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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT AND THE COUNCIL**

on the review of the Community Strategy Concerning Mercury

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1. INTRODUCTION

On 28 January 2005, the Commission adopted the Communication to the Council and the European Parliament on a Community Strategy Concerning Mercury¹. 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", as indicated in Section 11 of the Communication. In support of the review, the Commission asked an external consultant to perform a comprehensive study on the implementation of the Strategy.² In addition, a stakeholder consultation meeting with Member States, industry and environmental NGOs was held on 18 June 2010 in Brussels. The final report reflects comments received during the meeting as well as written comments submitted between July and August 2010.

This review is based on the findings of this study and other information available to the Commission. It also fulfils the Commission's obligation to report on progress in multilateral activities according to Article 8(5) of Regulation (EC) No 1102/2008 on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury³. The obligation laid down in Article 8(2) of the Regulation to report on ongoing research activities on safe disposal options is complied with by the study report on "Requirements for facilities and acceptance criteria for the disposal of metallic mercury" available on the Commission's website (see also action 9 below).

2. INTERNATIONAL DEVELOPMENTS

Due to the long range transport properties of mercury, the exposure of people living in the Union as well as the exposure of the EU's environment can not be reduced to an acceptable level through domestic policies alone. Co-ordinated international action is therefore needed to address the mercury problem in a globally effective manner. The Mercury Strategy had this in mind when focusing seven of its actions (actions 14 to 20) on supporting and promoting international activities. The EU

¹ COM(2005)20 final

² http://ec.europa.eu/environment/chemicals/mercury/pdf/review_mercury_strategy2010.pdf

³ OJ L 304, 14.11.2008, p.75

repeatedly requested the UNEP Governing Council to take a decision on the opening of negotiations on a global legally binding instrument on mercury. In February 2009, the Governing Council finally decided to establish an Intergovernmental Negotiating Committee (INC) mandated for developing a global legally binding instrument covering most aspects of the mercury life cycle. The first session of the INC took place in Stockholm, 7-11 June 2010 and the process is aimed at concluding early in 2013. The European Strategy on mercury and its implementation aims at making a significant contribution to this process.

Once the global legally binding instrument is adopted, the Commission will evaluate the need to further review the EU Mercury Strategy in order to fully reflect the new international obligations.

3. THE IMPLEMENTATION OF THE STRATEGY

Overall, there is significant progress in the implementation of the actions decided in 2005. In the following, a short overview on progress is given for all twenty actions. For ease of reference the full text of those actions is reproduced in the Annex.

3.1. Reducing emissions

Action 1: implementation of IPPC

Directive 2008/1/EC⁴ on Integrated Pollution Prevention and Control (IPPC – initially adopted in 1996) is a key legal instrument for reducing mercury emissions. However, the way the instrument was applied by Member States' permitting authorities together with a weak application of Best Available Techniques (BAT) in permits have not allowed for making full use of the reduction potential for mercury emissions. The Commission, therefore, has paid particular attention to redress this situation, in the in-depth revision of the IPPC Directive which has taken place and has led to the new Industrial Emissions Directive (IED)

Indeed, in the new Industrial Emissions Directive (IED), adopted on 8 November 2010, which will replace the IPPC Directive, the role of 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 for 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.

⁴ OJ L24/8 of 29.1.2008

Action 2: development of BAT Reference documents (BREFs)

This is an ongoing exercise. The BREFs for the Chlor-Alkali Manufacturing Industry, Large Combustion Plants, and the Non-Ferrous Metals Industry are currently under review in close co-operation with stakeholders. In this context, mercury emissions will be specifically addressed in this process, in particular with regard to the decommissioning of mercury cell plants in the chlor-alkali industry.

Action 3: emissions from small-scale coal combustion

A study on "Costs and environmental effectiveness of options for reducing mercury emissions to air from small-scale combustion installations" was finalised in December 2005⁵. 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 European 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.

Action 4: management of dental amalgam waste

Dental amalgam is the second biggest use of mercury in the EU. Commission Decision 2000/532/EC⁶ characterises amalgam waste from dental care as hazardous waste, it is therefore subject to the provisions of the recently established Waste Framework Directive⁷. The Commission has reviewed actual practices in dental clinics in Member States through a questionnaire survey carried out in 2005. It was concluded that while in many Member States the installation of amalgam separators is obligatory and appropriate collection schemes have been established, this is not the case throughout the Community.

Mercury emissions from dental cabinets are also subject to EU water legislation. Mercury is classified as priority hazardous substance according to Annex X of the Water Framework Directive (WFD)⁸, thus Member States are obliged in the long term to take measures to cease or phase out the emissions, discharges and losses of this substance. In addition and reflecting the combined approach of the WFD, Directive 2008/105/EC⁹ establishes Environmental Quality Standards in the field of water policy for certain priority substances including mercury and its compounds. In case these standards are not met, Member States have to take measures to comply with them as foreseen by Article 11 of WFD.

⁵ <http://ec.europa.eu/environment/chemicals/mercury/>

⁶ OJ L226/3 of 6/9/2000

⁷ Directive 2008/98/EC, OJ L312/3 of 22.11.2008

⁸ Directive 2000/60/EC, OJ L327 of 22.12.2000

⁹ OJ L348/89 of 24.12.2008

3.2. Reducing supply

Action 5: mercury export ban

On 22 October 2008, the EU legislator adopted Regulation (EC) No 1102/2008¹⁰ on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury. The export ban enters into force on 15 March 2011. Reporting obligations and an information exchange established under the Regulation will allow for assessing the effectiveness of the ban and its impact on the global mercury market.

3.3. Reducing demand

Dental amalgam and measuring equipment applications have been identified as of particular importance as they represent the major volumes of mercury still present in products.

Action 6: use of dental amalgam

The Commission services consulted two Scientific Committees on the use of dental amalgam, the Committee for Environmental and Health Risks (SCHER) and the Committee for Emerging and Newly Identified Health Risks (SCENIHR). The opinions^{11,12} 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.

Action 7: measuring and control equipment containing mercury

The EU legislator adopted on 25 September 2007 Directive 2007/51/EC¹³ amending 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

¹⁰ OJ L304/75 of 14.11.2008

¹¹ http://ec.europa.eu/health/archive/ph_risk/committees/04_scher/docs/scher_o_089.pdf

¹² http://ec.europa.eu/health/archive/ph_risk/committees/04_scenihr/docs/scenihr_o_016.pdf

¹³ OL L257 of 3.10.2007

the procedures laid down in the REACH Regulation (EC) No 1907/2006¹⁴. The above-mentioned directive 2007/51/EC has been included in the Annex XVII "Restrictions on the manufacture, placing on the market and use of certain dangerous substances, mixtures and articles", under the entry 18a, of the REACH Regulation (EC) 1907/2006, as amended by Commission Regulation (EC) No. 552/2009¹⁵. The European Chemicals Agency (ECHA), further to a request from the European Commission based on its obligation contained in the review clause of the restriction on mercury-containing measuring devices, 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 opinion building process of the restriction report prepared by ECHA started with a public consultation on 24 September 2010. 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 opinion¹⁶ confirming that reliable alternatives to mercury sphygmomanometers in health care are available.

Action 8: other products and applications

The study report "Options for reducing mercury use in products and applications and the fate of mercury already circulating in society"¹⁷ addresses most current mercury applications and contains an assessment of options for reducing inputs of mercury to society. This study also covers action 10.

Following the progressive ban of incandescent bulbs from the EU market by the 2005 Eco-design Directive as amended in 2009¹⁸, the Commission addressed the mercury content of increasingly used energy efficient light bulbs. On 24.9.2010, the Commission adopted a Decision amending the Annex to Directive 2002/95/EC (the so-called RoHS Directive) which significantly reduced the limit values for such mercury containing bulbs¹⁹. These light bulbs are also subject to the provisions on separate collection and treatment of Directive 2002/96/EC²⁰ on waste electrical and electronic equipment (WEEE). In addition, the Commission asked the Scientific Committee on Health and Environmental Risks (SCHER) for an opinion on mercury in certain energy-saving light bulbs. The SCHER concluded²¹ that compact fluorescent lamps (CFLs) offer a net, although limited, decrease in total mercury emissions from the lamps and from coal-fired power plants providing electricity for lighting as compared with the other light bulbs considered. The SCHER was also of the opinion that a human health risk for adults due to breakage of such lamps was unlikely. For children SCHER could not conclude on the risk, since data on exposure are missing.

¹⁴ OJ L396/1 of 30.12.2006

¹⁵ OJ L164/7 of 26.6.2009

¹⁶ http://ec.europa.eu/health/archive/ph_risk/committees/04_scenihr/docs/scenihr_o_025.pdf

¹⁷ http://ec.europa.eu/environment/chemicals/mercury/pdf/study_report2008.pdf

¹⁸ Directive 2009/125/EC, OJ L 285, 31.10.2009, p.10

¹⁹ OJ L251/28 of 25.9.2010

²⁰ OJ L37/24 of 13.2.2003

²¹ http://ec.europa.eu/health/scientific_committees/environmental_risks/docs/scher_o_124.pdf

In December 2008, the Commission proposed a recast of the WEEE and of the RoHS Directives which aims, inter alia, at a further reduction of the hazardous substances (including mercury) content in waste and enhanced recollection and recycling targets. A first reading agreement was reached in the co-decision process for RoHS in November 2010, whilst the WEEE proposal is still under examination by the European Parliament and the Council. Directive 2000/53/EC on end-of-life vehicles²² (as last amended in 2010) stipulates a general ban on mercury in materials and components of vehicles. An exemption is still granted for headlight lamps and fluorescent tubes used in instrument panel displays, but this exemption is limited in time until 1 July 2012 (date of vehicle type approval).

Under Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators²³, the maximum allowed content of mercury in batteries and accumulators was significantly lowered as compared to the previous (repealed) Batteries Directive 91/157/EEC.

3.4. Addressing surpluses and reservoirs

Action 9: storage

Regulation (EC) No 1102/2008 of the European Parliament and of the Council on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury stipulates that mercury from selected large-volume sources, in particular the chlor-alkali industry, is to be considered as waste and subject to disposal. Specific criteria for the safe storage of metallic mercury are presently under development and will be adopted by the Commission early 2011. In addition, the European chlor-alkali industry signed a voluntary agreement, committing itself to send surplus mercury only to storage sites that guarantee high safety standards. The reporting obligations under Regulation No 1102/2008 will allow the Commission to monitor closely the implementation of this commitment.

In line with the obligation to keep under review ongoing research activities on safe disposal options, including solidification of metallic mercury (see Article 8(2) of the Regulation), the Commission has commissioned a consultant's report finalised in autumn 2010²⁴. Progress in solidification techniques that are about to hit the market are likely to impact on the development of requirements and criteria for the storage of metallic mercury according to Article 4(3). This work is still ongoing by the time of adoption of this Communication.

Action 10: mercury in products already circulating in society

Work undertaken under this action is reported under action 8.

²² OJ L 269, 21.10.2000, p.34

²³ OJ L 266, 26.9.2006, p.1

²⁴ <http://ec.europa.eu/environment/chemicals/mercury/>

3.5. Protection against exposure

Action 11: mercury in fish and seafood

The European Food Safety Authority (EFSA) has developed refined tools to calculate exposure at a detailed food level and in some specific population groups. The new Comprehensive Food Consumption Database²⁵ contains information on children and adult consumption at individual level capturing age, gender and weight of each participant. If new data on mercury become available, refined exposure assessments can be carried out using the new food consumption database.

National authorities have given more detailed consumption advice concerning mercury in food using the Information Note from the Commission as a basis (see also below under action 12).

In order to further improve the protection of the health of workers who may be exposed to mercury, the Commission adopted Directive 2009/161/EU²⁶ establishing a third list of indicative occupational exposure limit values (IOELVs). This includes an IOELV for mercury and divalent inorganic mercury compounds.

Action 12: information on mercury in food

On the basis of the knowledge acquired under Action 11, the Commission issued an Information Note²⁷ to Member States regarding methylmercury in fish and fishery products on 21 April 2008. This note provides advice on the maximum quantities of certain fish to be consumed by vulnerable groups (pregnant and breast-feeding women and young children), which should be used as guidance by Member States when issuing consumer advice.

3.6. Improving understanding

Action 13: priorities for mercury research

A number of research projects addressing priorities for mercury research have been funded by the EU since 2005. Details of projects funded through the Seventh Framework Programme (FP7) and other research funding mechanisms are available through the Community Research and Development Information Service (CORDIS)²⁸. A grant agreement for a five-year research project on a Global Mercury Observation System (GMOS) with a total cost of 8,8 million euro and involving 24 partners from 24 countries has been recently signed under the FP7 environment programme. The Commission contributes 6,8 million Euro to the overall cost for this project that officially started on 1 November 2010. The objective of GMOS is to provide key information on the atmospheric transport of mercury at global scale that could be used as a basis for the evaluation of the effectiveness of mercury emissions'

²⁵ <http://www.efsa.europa.eu/en/datex/datexfooddb.htm>

²⁶ OJ L338 of 19.12.2009

²⁷ Information note from the EC dated 21 April 2008 on methylmercury in fish and fishery products: ec.europa.eu/food/food/chemicalsafety/contaminants/information_note_mercury-fish_21-04-2008.pdf

²⁸ <http://cordis.europa.eu/search>

reduction strategies. This will be an important contribution in assessing the long-term success of the relevant policies at European and global level.

The EU's financial instrument for the Environment (LIFE) has been used to fund a pilot project on the safe disposal of metallic mercury²⁹. In addition, the European Commission launched in 2009 a study on "Scientific support in relation to the EU Mercury Policy". The objective of the study is to provide the Commission with a solid scientific knowledge base on mercury by analysing and summarising existing research results of policy relevance. It will provide for a consolidated inventory of mercury-related findings from diverse research projects undertaken over the recent years. The results of this study are expected for summer 2011.

3.7. Supporting and promoting international action.

The EU actively supported efforts under the UNEP Global Mercury Programme, in particular those leading to decision 25/5³⁰ of the UNEP Governing Council in February 2009. Decision 25/5 was the starting point for a 3 to 4 year negotiation process that should lead to a global legally binding instrument on mercury (see also chapter 2 and actions 17 & 18). At the global level, the European Commission has provided support to the Group on Earth Observation that has recently initiated a new Task (Global Monitoring Plan for Mercury) aiming to build a global observation system for mercury.

Action 14: input to international fora and activities

In addition to the above, the European Commission and several Member States have engaged in a number of international activities raising awareness as well as seeking solutions for the mercury problem. In this context, an international conference was organised by the European Commission in October 2006 in Brussels. The EU and its Member States are members and participants in several international fora where the mercury issue is discussed³¹. Initiatives have also been taken at individual Member State level, such as IKIMP³² (Integrating Knowledge to Inform Mercury Policy), a 3-year knowledge exchange initiative dedicated to mercury issues in the UK.

Action 15: funding to reduce emissions from coal combustion in third countries

The European Commission has provided funding of €1million to UNEP for carrying out a project on "Reducing mercury emissions from coal combustion in the energy sector". The project currently underway is being lead by the International Energy Agency Clean Coal Centre³³ and focuses on countries with a high dependency on solid fuels in particularly China, India, Russia and South Africa. Furthermore, an open call for proposals on clean coal technologies was published by the European Commission in 2010 for grants targeted at coal-dependent countries, emerging

²⁹ MERSADE project (<http://www.mayasa.es/ing/mersade.asp>); MERSADE LIFE06 ENV/ES/PREP/03

³⁰ http://www.chem.unep.ch/mercury/GC25/GC25Report_English_25_5.pdf

³¹ Including the UNEP Mercury Programme, the Heavy Metals Protocol under the UNECE LRTAP Convention, the OSPAR and Basel Conventions etc

³² <http://www.mercurynetwork.org.uk/>

³³ <http://www.iea-coal.org.uk>

economies and developing countries³⁴. These grants are aimed mainly at capacity building activities and studies and comprise a total budget of 3 million euro. While the project will not focus exclusively on mercury it will help identifying co-benefits of emission control techniques in the coal-based power sector.

Action 16: prior informed consent for the import of mercury

Already since 2003, prior informed consent has been made mandatory for the export and import of mercury compounds through Regulation (EC) No 304/2003 (now replaced by Regulation (EC) No 689/2008³⁵) concerning the export and import of dangerous substances, thereby implementing the Rotterdam Convention on the Prior Informed Consent (PIC) procedure on certain dangerous chemicals and pesticides in international trade. The PIC procedure was also applied to imports of mercury compounds for use as pesticide.

Action 17: Heavy Metals Protocol to the UNECE Convention on Long Range Transboundary Air Pollution

The EU and 20 Member States are Parties to the Heavy Metals Protocol under the UNECE Convention on Long Range Transboundary Air Pollution (LRTAP). The European Commission strongly encourages Member States that have not ratified the Protocol yet to do so the soonest possible. In September 2008, the EU proposed the addition of a number of mercury-containing products to Annex VI of the Protocol. The Executive Body of the LRTAP Convention will decide in December 2010 on the possible opening of a negotiation process and on the scope of the negotiation mandate. However, it will be important to ensure that negotiations under the Heavy Metals Protocol are in line with developments under the future UNEP legally binding instrument on Mercury.

Action 18: support the UNEP Global Mercury Programme

The European Commission is participating in the Global Mercury Partnership Advisory Group and has formally subscribed to the "Mercury Releases from Coal Combustion" Partnership area, while Germany and Italy are members of the "Mercury Waste Management" and "Mercury Air Transport and Fate Research" areas respectively. UNEP Governing Council Decision 25/5 specified the Global Mercury Partnership as one of the main mechanisms for the delivery of immediate actions on mercury during the negotiation process of the global legally binding instrument on mercury.

Action 19: mercury in the gold mining sector

In 2010 the European Commission will provide a financial contribution of €1,5 million to UNDP for setting up the Guiana Shield Facility³⁶. The facility is a multi-donor financial mechanism focused on activities needed to ensure the ecological

³⁴ <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?ADSSChck=1281432803820&do=publi.detPUB&searchtype=AS&Pgm=7573841&debpub=&orderby=upd&orderbyad=Desc&nbPubliList=15&page=1&aoref=129199>

³⁵ OJ L204/14 of 31.7.2008

³⁶ http://ec.europa.eu/europeaid/documents/aap/2010/af_aap_2010_dci-env.pdf

integrity of the Guyana Shield eco-region³⁷. It will fund field-based projects addressing (among others) risks caused by illegal and unregulated gold mining by small scale gold miners (*garimpeiros*) spreading into French Guyana, Suriname, Guyana, Venezuela and Colombia.

Action 20: reduction of mercury supply at the international level

The mandate given by UNEP's Governing Council to the INC in form of Decision 25/5 contains inter alia the reduction of mercury supply, capacity-building for the environmentally sound storage of the substance and the reduction of international trade in mercury. The EU has already made a contribution to the overall goal by adopting the Mercury Export Ban Regulation (see action 5). Within the negotiating process, the EU will advocate its policy approach and explore the possibilities of how it could be appropriately reflected in a future legally binding instrument.

4. CONCLUSIONS

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

For the reduction of mercury emissions, a new legal framework is now in place for large point sources. The implementation of the new Industrial Emissions Directive will allow the EU to realise the considerable emission reduction potential that can be achieved through the application of Best Available Techniques. However, this will require an ambitious transposition and implementation practice in the Member States which will be closely followed and supported by the Commission.

Concerning the demand for mercury in products, current work will continue on the extension of the existing marketing restrictions for certain measuring devices containing mercury to additional devices used in the health care sector, in particular sphygmomanometers and for other professional and industrial uses.

The Commission sees in particular the necessity to investigate more the issue of dental amalgam. The Commission therefore intends to undertake in 2011 a study to assess the issue in more detail with due consideration to all aspects of its lifecycle.

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.

³⁷ <http://www.guianashield.org>

ANNEX

The actions of the Community Strategy Concerning Mercury (full text)

1. REDUCING EMISSIONS

Action 1. The Commission will assess the effects of applying IPPC on mercury emissions, and consider if further action like Community emission limit values is needed, as data under the IPPC and EPER³⁸ reporting requirements are submitted, and in a broader strategy review by the end of 2010. This will include review of the co-benefit effect of controls to be implemented by 1 January 2008 under Directive 2001/80/EC to reduce sulphur dioxide emissions from large combustion plants.

Action 2. The Commission will encourage Member States and industry to provide more information on mercury releases and prevention and control techniques, so conclusions can be drawn in BREFs helping to reduce emissions further. The second edition of the chlor-alkali BREF will include information to address the risk of releases in decommissioning mercury cells.

Action 3. The Commission will undertake a study in 2005 of options to abate mercury emissions from small scale coal combustion, to be considered alongside the broader CAFE assessment.

Action 4. The Commission will review in 2005 Member States' implementation of Community requirements on the treatment of dental amalgam waste, and will take appropriate steps thereafter to ensure correct application.

2. REDUCING SUPPLY

Action 5. As a pro-active contribution to a proposed globally organised effort to phase out primary production of mercury and to stop surpluses re-entering the market as described in section 10, the Commission intends to propose an amendment to Regulation (EC) No. 304/2003 to phase out the export of mercury from the Community by 2011.

3. REDUCING DEMAND

Action 6. In the short term the Commission will ask the Medical Devices Expert Group to consider the use of mercury in dental amalgam, and will seek an opinion from the Scientific Committee on Health and Environmental Risks, with a view to considering whether additional regulatory measures are appropriate.

³⁸ Commission Decision 2000/479/EC of 17 July 2000 on the implementation of a European pollutant emission register (EPER) according to Article 15 of Council Directive 96/61 concerning integrated pollution prevention and control, OJ L192, 28.7.2000.

Action 7. The Commission intends to propose in 2005 an amendment to Directive 76/769/EEC³⁹ to restrict the marketing for consumer use and healthcare of non-electrical or electronic measuring and control equipment containing mercury.

Action 8. The Commission will further study in the short term the few remaining products and applications in the EU that use small amounts of mercury. In the medium to longer term, any remaining uses may be subject to authorisation and consideration of substitution under the proposed REACH Regulation⁴⁰, once adopted.

4. ADDRESSING SURPLUSES AND RESERVOIRS

Action 9. The Commission will take action to pursue the storage of mercury from the chlor-alkali industry, according to a timetable consistent with the intended phase out of mercury exports by 2011. In the first instance the Commission will explore the scope for an agreement with the industry.

Action 10. The Commission will undertake further study in the short to medium term of the fate of mercury in products already circulating in society.

5. PROTECTION AGAINST EXPOSURE

Action 11. In the short term, EFSA will investigate further specific dietary intakes of different types of fish and seafood among vulnerable subpopulations (e.g. pregnant women, children).

Action 12. The Commission will provide additional information concerning mercury in food as new data become available. National authorities will be encouraged to give advice in the light of local specificities.

6. IMPROVING UNDERSTANDING

Action 13. Priorities for mercury research will be addressed in the 7th RTD Framework Programme and other appropriate funding mechanisms.

³⁹ Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations, OJ L 262, 27.9.76.

⁴⁰ Proposal for a Regulation of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency and amending Directive 1999/45/EC and Regulation (EC) {on Persistent Organic Pollutants}, COM(2003) 644 final, 29.10.2003.

7. SUPPORTING AND PROMOTING INTERNATIONAL ACTION

Action 14. The Community, Member States and other stakeholders should pursue input to international fora and activities, and bilateral engagement and projects with third countries, including technology transfer, to address the mercury problem.

Action 15. The Commission will consider establishing a specific funding scheme for research and pilot projects to reduce mercury emissions from coal combustion in countries with a high dependency on solid fuels, e.g. China, India, Russia, etc., similar to the CARNOT programme that promotes the clean and efficient use of solid fuels.

Action 16. The Community should promote an initiative to make mercury subject to the PIC procedure of the Rotterdam Convention.

Action 17. The Community and Member States should continue to support work under the Heavy Metals Protocol to the UNECE Convention on Long Range Transboundary Air Pollution.

Action 18. The Community, Member States and other stakeholders should also support the UNEP Global Mercury Programme, e.g. through review of materials and provision of technical knowledge and human and financial resources.

Action 19. The Community and Member States should support global efforts contributing to reduced use of mercury in the gold mining sector, e.g. the UNDP/GEF/UNIDO Global Mercury Project. They will also consider possibilities to support individual developing countries through the various instruments related to development cooperation assistance, taking national strategies for development into account.

Action 20. To reduce mercury supply internationally, the Community should advocate a global phase-out of primary production and encourage other countries to stop surpluses re-entering the market, under an initiative similar to that of the Montreal Protocol on substances that deplete the ozone layer. To support this objective, the envisaged amendment of Regulation (EC) No. 304/2003 would phase out the export of mercury from the Community by 2011.