Restrictions on the marketing of certain measuring devices containing mercury

2006/0018(COD) - 21/02/2006 - Document attached to the procedure

COMMISSION'S IMPACT ASSESSMENT

For further information regarding the context of this issue, please refer to the summary of the Commission's proposal for a Directive 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 – COM(2006)0069 final.

1- POLICY OPTIONS AND IMPACTS

For the non-electrical measuring equipment product group, two main policy options were examined in the Commission's extended impact assessment.

1.1- Option 1: no additional action: under this option, no Community action is taken for the time being. Measures are left to Member States and to the private sector. A number of Member States already have national legislation in place banning or restricting various mercury-containing products. However, the scope of those restrictions varies. In addition, more recent studies show a progressive substitution of mercury in thermometers, barometers and blood pressure gauges, especially for use in private households.

1.2- Option 2: marketing and use restriction option: this option would prohibit the marketing of measuring and control devices by means of an amendment to Directive 76/769/EEC. The scope of a limitation under that directive must take into account the feasibility and proportionality of the risk management measure proposed. The information available to the Commission can be considered as sufficient to support a ban on all fever thermometers and other measuring devices for consumer uses. Specialist applications are excluded from the scope of this proposal. Adequate substitutes are not always available, and most specialist professional uses are outside the scope of most national legislation.

*CONCLUSION:***The Commission's preferred option is Option 2.** It was concluded that it would have direct and relatively predictable impact in the EU, thus preventing considerable amounts of mercury entering the waste stream. In this way, it would contribute to a high level of protection of the environment and human health, whilst preserving the internal market, as required by Article 95 of the Treaty.

IMPACTS

- The **economic impact** of the proposed restriction is expected to be small. For measuring devices used by private households, substitutes are available at similar prices. According to the information available, the number of remaining producers in the EU is limited to a small number of enterprises. This is also illustrated by the fact that no sectoral organisation exists on a European or Member State level. The negative impact on the producers has to be balanced against the avoided costs of removing mercury in waste management and of dealing with the impacts of emissions. The measure can be therefore regarded as cost efficient by comparison with some other measures already in place (e.g. restriction of mercury in batteries or in lighting). The impact will be neutral as far as trade is concerned. Some external suppliers would lose a market for their products although at the same time any external suppliers manufacturing mercury-free substitutes would find their market expanded.

- The expected **social impact** from the proposed restriction is largely limited to potential job losses with the producers that cannot switch to the production of substitutes. The comments received in the consultation process indicate that the negative effects on employment would be very limited.
- The main benefit of a restriction on the marketing of certain measuring devices would be a reduction of mercury in the municipal waste stream. There would also be benefits to the **healthcare** waste stream. The overall result would be to have more effective waste management and a reduction of emissions from landfill and incineration. The key long term benefit of reducing mercury emissions will be decreased levels of mercury in the **environment**. This, in turn, will lead to lower levels of human exposure to mercury including methylmercury in fish with resultant health benefits. The measure will also reduce the impacts of mercury in soils and on biodiversity. A reduction in the use of mercury containing measuring devices in households will, in addition, avoid mercury spills in dwellings. Although such spills rarely have a direct effect on human health, they are a source of exposure and of emissions which should be minimised.
- In view of the global and transboundary nature of the environmental and health impacts of mercury, this proposal would also support EU initiatives at international level to promote a global reduction of mercury use.

2- FOLLOW-UP

Following the implementation of the directive, the aim in the short term is to reduce the amount of mercury which is likely to be released to the environment by restricting the placing on the market of new measuring equipment.

As the amount of mercury in existing household equipment is greater than the amount represented by sales of new equipment, the Commission intends to undertake a further separate study on this issue (reference Action 10 of the Community Strategy concerning mercury – COM(2005)0020 final of 28 January 2005).