for both professional and private use, and also to "other measuring devices intended for sale to the general public (e.g. manometers, barometers, sphygmomanometers, thermometers other than fever thermometers)".

The ban covers only the sale of new devices. Existing instruments can still be repaired or bought and sold second-hand.

### Antiques exempted but barometer makers must switch to non-mercury devices

Parliament - whose rapporteur is María **Sornosa Martínez** (PES, ES) - is highly supportive of the ban on the whole, although it suggested a number of improvements at first reading.

The Council accepted most of Parliament's first-reading amendments, including a demand that the Commission carry out a review of safer alternatives for mercury-containing sphygmomanometers (blood pressure measuring instruments) and other devices in healthcare and other professional and industrial uses.

Another Parliament amendment accepted by Council lays down that mercury measuring devices may be traded if they are more than 50 years old, since they are to be classified as antiques or cultural goods.

However, a further amendment calling for a complete exemption for traditional barometer manufacturers - which Parliament adopted after hearing that such producers constitute a valuable craft industry - was rejected by Council, which instead proposed a two-year transition period. At the recommendation of its Environment Committee, Parliament voted by an overwhelming majority today to approve this alternative, along with the rest of the Council's common position.

### **When does the ban take effect?**

The legislation has to be enacted in national law no later than one year after the directive enters into force (which is expected to happen in the coming weeks or months) and must take effect no later than 18 months after the directive has entered into force. Traditional barometer manufacturers have an additional six months after that point, meaning their exemption could end in late 2009.

### **Dangers of mercury**

Mercury pollution was once regarded as an acute, albeit local, problem but is now understood to be a diffuse, global and chronic phenomenon. Mercury can change in the environment into methylmercury, the most toxic form, exposure to which occurs mostly via diet. It concentrates particularly in the aquatic food chain, making populations with a high intake of fish and seafood especially vulnerable. Direct exposure to mercury via inhalation of vapour and absorption through the skin is also a health risk.

Around 80-90% of all mercury used in measuring devices is used in medical and other thermometers for household use. Many consumer products containing mercury will end up being landfilled, which may lead to slow but long term leaching. Mercury instruments pose a particular risk if they break in the home.

Safer non-mercury alternatives exist for virtually all the instruments covered by the ban. Most mercury measuring devices for consumer use (around two thirds) are imported into the EU, so these producers will be the hardest hit.

### **Debate 9 July Strasbourg, UK MEPs clash on barometers**

**Martin Callanan (EPP-ED, UK, North East, Conservative)** , said: "The only remaining issue to be resolved, as the Commissioner and Mrs Sornosa Martínez pointed out, is that of barometers. I have to say that I remain deeply convinced that both the Commission and the Council, and some Members of this Parliament, have got the argument completely wrong. There is no justification whatsoever for a ban on barometers. They are only being singled out because there is only a relatively small number of companies which still produce them in Europe and they are an easy target as far as the Commission is concerned, to make it look as though they are actually doing something about mercury, whereas the big sources of release of mercury – from power stations, crematoria, etc. – are not being tackled because, of course, to tackle them would be very expensive for Member State governments and local authorities!

It is a completely illogical position to say that antique instruments will be exempted but new instruments will be banned. There are probably more antique instruments being circulated and placed on the market in Europe than there are new instruments being created. It is a very small minority specialist market and Europe brings itself into disrepute by delegitimising, by banning, by forcing out of business, a small number of very entrepreneurial and gifted craftsmen. They can be controlled by a proper licensing and control regime which they have said that they are willing to pay for. That would be by far the most sensible solution rather than an outright ban and to force a number of small companies out of business, thereby losing the skills and traditions that have existed in Europe for several hundred years."

**Linda McAvan (PES, UK, Yorkshire, Labour)** said: "There is an amendment about licensing barometers. Well, that does not address the issue of spillages, accidental damage or waste disposal, landfill and incineration. In the United States in May, somebody found a broken barometer in a storage cupboard in a school. The school was closed for a week. The whole school had to be evacuated and there was a clean-up bill amounting to thousands of dollars. Sixteen US States are moving towards mercury prohibitions on barometers and other equipment. In fact, they are going much further than the European Commission is proposing

to go here today. So anybody who is talking about nanny-state Europe is totally misplaced when they are looking at the barometer issue.

The PSE Group pushed for the two-year phase-out for the barometer industry. We know these are small companies, we know it will pose some difficulties for them, but I think they were aware of the REACH Directive coming their way anyway, and I think this is a sensible compromise."

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