



Environmental and Health NGOs' voting list on the proposed amendments for the ENVI vote (3/5/2007) on the EU Export ban and safe storage of mercury (Papadimoulis Report)



Brussels, 2 May 2007

Please also consider the justifications provided in the EEB/ZMWG/HEAL/HCWH letter dated also 26 April 2007.

Para	Am. No	Tabled by	Short description	Remarks/Comments from Secretariat	Vote	Comments
Article 1 (date of ban)	42	Ulmer	Export prohibition of Hg by 1.1.2008		+	<ul style="list-style-type: none"> • 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.
	43 rp (relevant part) 44 rp	Schlyter	Export prohibition of Hg by 1.7.2008	} Falls if 42 adopted } Identical }	+	
		Jørgensen & Westlund	Export prohibition of Hg by 1.7.2008			
	12 rp	Rapporteur	Export prohibition of Hg by 1.1.2009	Falls if 42 or 43/44 adopted	+	
	46 rp	Matsakis	Export prohibition of Hg by 1.1.2010	Falls if 42, or 43/44 or 12 adopted	+	
	45 rp	Hegy	Export prohibition of Hg by 1.7.2010	Falls if 42, or 43/44 or 12 or 46 adopted	+	
Article 1 (scope of ban)	12 rp	Rapporteur	Export prohibition of cinnabar and mercury compounds	Identical	+	<ul style="list-style-type: none"> • Compounds comprise some of the largest global uses of mercury, and represent a significant loophole in the proposal. • EU traders could produce/trade compounds to indirectly export metallic mercury. Converting liquid mercury to a compound, and later reconverting it back is still financially interesting. • Same economic incentive exists to manufacture e.g. mercury chloride and oxide and then recover the mercury after export. • Consistency is needed in the regulation. Storage of the calomel is requested, but its export is not included in the ban. <u>50-100 tonnes of mercury could be recovered from EU calomel and added to the global market.</u>
	46 rp	Matsakis				
	44 rp	Jørgensen & Westlund	Export ban of cinnabar and mercury compounds with mercury content more than 1%	Falls if 12/46 adopted	+	
	43 rp	Schlyter	Export ban of cinnabar and mercury compounds with mercury content more than 5%	Falls if 12/46 or 44 adopted	+	
	45 rp	Hegy	Export ban of cinnabar and Calomel	Falls if 12/46 or 44 or 43 adopted	+	

Article 1, after para 1, add a new para	13	Rapporteur		WITHDRAWN in favour of 48	W	<ul style="list-style-type: none"> 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, and where their disposal is often poorly handled. 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.
Article 1, after para 1, add a new article	47	Jørgensen & Westlund	Export ban of mercury-containing products from 1.7.2008	Linked with 44	+	
	48	Papadimoulis	Export ban of mercury-containing products from 1.7.2009	Falls if 47 adopted Linked with 12	+	
	49	Matsakis	Export ban of mercury-containing products from 1.7.2010	Falls if 47 or 48 adopted Linked with 46	+	
Article 1, after para 1, add a new (Date of ban)	50 rp	Schlyter	Import ban from 1.7.2008	All below on import ban date fall if 14, 51, 50, 52 rp rejected. Linked with 43	+	<p>The EU should consider prohibiting imports of mercury and mercury compounds in order to:</p> <ul style="list-style-type: none"> ensure EU mercury supplies are consistent with EU demand, mandatory storage obligations, and policies encouraging mercury recovery from wastes and products. better protect the EU waste/mercury recyclers – avoiding low-cost mercury flooding EU market. The EU could undertake very targeted import prohibitions where it is necessary to implement important EU policies.
	14 rp	Papadimoulis	Import ban from 1.1.2009	Falls if 50 adopted Linked with 44 and 13	+	
	51 rp	Matsakis	Import ban from 1.1.2010	Falls if 50 and 14 adopted. Linked with 46 and 49.	+	
	52 rp	Hegy	Import ban from 1.7.2010	Falls if 50, 14 or 51 adopted. Linked with 45.	+	
Article 1, after para 1, add a new article (scope of ban)	14 rp	Papadimoulis Matsakis	Import of mercury compounds shall be prohibited	Identical Linked with 46 and 49	+	
	51 rp				+	
	50 rp	Schlyter	Import ban of mercury compounds with mercury concentration above 5%w/w	Falls if 14/51 adopted. Linked with 43	+	
	52 rp	Hegy	Import of calomel shall be prohibited	Falls if 50, 14 or 50 adopted. Last para "MS ...raw products "compatible as an addition. Linked with 45	+	
Article 2	54	Jørgensen & Westlund	<i>MS shall ensureor extracted from cinnabar ..eventually disposed within the EU</i>		+	It will ensure that mercury from primary mining is not becoming available to the EU and global market.
	15	Rapporteur	MS shall ensure... or extracted from cinnabar.....	Falls if 54 adopted Almost identical to 54	+	

	53	Schlyter	From the date....prior to its final disposal (whole text except words "in solidified form") The words ".in solidified form"	Falls if 54 or 15 adopted	+	Final disposal of mercury in liquid form can be dangerous – the EU landfill directive excludes liquid waste from its scope! Therefore only solid waste should be disposed permanently, on the basis of information so far.		
	Split vote				+			
	55 rp	Ayusois.../consideration to designate centralised site for safe storage	Last para "prior ... industry" compatible as an addition		+		
	56	Krupa		Compatible as an addition		+		
Article 2, after para 1, add a new para	57	Sornosa Martínez & Martínez Martínez	Consideration to designate Almaden as a site for safe storage of mercury all over Europe	Falls if 55 adopted		+		
After article 2, add a new article	58	Schlyter	Final disposal of mercury in liquid form shall be prohibited	Linked with 34		+	Temporary storage of surplus mercury in continuously-monitored secure sites located where immediate intervention can take place if necessary, shall be ensured.	
Article 3, para 1, subpara 1	59	Split vote	Schlyter	Introductory sentence.... <i>shall</i> be stored <i>temporarily</i> ...	Para 1 introductory sentence		+	<u>The Commission's proposal to decide on the final disposal of metallic mercury is premature.</u> <ul style="list-style-type: none"> Disposal of liquid wastes is prohibited from the EU Landfill Directive, due to the risks the nature of these waste entail. Disposal for liquid metallic mercury in salt mines raises serious concerns with respect to the environmental safety over the very-long term. Research on converting mercury into more stable form is still ongoing – co-financed by the European Commission – but also in Sweden, but no commercial solution is yet available. US investigation on safe disposal of mercury has been going on for years, but for the moment it is concluded that the safest way is to store mercury in above-ground facilities where continuous monitoring will take place, amongst other defined safety conditions. <u>Until safe disposal techniques are developed and fully evaluated metallic mercury shall be stored temporarily in such a way that it can be retrieved.</u>
			Schlyter	Delete (a) i.e. delete final disposal possibility in underground salt mines	Deletion of letter (a). (If 59 adopted 63 adopted).		+	
			Schlyter	((b) <i>above ground facilities</i> Storage of mercury <i>in a retrievable form</i> prior to its final disposal			+	
			Schlyter <i>in solidified form</i> .	The words "solidified form" NOT TO BE VOTED (Already covered under 53) (Falls if 53 2nd part NOT adopted)		+	
	16	Rapporteur	a) an underground salt mine adapted for <i>temporary storage of metallic mercury prior to its final disposal pursuant to Article 5;</i>	Falls if 59 adopted		+		
	60	Callanan	(a) an underground <i>facility</i> adapted for waste disposal <i>of mercury</i>	Falls if 59 or 16 adopted		–		
	61	Callanan	An installation permitted under the IPPC and equipped, as a part of that permitted installation for temporary storage of metallic mercury pending its final disposal	Falls if 59 or 16 adopted		(-)		

Article 3, para 2	62	Schlyter	... waste <i>and that is destined for temporary storage</i> ... delete ... disposal		+	<ul style="list-style-type: none"> • Minimum conditions for storage should be established ensuring continuous monitoring, minimum safety standards, regular and transparent reporting, advance planning and projections, assurance of delivery, and penalties for failure. • The responsibility for safe final disposal should remain with the Member States and the chlor-alkali industry as appropriate. <p>The European Parliament (March 2006) has called for legally binding measures to safely store excess mercury in secure sites, continuously monitored and located where active intervention can take place immediately if necessary. It also underlined the importance of the polluter-pays principle as far as storage of surplus mercury is concerned.</p>
Article 4	63	Schlyter	Safety assessment for underground storage	Deletion. Falls if 59rp not adopted	+	
	64	Schlyter	... above ground facility..... temporary storage.... In a retrievable form		+	
	65	Krupa	... health protection	Compatible as an addition	+	
	17	Rapporteur	...temporary.... ... an above ground.... Mercury shall be retrievable for safe final disposal pursuant to Art. 5	Para 1 falls if 63 adopted Para 2 falls if 64 adopted Para 3 compatible with 63 and 64	+	
	66	Schlyter	... above ground.... Mercury shall be retrievable for safe final disposal.	Falls if 17 Para 3 adopted	+	
67	Ayuso	...on-going visual and analytical checks on	Compatible as an addition	+		

After article 4, add a new article	18	Rapporteur	Commission to revise the safety assessment adapted for mercury storage		+	
	69	Schlyter	Setting up a fund where chlor-alkali industry will contribute.... Final disposal in solidified form		+	
	19	Rapporteur	Oral am. (Matsakis) Add the following words: "... the fund will be... <i>and other mercury using industries, such as , but not exclusively, the natural gas and non-ferrous industry</i> , proportional..."	Falls if 69 adopted	+	
	68	Ayuso	Other relevant industries shall contribute to the fund	Rest falls if 69 or 19 adopted Compatible with 69 and 19 (but not with oral amendment) as an addition	+	
	70	Schlyter	Info from chlor-alkali and other relevant industries to be provided		+	It shall be ensured by the regulation that relevant industry will provide the necessary information to the EC and Member States, for better monitoring of the movements of this dangerous substance.
Article 5	72	Schlyter	Regular exchange of info with all stakeholders At least once per year First meeting 30 June 2009 With a mercury concentration below 5%w/w Above ground.....retrievalbe form and for adequate final disposal of mercury in solidified form		+	The trade tracking system shall be set up, as soon as possible and <u>BEFORE the export ban date</u> , to provide information periodically and to record all exports and imports of elemental and compound mercury between Member States, and between the EU and external countries.
	20	Rapporteur	Exchange of info with all stakeholders, by 30 June 2010 Deletion of assessing potential need for extending the export ban to compounds and Hg-containing products... in an underground salt mine or an above-ground facility	Falls if 72 adopted	+	<ul style="list-style-type: none"> • Periodical reporting 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.

	71	Ayuso	Exchange of info with all stakeholders , by 30 June 2010... and consider Almaden as a safe storage area	Falls if 55 or 57 NOT adopted Last para " <i>The exchange ... Regulation</i> " compatible as an addition with 72 and 20. Rest falls if 72 or 20 adopted	+	<ul style="list-style-type: none"> • Member States should provide information to the EC regularly, and the EC should make this information public. • The movement of mercury within the industry sector should also be recorded and reported to the Commission, <u>before</u> and after the effective date of the export ban. • The tracking system data should include: companies' identity, country, location, quantities involved, purpose of use, etc. • It shall be ensured that information from the relevant industries is submitted to the Member States regularly; the information shall include figures on the total amount of mercury still in use, recovered upon closure or reconversion of the plant, sent for temporary storage, transfers, amounts stored onsite temporarily etc.
	INTA 6	INTA	Initial exchange of information.... NGOs ...1 ST July 2010	Falls if 72 part 1 is adopted	+	
	INTA 7	INTA	Exchange to be based on the information collected sofar	Compatible as an addition	(-)	
Article 5, after para 2, add a new para	73	Sornosa Martínez & Martínez	The exchange shall analyse the results fo the consideration given to Almaden as the site for safe storage	Falls if 55 or 57 NOT adopted or if 71 adopted	+	
After article 5, add a new article	74	Papadimoul is	MS to provide to the Commission relevant information in relation to the decommissioned mercury	Falls if 70 adopted	+	

Article 6, para 2	21rp	Rapporteur	Draw up a register ...every two years....The EC to publish... Member States The first set of information shall cover 2007-2008 (as an addition) Shall be submitted by 30 June 2009...by..		+	It is very important that the <u>information shall start being collected by the MS as early as possible</u> ; so early data can be compared to more recent data to ensure correct implementation of the regulation, at the time of the review period
	INTA 8	INTA	Identical to 21 (part 1)	Falls if 21 (part 1) adopted	+	
	77	Jørgensen & Westlundby 30 November 2011	Falls if 21 (part 1) 4th part adopted	+	
	76	Ulmerby 31 December 2011...	Falls if 21 (part 1) 4th part or 77 adopted	+	
	75	Hegy	By 30 November 2012 to present informationand calomel	Falls if 21 (part 1) adopted Compatible with 77 or 76 as an addition if 45 rp is adopted, or falls if 45 rp rejected	+	
Article 6, para 3	78 (a)	Schlyter	Information Entering or leaving the community	Deletion	(-)	
	21 (part 2) (a)	Rapporteur	...(a) cinnabar, and mercury compounds	Falls if 78 (part a) adopted and if 12,46 rejected	+	
	79 (a)	Hegy	(a) Cinnabar and calomel	Falls if 78 (a) or 21(a) adopted or if 45 NOT adopted.	+	
	21 (part 2) (b)	Rapporteur	(b) cinnabar, and mercury compounds	Falls if 12/46 NOT adopted	+	
	80	Jørgensen & Westlund	(b)Cinnabar and compounds with mercury concentration above 1%	Falls if 21 (part 2) (b) adopted, and if 44 rp NOT adopted	+	
	78 (b)	Schlyter	(b)Cinnabar and compounds with mercury concentration above 5%	Falls if 21 (part 2) (b) or 80 adopted, and if 43 rp NOT adopted	+	
	79(b)	Hegy	(b) Cinnabar and calomel	Falls if 21b or 80 or 78b adopted or 45 rp NOT adopted	+	
After article 6, add a new article	22	Rapporteur	Penalties shall be ensured in case of infringements		+	Strict implementation of the regulation is needed ensuring penalties where appropriate. Also requested in the European Parliament resolution in March 2006
	23	Rapporteur	Awareness raising to be facilitated		+	

Article 7	24	Rapporteur	Art. 5 and 6...by June 2012	} Identical	+		
	Split vote		The report to be accompanied by proposals for revision.				
	INTA 9	INTA	Identical with 24				
INTA 10	INTA						
Article 7, after para 2, add a new para	81	Ayuso + Sornosa Martínez & Martínez Martínez	Effectiveness and impact of compensation measures to affected area to be evaluated				
Article 8	INTA 11	INTA	By 31 December 2009 the commission to report on international devts		+		
After article 8, add a new article	INTA 12	INTA	Assistance to developing countries		+		
	INTA 13	INTA	Assistance to NGOs		+		
Title	25	Papadimoulis + Schlyter	Title: adding also ... cinnabar ore, mercury compounds and certain mercury-containing products	Falls if 12/46 or 43 or 44 NOT adopted	+		
	1	Rapporteur		WITHDRAWN in favour of 25	W	W	
	26	Hegyí		Falls if 45 NOT adopted or if 25 adopted	+		
Citation 1	27	Schlyter	Legal basis – Art. 133 to be deleted		+	The regulation shall be based on Art. 175 of the EC Treaty and shall allow Member States to implement stricter measures, as early as appropriate. 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 (as allows use of Art. 176 of the EC Treaty).	
Recital 1	28	Krupa	Mercury releases... in local...		+		
Recital 2	2	Rapporteur	As mentioned in the EP resolution		+		
After recital 3, add a new recital	3	Rapporteur	Mercury is not subject to binding restrictions under Multienvironmental Agreements, with the exception of UNECE LRTAP		(-)	Not really relevant to this regulation.	

	29	Ayuso	Consider Almaden for storage and relevant compensation measures		+	
Recital 4	4	Rapporteur	Cinnabar ore and mercury compounds	Falls if 12/46 or 43 or 44 NOT adopted or if INTA 1 adopted	+	
	INTA 1	INTA	...and mercury compounds.... Art. 176 of the EU Treaty to apply for the export ban.	Falls if 12/46 or 43 or 44 NOT adopted	+	In this way MS will have the right to impose broader and more stringent bans.
	30	Hegy	Cinnabar ore and calomel	Falls if 45 NOT adopted Compatible as an addition	+	
After recital 4, add a new recital	32	Papadimoulis	Export of mercury containing products		+	
	5	Rapporteur		WITHDRAWN in favour of 32	W	W
	INTA 2	INTA	Export ban of mercury containing products. EC to draw a list of products covered.	First part falls if 32 adopted Second part "The Commission ... law" compatible as an addition	+	
	6	Rapporteur	Import of cinnabar ore and mercury compounds	Falls if 14 or 50 or 51 NOT adopted	+	
	31	Hegy	Import of cinnabar ore and calomel	Falls if 52 NOT adopted or if 6 adopted	+	
After recital 5, add a new recital	7	Rapporteur	MS shall submit information periodically on metallic mercury , cinnabar ore etc.		+	
Recital 6	33	Schlyter	PARCOM agreed on phasing out mercury cell chlor-alkali plants by 2010temporaryprior to final disposal in solidified formabove-ground retrievable		+	
					+	
After recital 6, add a new recital	34	Schlyter	Mercury shall not be disposed of in liquid form	Falls if 58 NOT adopted	+	
Recital 7	35	Schlyter	Temporary storage,....above ground retrievalbe		+	
	8	Rapporteur	Above ground	Falls if 35 adopted	+	

After recital 7, add a new recital	36	Schlyter	Information to be provided by the chlor-alkali industry		+	
	INTA 3	INTA	Import of metallic mercury and compounds to be banned	Falls if 6 or 31 adopted	+	
Recital 8	37	Schlyter	All stakeholders.... Temporary storage.... Final disposal of mercury , compounds and mercury containing products		+	
	9	Rapporteur	With all stakeholders,	Falls if 37 adopted	+	
After recital 8, add a new recital	INTA 4	INTA	Member states to submit information on mercury entering and leaving the EU	Falls if 7 adopted	+	
Recital 9	38	Schlyter	Temporary		+	
After recital 10, add a new recital	10	Rapporteur	EC and MS to promote awareness raising		+	
After recital 11, add a new recital	11	Rapporteur	Penalties shall be ensured in case of infringements		+	
	INTA 5	INTA	Technical assistance to be provided to developing countries and NGOs		+	
Recital 12	39	Schlyter	Regulation to be based on Art. 175 of the Treaty	Falls if 27 <u>NOT</u> adopted	+	
	40	Krupa	And health protection	Falls if 39 adopted	+	
Recital 13	41	Schlyter	Prior to final disposal in solidified form		+	

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