

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

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The Communication on a [Community Strategy Concerning Mercury](#) was adopted by the Commission in 2005. The Strategy addresses most aspects of the mercury life cycle. Its key aim is to reduce mercury levels both in relation to human exposure and the environment. It identifies twenty priority actions to be undertaken, both within the EU and internationally. The Strategy was welcomed by Council Conclusions on 24 June 2005 as well as by a [European Parliament Resolution](#) on 14 March 2006.

The Commission expressed its intention to review the mercury strategy as a whole by the end of 2010. This review is based on the findings of an external study and other information available to the Commission. It also fulfils the Commission's obligation to report on progress in multilateral activities according to Regulation (EC) No 1102/2008 on the banning of exports of metallic mercury.

The Commission reports that the implementation of the Mercury Strategy is in an advanced stage, having delivered on almost all actions.

Reduction of mercury emissions: a new legal framework is now in place for large point sources. In the new Industrial Emissions Directive (IED), adopted in 2010, which will replace the IPPC Directive, the role of Best Available Techniques (BAT) and BAT associated emission levels (AEL) is strongly reinforced. They are now to be adopted by the Commission as BAT Conclusions and will have legal effect. The possibility of permitting authorities to deviate from the AEL levels will be restricted and subject to justification according to strict criteria set out in the Directive. It is expected that this will result in an accelerated replacement of mercury-based technologies and reduction of mercury emissions in a range of industrial sectors, in particular cement production, non-ferrous metal industries, large combustion plants, waste incineration and chlor-alkali manufacturing. However, this will require an ambitious transposition and implementation practice in the Member States which will be closely followed and supported by the Commission.

The report also notes that a study on options for reducing **mercury emissions to air from small-scale combustion installations** was finalised in December 2005. According to the findings of the study, this source was estimated to contribute 16% of the total EU mercury emissions. On the basis of these findings, the Commission, in its proposal for the IED, suggested reducing the threshold for the application of the rules applying to large combustion plants from a total rated input of 50 MW to 20 MW. However, the EU legislator maintained the 50 MW threshold and introduced in the Directive a clause requiring the Commission to review by end 2012 the need to control emissions below this threshold and if appropriate come forward with a legislative proposal. The Commission will follow up on this in due course.

Demand for mercury in products: Directive 2007/51/EC amended Council Directive 76/769/EEC relating to restrictions on the marketing of certain measuring devices containing mercury. Fever thermometers as well as other mercury-containing measuring devices (e.g. manometers, barometers, sphygmomanometers, thermometers other than fever thermometers) intended for sale to the general public may no longer be placed on the market. The Directive includes a review clause for a possible extension of the existing restrictions to other measuring devices containing mercury. An extension of this marketing restriction to additional health care devices as well as to measuring devices intended for professional and industrial use is presently under consideration. However, the legal framework has changed with Directive

76/769/EEC being repealed and further marketing restrictions now having to follow the procedures laid down in the REACH Regulation (EC) No 1907/2006. The above-mentioned directive 2007/51/EC has been included in Annex XVII of the REACH Regulation. The

European Chemicals Agency (ECHA) evaluated new scientific evidence and prepared a report proposing to further restrict mercury in measuring devices in healthcare and in other professional and industrial uses. The opinions of the relevant Committees under REACH are expected to be submitted to the Commission in September 2011. The Commission will subsequently decide whether and when the restrictions will enter into force in the EU. In a related development, SCENIHR has recently issued an opinion confirming that reliable alternatives to mercury sphygmomanometers in health care are available.

The Commission sees in particular the necessity to investigate more the issue of **dental amalgam**. The Commission services consulted two Scientific Committees on the use of dental amalgam. The opinions of both Committees were not conclusive regarding the appropriateness of additional regulatory measures to restrict the use of dental amalgam. However, given that some Member States have already substantially restricted the use of dental amalgam in their national health care systems and given that dental amalgam represents the second largest use of mercury in the EU, the Commission has decided to undertake a full lifecycle assessment of this mercury use. The results of this assessment are expected for the end of 2011.

International action is a priority for the coming years. Given the global aspect of the mercury problem, internal EU legislation alone cannot guarantee effective protection of the European citizen. The Commission therefore intends to focus its efforts on the negotiation of a global legally binding instrument on mercury under the auspices of UNEP. In this context, the EU has a lot to offer by having already effective instruments at EU level. Once this international instrument has taken shape, the European Commission will assess which aspects of the mercury life cycle should be subject to additional EU-specific action, including, if needed, additional legislative proposals, and taking into account the 2013 review of the Export Ban Regulation and further progress under the Strategy. This is particularly valid for the additional import and export restrictions suggested by the consultant's review study which need to be assessed against the background of internationally negotiated obligations.