Mercury

2016/0023(COD) - 20/10/2016 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Environment, Public Health and Food Safety adopted the report by Stefan ECK (GUE/NGL, DE) on the proposal for a regulation of the European Parliament and of the Council on mercury, and repealing Regulation (EC) No 1102/2008.

The committee recommended that the position adopted by the European Parliament at first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

Purpose: this Regulation aims to ensure a **high level of protection of human and animal health and the environment** from mercury. 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.

Where appropriate, Member States may **apply stricter requirements** than those laid down in this Regulation.

Restrictions on imports: Members proposed prohibiting the import of mercury as well as its compounds listed in Annex I of the Regulation.

By way of a derogation, the import of mercury and of mercury compounds and mixtures listed in Annex I for disposal as waste shall be allowed until 31 December 2027.

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 countries which are Parties to the Minamata Convention, in particular the least developed countries.

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

Mercury-added products: Members proposed that the export, import and the manufacturing in the Union of the mercury-added products as set out in Annex II shall be prohibited from 30 December 2020. The Commission shall by 1 January 2018 establish a **list of all mercury-added products imported**, exported or manufactured in the Union which are not listed in Annex II. Based on the list, the Commission is empowered to adopt delegated acts to amend Annex II in order to prohibit the manufacturing, import and export of mercury-added products by 1 January 2020.

Members proposed that the Commission should undertake an expert assessment of mercury use in the **manufacture of vaccines**, as also mentioned in the European Parliament Resolution of 14 March 2006, with a view to achieving a restriction of such use and, when appropriate and safe alternatives exist, a **total ban**.

Restrictions for use and storage of mercury and mercury compounds: 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.

The manufacture and placing on the market of mercury-added products that were not notified to the competent authorities shall be **prohibited**.

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

Members also proposed prohibiting the industrial use of mercury as **catalysts** (from 1 January 2018) or **electrodes** (from four years after the date of entry into force of this Regulation).

Small-scale gold mining: 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.

Dental amalgam: Members proposed phasing-out mercury use in dentistry, initially by prohibiting its use for pregnant women and children patients, and after the phase out period, the dental amalgam should be allowed only in specific, very restricted cases.

The use of dental amalgam shall be **phased out by 31 December 2022**.

Dental practitioners shall be responsible for the conditioning and disposal of their waste and shall make sure that these stages are carried out in an environmentally sound manner.

Contaminated sites: Member States shall **identify** the sites contaminated by mercury or mercury compounds within their territory. 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.

Mercury waste: Members proposed that mercury waste shall be **permanently disposed of** - in an environmentally sound manner. Prior to its disposal, the mercury waste is converted into mercury sulfide using the best available technology and **solidified**.

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 that provide a level of safety and confinement equivalent to or higher than that of such salt mines.

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 to this effect.

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

Traceability: 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.

Sanctions and reports: with a view to preventing environmental crime, Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented.

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. The Commission shall, no later than 31 December 2025 carry out a review of this Regulation.