

Restrictions on the marketing of certain measuring devices containing mercury

2006/0018(COD) - 25/09/2007 - Final act

PURPOSE: i) to prohibit the use of fever thermometers and other measuring devices containing mercury and ii) to harmonise laws in the field of measuring and control devices.

LEGISLATIVE ACT: Directive 2007/51/EC of the European Parliament and of the Council amending Council Directive 76/769/EEC relating to restrictions on the marketing of certain measuring devices containing mercury.

BACKGROUND: preventing mercury from entering the waste stream will have enormous benefits for the environment and, in the long terms, human health. In 2005 the Commission released a Communication on a Community mercury strategy in which all uses of mercury were considered. The Communication concluded that certain non-electrical or non-electronic measuring and control equipment containing mercury should be restricted from sale across the EU. Immediate restrictive measures should cover only those measuring devices that are intended for sale to the general public and concerns, in particular, all fever thermometers.

Also, it has been drawn to the Commission's attention that a number of disparities exist between the laws or administrative measures adopted by Member States as regards restrictions on mercury in various measuring and control devices. This had led to the creation of trade barriers and a distortion of competition across the Community.

CONTENT: the purpose of this amending Directive, therefore, is twofold.

Firstly, to ban the use of:

- fever thermometers; and
- other measuring devices intended for sale to the general public (e.g. manometers, barometers, sphygmomanometers, thermometers other than fever thermometers),

by prohibiting their sale in the EU.

The restriction does not apply to:

- measuring devices more than 50 years old; or
- barometers (for decorative purposes).

The continued use of barometers containing mercury for decorative purposes will only apply until 3 October 2009. Mercury barometers that are manufactured by a few small specialist enterprises and which are sold mostly for decorative purposes may have a longer phasing period to allow manufacturers to adapt their business and to move over to the production of mercury-free barometers.

In line with concerns expressed by some EU Member States the Commission will carry out a review on sphygmomanometers in health care and to assess whether safer, more reliable, alternatives exist that are both technically and economically feasible. The restrictions will only apply to the placing on the market of new measuring devices – it will not apply to devices that are already in use or sold second hand.

The second purpose of this Directive is to approximate the laws of the Member States in the field of measuring and control devices by introducing harmonised provision regarding those products containing mercury. Not only will this ensure a high level of human health and environmental protection, it will also help preserve the internal market. To enact this provision, Council Directive 76/769/EEC has been amended accordingly.

ENTRY INTO FORCE: 3 October 2007.

TRANSPOSITION: 3 October 2008.

APPLY: 3 April 2009.