



To the International Trade Committee of the European Parliament

Brussels, 20 March 2007

Environmental and Health NGOsⁱ call for a robust mercury export ban and safe surplus storage Regulation. [Holm report – INTA – 1st reading vote Wednesday 21 March]

The coalition of environmental and health NGOs welcome the Commission's proposal on an EU mercury export ban and the safe storage of surplus mercury. However, we consider that several aspects of the regulation should be strengthened to better ensure protection for human health and the environment given that mercury travels throughout the atmosphere and currently contaminates European and global food supplies at levels posing a major risk to human health, wildlife and the environment.

We therefore urge you to support the rapporteur's report and proposed amendments.

- 1. The proposed ban should be implemented as soon as possible, preferably by 2008ⁱⁱ.**
 - The later the implementation date, the more mercury will go into the world market. The EU is the world's largest mercury exporter, most of which goes to developing countries where it is often haphazardly used and released, contaminating workers and their families, local communities and global food supplies.
 - The European Parliament's resolution in March 2006 requested implementation by 2010.

- 2. The export ban should include mercury compounds and mercury containing products which are prohibited for use in the EU.**
 - Compounds comprise some of the largest global uses of mercury, and therefore represent a significant loophole in the proposal.
 - It makes little sense to permit EU export of mercury compounds, which EU traders could simply produce or trade for export. Converting liquid mercury to a compound, and later reconvert it back may cost about US\$200 per flask. At the current market price of some \$600 per flask, unscrupulous traders could abuse the 'compound loophole', and still make money.ⁱⁱⁱ
 - Including compounds will ensure consistency in the regulation. Although storage of the compound calomel^{iv} is requested, its export is not currently included in the ban.
 - In the EU an estimated 48 tonnes of mercury are recovered from refining of non-ferrous metals, of which about half may be in the form of calomel. Another 50-100 tonnes of mercury could however be recovered from EU calomel.¹ This mercury could therefore be added to the global market, if calomel is not prohibited for export from the EU.
 - Mercury containing products contribute significantly to mercury spills, release at disposal, and therefore both direct health risks and environmental contamination.
 - Cost effective mercury-free alternatives are available for virtually all mercury containing products.
 - The EU should avoid double standards. Mercury-containing products prohibited here should not be exported to countries where they may not yet be regulated.
 - The European Parliament (March 2006) called for the export ban to include mercury compounds and products containing mercury which are or will soon be subject to EU use and marketing restrictions.

Furthermore considering that the proposed measure is motivated by the objectives of protecting the environment and human health, and not by commercial policy considerations, it is clear that the legal basis should refer to the environment and that the Member states shall have the right to adopt more stringent measures.

Technical and financial support to developing countries and NGOs working on the issue could be crucial for those countries' progress towards mercury-free products and processes.

Therefore, **please support amendments 1, 2, 6, 7, 15 and 17 as well as 5 and 16.**

¹ Mercury flows and safe storage of surplus mercury, August 2006, Concorde East/West for EC DG ENV, p.8

3. A trade tracking system should be set up, as soon as possible, to record all imports and exports of elemental and compound mercury between Member States, and between the EU and external countries before and after the effective date of the export ban.

- The tracking system will ensure transparency of the trade, and allow developments that run contrary to the intention and effectiveness of the ban to be easily assessed by the Commission and stakeholders.
- It would create a level playing field for mercury importers and traders, giving them an incentive to take responsibility for their commerce.
- The European Parliament has called for a mercury trade tracking system to be in place before the export ban. (March 2006)

Therefore, **please support amendments 4, 9, 10, 11, 12, 13, 14**

4. The EU should consider prohibiting imports of mercury and mercury compounds;

- To ensure EU mercury supplies are consistent with EU demand, mandatory storage obligations, and policies encouraging mercury recovery from wastes and products.

Therefore, **please support amendments 3 and 8**

The value of a strong EU commitment to tackling mercury problems on the global stage must not be underestimated. Ensuring an EU mercury export ban is a pragmatic acknowledgement that there is little point in simply reducing mercury demand within the EU, only for unwanted mercury to be exported to the developing world under far less stringent controls, released, and ultimately returned to Europe's atmosphere and the fish we eat.

This is a straightforward opportunity to reduce the health risks to millions of EU citizens, and many more globally, that we cannot afford to miss.

ⁱ Environmental NGOS include

The **European Environmental Bureau, (EEB)**, www.eeb.org, is a federation of more than 140 environmental citizens' organisations based in all EU Member States and most Accession Countries, as well as in a few neighbouring countries. These organisations range from local and national, to European and international. The aim of the EEB is to protect and improve the environment of Europe and to enable the citizens of Europe to play their part in achieving that goal.

The **Zero Mercury Working group**, www.zeromercury.org, is an international coalition of more than 48 public interest non-governmental organizations from around the world formed in 2006 by the European Environmental Bureau and the Mercury Policy Project/Ban Mercury Working Group. The aim of the group is to reach 'Zero' emissions, demand and supply of mercury, from all sources we can control, towards eliminating mercury in the environment at EU level and globally."

Health and Environment Alliance (HEAL), <http://www.env-health.org/> is an international non-governmental organisation advocating environmental protection as a means to improving health and well-being. Member groups and organisations represent health, environment, women, health professionals and others. The group has a diverse membership of over 50 groups including non-governmental organisations, professional bodies representative of doctors, nurses and other healthcare workers, academic institutions and other not-for-profit organisations.

Health Care Without Harm Europe (HCWH), www.noharm.org, is an international coalition of hospitals and health care systems, medical and nursing professionals, community groups, health-affected constituencies, labour unions, and environmental. HCWH is dedicated to transforming the health care industry worldwide, without compromising patient safety or care, so that it is ecologically sustainable and no longer a source of harm to public health and the environment.

ⁱⁱ As originally proposed in earlier Commission drafts but also by the Luxembourg Presidency
<http://register.consilium.eu.int/pdf/en/05/st07/st07986.en05.pdf>

ⁱⁱⁱ A recent report prepared for the European Commission indicates the mercury compound 'calomel' is generated in significant quantities in the EU, most commonly in emission control systems at metal smelters. Calomel can readily be processed into commodity mercury at locations outside the EU, thus the ability and experience needed to process and trade calomel for this purpose already exists, Concorde East/West, Mercury Flows and Safe Storage of Surplus Mercury, August 2006, pp. 30-31.

^{iv} IPPC Reference Document on Best Available Techniques in the Non-Ferrous Metals Industries, European Commission, December 2001, p. 134.