

II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

RECOMMENDATIONS

COMMISSION

COMMISSION RECOMMENDATION

of 22 December 2008

on the safe storage of metallic mercury no longer used in the chlor-alkali industry

(notified under document number C(2008) 8422)

(Only the English text is authentic)

(2009/39/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 211, second indent, thereof,

Whereas:

- (1) The Commission has adopted a Community Strategy Concerning Mercury ⁽¹⁾.
- (2) Action 9 of the Strategy stipulates the storage of mercury from the chlor-alkali industry and commits the Commission to explore the scope for an agreement with industry.
- (3) On 24 June 2005, the Council adopted positive Conclusions on the Strategy, inviting the Commission to pursue the safe storage or disposal of mercury, *inter alia*, from the chlor-alkali industry to a timescale consistent with the intended phase out of mercury exports.
- (4) On 14 March 2006, the European Parliament adopted a Resolution welcoming the Strategy, asking the Commission to take action ensuring that all mercury coming from the chlor-alkali industry is safely stored.
- (5) The European Parliament and the Council adopted Regulation (EC) No 1102/2008 of 22 October 2008 on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury ⁽²⁾.

- (6) Euro Chlor, the association of the chlor-alkali industry in Europe, with the support of its member companies, has adopted a commitment on the safe storage of mercury that is no longer needed in the chlor-alkali production process (decommissioned mercury). All companies of the chlor-alkali industry operating within the Community can sign up to this commitment on objective and non-discriminatory terms.

- (7) The Commission is satisfied with the undertakings given by Euro Chlor in its commitment which complements the provisions of the Regulation.

- (8) The commitment fulfils the criteria laid down in the Communication from the Commission on Environmental Agreements at Community Level within the Framework of the Action Plan on the Simplification and Improvement of the Regulatory Environment ⁽³⁾,

HEREBY RECOMMENDS:

1. The members of Euro Chlor as well as other companies of the chlor-alkali industry operating within the Community which will adhere to the Euro Chlor Voluntary Agreement on the Safe Storage of Decommissioned Mercury should use utmost care in selecting storage facilities for decommissioned mercury (i.e. metallic mercury that is not required for the future operation of plants based on the mercury cell process) and undertake to have contracts in place with the operators of such storage facilities that are classified and authorised for the disposal of hazardous waste. Such contracts should be based on objective and non-discriminatory requirements.

⁽¹⁾ COM(2005) 20 final, 28.1.2005.

⁽²⁾ OJ L 304, 14.11.2008, p. 75.

⁽³⁾ COM(2002) 412 final, 17.7.2002.

2. The members of Euro Chlor should engage to respect a high standard of technical requirements with respect to the containment of mercury, the preparation and filling operations as well as the loading and unloading of containers.
3. Euro Chlor should provide relevant data related to decommissioned mercury on an annual basis.

This Recommendation is addressed to Euro Chlor.

Done at Brussels, 22 December 2008.

For the Commission
Stavros DIMAS
Member of the Commission
