

Dangerous substances, metallic mercury: banning of exports, safe storage

2006/0206(COD) - 21/05/2008 - Text adopted by Parliament, 2nd reading

The European Parliament adopted, by a legislative resolution amending, in the second reading of the codecision procedure, the common position of the Council on the adoption of the Regulation of the European Parliament and of the Council on the banning of exports and the safe storage of metallic mercury. The recommendation for second reading had been tabled for consideration in plenary by Dimitrios **PAPADIMOULIS** (GUE/NGL, EL) on behalf of the Committee on the Environment, Public Health and Food Safety.

The main amendments, which are the result of a compromise between Parliament and Council, are as follows:

- the **export** of metallic mercury (Hg, CAS RN 7439-97-6), cinnabar ore, mercury (I) chloride (Hg 2 Cl 2, CAS RN 10112-91-1), mercury (II) oxide (HgO, CAS RN 21908-53-2) and mixtures of metallic mercury with other substances, including alloys of mercury, with a mercury concentration of at least 95% weight by weight from the Community shall be prohibited from 15 March 2011. Accordingly, the scope of the ban is expanded and will take effect three months earlier than proposed by Council;

-the prohibition shall not apply to exports of compounds referred to above for research and development, medical or analysis purposes. Furthermore, the mixing of metallic mercury with other substances for the sole purpose of export of metallic mercury shall be prohibited from 15 March 2011;

-Parliament's first-reading amendments banning mercury imports into the EU is not included in the compromise. However, the Commission shall organise an exchange of information between the Member States and the relevant stakeholders by 1 January 2010. This exchange of information shall, in particular, examine the need for, *inter alia*, extending the export ban to other mercury compounds, mixtures with a lower mercury content and products containing mercury, in particular thermometers, barometers and sphygmomanometers; and an import ban of metallic mercury, mercury compounds and products containing mercury. The exchange of information shall also consider the research on safe disposal options. The Commission shall organise further exchanges of information when new relevant information has become available;

-the companies concerned in the chlor-alkali industry shall send the following data related to the decommissioning of mercury in a given year to the Commission and the competent authorities of the Member States concerned: (a) best estimate of total amount of mercury still in use in chlor-alkali cell; (b) total amount of mercury stored in the facility; (c) amount of waste mercury sent to individual temporary or permanent storage facilities, location and contact details of these facilities;

-the companies concerned in the industry sectors that gain mercury from the cleaning of natural gas or as a by-product from non-ferrous mining and smelting operations shall provide the following data related to mercury gained in a given year to the Commission and the competent authorities of the Member States concerned: (a) amount of mercury gained, amount of mercury sent to individual temporary or permanent storage facilities; (b) location and contact details of these facilities;

-the companies concerned shall send the data referred to above for the first time one year after entry into force of the Regulation and thereafter each year before 31 May. The Commission shall make the information publicly available in accordance with Regulation (EC) No 1367/2006 on the application of the

provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in environmental Matters to Community institutions and bodies;

-the Commission shall submit a report on safe disposal options to the European Parliament and the Council by 1 January 2010. A proposal for a revision of the Regulation must be presented as soon as possible and not later than 15 March 2013;

-lastly, until 15 March 2011, Member States may maintain national measures restricting the export of metallic mercury, cinnabar ore, mercury (I) chloride, mercury (II) oxide and mixtures of metallic mercury with other substances, including alloys of mercury, with a mercury concentration of at least 95% weight by weight which were adopted in line with Community legislation before the adoption of the Regulation.