



# Environmental and Health NGOs comments on a draft regulation on the EU mercury export ban and storage of surplus mercury

Elena Lymberidi,  
European Environmental Bureau, Zero Mercury Working Group



- Mercury, highly toxic metal, has no respect for national or regional boundaries - contaminates European and global food supplies, posing significant risk to human health, wildlife and the environment.
- NGOs welcome EC initiative
- Strong EU position is necessary, to send a message to the world community that mercury emissions, supply and demand should be reduced to a minimum as rapidly as possible.
- Urgency to proceed ASAP with regulation



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## EU mercury export ban(1)

### 1. **Implementation ASAP, by 2008!** (in any case, not later than January 2011)

- EU is world's larger exporter, most mercury goes to developing world.
- Prohibition of mercury exports will contribute to decreasing demand for mercury as prices will increase. (strongly advocated by UNIDO)
- New mercury production not easily triggered:
  - There is political pressure to decrease production.
  - UNEP GC (2005) calls governments to curb primary production of mercury.
  - Algerian mine is closed since end 2004.
  - Kyrgyzstan production 600tn/y – unlike increase because of difficulties with flooding, maintenance, complex mining conditions, failed privatisation (2003)etc.
  - China's mercury production (600-650 tn/y) devoted for domestic consumption.
- **Political agreement on the export ban has been given by the EU Environment Ministers (June 2005).**
- **The European Parliament already asked for implementation by 2010 at the latest (March 2006)**

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## EU mercury export ban(2)

### 2. Wide scope of export ban needed

- **Metallic mercury**
- **Mercury compounds:**
  - Purpose is to discourage global mercury trading, thus little sense to enable EU export of mercury compounds.
  - A prominent mercury recycler wrote in September 2005:  
*“With regard to the costs of converting mercury into a compound and then recovering the mercury from a compound, our guess is that it shouldn't cost more than \$200 per flask.”*  
Cost is less than one-third of the market price for mercury at present, therefore there is at least an economic rationale.



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## EU mercury export ban(3)

### 2. Wide scope of export ban needed (cont.)

#### •Mercury compounds (cont.)

- **Calomel - Mercurous chloride ( $\text{Hg}_2\text{Cl}_2$ )** – often produced as waste when removing mercury from flue gases during refining of zinc, gold, copper, etc.
- Estimated mercury content of the calomel produced by all of the zinc smelters around the world amounts 284 tonnes annually (of which, possibly 100 tonnes in the EU).
- Easy to convert – back to **elemental mercury**
- It could be exported as a mercury waste or as a compound, after which a third-country processor could recover the mercury rather inexpensively.



## EU mercury export ban(4)

### 2. Wide scope of export ban needed (cont.)

- **Mercury containing products**, already or soon to be subject regulated in the EU
  - EU must be cognisant of the global impacts
  - Avoids double standards
  - Cost effective mercury-free alternatives are available for virtually all mercury containing products.
- **The European Parliament (March 2006) called for wide scope of export ban to include mercury compounds and products containing mercury.**



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## EU mercury export ban(5)

### 3. Trade tracking

- Tracking system of **exports, imports** within, to and from the EU, of **metallic mercury and mercury compounds**
- Transparency
- Developments can be easily assessed by EC, stakeholders
- Level playing field for mercury importers and traders, taking responsibility for their commercial actions with regard to mercury.
- Data from traders to authorities to include: companies' identity, nation, location, quantities involved, purpose of use, etc.
- EU MS provide information to the EC regularly, EC publishes information.
- **Trade tracking requirement should take effect as soon as practically possible and even BEFORE the export ban date.**
- **The European Parliament called as well for a mercury trade tracking system. (March 2006)**



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## EU mercury export ban (6)

### 4. EU Mercury Import ban

- EC should also consider an EU mercury import ban
  - to ensure EU mercury supplies are consistent with EU demand, mandatory storage obligations, and policies encouraging mercury recovery from wastes and products.
  - Protection of EU waste/mercury recyclers – avoiding low-cost mercury flooding EU market.
- Legal question: note Council Regulation No. 1236/2005, restricting the trade of products used for torture and other inhuman punishment.
- EU could undertake very targeted import prohibitions where it is necessary to implement important EU policies.



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## Storage of EU surplus mercury(1)

### 1. Storage conditions

- Temporary storage of de-commissioned mercury from the chlor-alkali industry should be pursued, in storage areas which are secure sites, continuously monitored and located where intervention can take place immediately if necessary.
- The legislative instrument on storage should include minimum conditions such as: continuous monitoring, minimum necessary safety standard, regular and transparent reporting, advance planning and projections, assurance to deliver, penalties and sanctions, etc.
- The European Parliament has called for such an approach as well (March 2006).



## Storage of EU surplus mercury(2)

### 2. Scope of storage

- Not needed mercury supply sources, should be subject to mandatory storage.
- Four primary sources (from least to most environmentally problematic):  
by-product < waste/product recovery < chlor-alkali < primary
- **Metallic mercury from Chlor-alkali industry:**
  - Mandatory storage obligation needed
  - If not: falling mercury prices, severe economic disincentives against environmentally beneficial by-product and waste mercury recovery.
  - Jeopardised of recycling industry's future – more expensive for governments to promote collection programmes for discarded mercury products.

**Proposed legislation to authorise extension to mandatory storage obligation beyond metallic mercury coming from chlor-alkali industry.**



## Storage of EU surplus mercury(3)

### 2. Scope of storage (cont.)

- **Metallic mercury coming from other sources** should be considered for storage, such as:
  - From cleaning of natural gas
  - From cleaning of contaminated land
  - Mercury recovered from products/wastes (considering decreasing mercury use in the EU)
  - By-product mercury from refining of zinc ores, etc.
  - Other.

**Review process needed to authorise extension of scope periodically on basis of supply and demand data.**

**Review to take place BEFORE the export ban date to allow extension when it takes effect.**



## Review of the regulation

- Prior review should be carried out at least one year before the effective export ban date.
- Assuming that the trade tracking system is in place:
  - the review will determine further issues to be included
  - Provide baseline information for comparative purposes when a formal review
  - Without baseline data, the detailed evolution of the market and the market impact of the EU mercury export ban, will be difficultly demonstrated.
- A later former review can also take place after the effective export ban date.



## Concluding remark

A strong EU position is recognition of the EU responsibility for its share of the problems. Ensuring an EU mercury export ban is a pragmatic realisation that there is little point in reducing mercury demand simply within the EU, only to export the unwanted mercury to the developing world where it will be used under far less stringent controls, released, and ultimately be transported back into the EU atmosphere and wind-up in the fish EU citizens consume.