

EC proposal restricting mercury in certain measuring and control devices

This proposal is following Action 7 of EU Strategy on Mercury

Action 7. The Commission intends to propose in 2005 an amendment to Directive 76/769/EEC13 to restrict the marketing for consumer use and healthcare of nonelectrical or electronic measuring and control equipment containing mercury.

The NGO activities and developments on the issue are presented below in chronological order:

As a follow up of the Commission proposed actions in the EU Strategy on Mercury, and related to action 7, the Commission (DG Enterprise) sent to the NGOs on the 13th May 2005, a working document for the preparation of a proposal for a directive relating to restrictions on the marketing of certain measuring devices containing mercury. With respect to this working document the NGOs submitted their [comments](#) on the **3rd June 2005**. A [press release](#) on the same issue was also published on the same day.

With respect to that directive, the EEB launched a call to all its members and other European organizations working on mercury or relevant issues, in order to contact their respective ministries and put pressure, so that national comments – supporting our case preferably- would be sent to the EC. Twelve Member States were contacted on the issue, which is still open.

On **February 21st, 2006** the European Commission adopted a **proposal for the restriction of mercury in certain non-electrical and electronic equipment**

such as thermometers. Official text can be found

[here](#)

The NGOs reacted on that by a [press release](#) on the same date. Our press release was picked up by several journals (see [press](#)

[clippings/products](#))

and EEB was called by journalists. EPHA-EN were contacted as well and gave an interview at BBC World on the 22nd February.

On **June 19th, 2006** the EEB organised a conference "*EU Mercury surplus management and mercury-use restrictions in measuring and control equipment*", at the Goethe Institute, Brussels. The conference was attended by around 60 persons mainly representing different EU governments, as well as industry and environmental and health NGOs. More details about the conference including the conference report and participants list can be found [here](#)

On the **12 July** and in view of the debate at the **Environment Committee of the European Parliament** (13 July 2006) , on the **EC proposal on restriction of use and marketing of certain measuring and control equipment containing mercury** ,
[a letter with the NGOs' key demands,](#)
was sent to all the MEPs for the Environment committee.

Further to that and in view of the meeting of the **Council Working Group on Harmonisation**(Hazardous Substances) on 7 September 2006, a [briefing](#) was sent on the **6 September** , to the members of this group from the NGOs with their key demands on the issue.

On **September 13, 2006**, the [Environmental Committee](#) of the European Parliament voted on the Commission's proposal for a restriction of certain measuring and control equipment using mercury and the respective rapporteur's report on the issue. The NGOs had sent earlier on a [letter to the ENVI MEPs](#) and [suggested voting list](#) . An additional [letter was sent to the ENVI MEPs from the Health NGO community.](#) The result was very positive and the ENVI COmmittee asked for widening of the scope of the restrictions. Now further to the fever thermometers, also blood pressure devices and other instruments for healthcare should NOT contain mercury - some exemptions will be allowed. New revised text after the vote will be put on line soon. A [press release](#) on the outcome was sent on the

14 September 2006

On **October 27, 2006** the **Council Working Party Technical Harmonisation(Dangerous Substances)**, [published their amendments](#) to the European Commission's proposal for **a directive restricting the marketing and use of certain measuring and control equipment containing mercury.**

The proposed amendments will be placed for voting at the European Parliament November I plenary session (13-16 November). The amendments propose that the European Commission should prepare a report 2 years after entry into force by the directive, on the availability of mercury-free alternatives for sphygmomanometers and other professional and industrial uses, and on the basis of that they should propose, if appropriate, opening the scope of the restriction to also include these devices. Another amendment proposes that barometers should be exempted by the restriction until two years after the entry into force of the directive. These proposals have been discussed already with the European Parliament representatives and are very likely to be adopted at the November Plenary, leading to a first reading agreement.

On **November 14, 2006**, the **European Parliament voted on the *Measuring and Control equipment containing mercury proposal for a directive.***

The NGOs had sent a

[letter](#)

and suggested

[voting list](#)

to all Members of the European Parliament on the 13 November 2006.

The European Parliament has supported a mercury ban on all new fever thermometers (for consumers and healthcare) and all other measuring instruments only intended for consumers. They have supported that barometers should NOT be included in the ban. This was contrary to what the NGOs, the Council and the Commission was hoping.

However, by voting for an exclusion of the barometers from the ban, the European Parliament broke the compromise package which was agreed between Council, Commission and Parliament, and by doing this an immediate agreement and adoption of the directive is not possible.

Now the Council (Member States) have to say whether they would agree with the Parliament's position or not; if they agree we might still have a quick agreement otherwise we will probably go for second reading and an agreement (with or without the barometers) will take longer before it is agreed.

The **European Parliament's adopted text in first reading (14 November 2006)** can be found [here](#) .

It now seems that the Presidency intends to go for a Political Agreement later in December. For that reason the [Environmental NGOs sent a letter](#) to the Ministers part of the Competitiveness council underlining the significance of a strong agreement, on

1 December 2006.

COREPER has now reached political agreement on the basis of the compromised package as discussed in the relevant Council

[document](#)

of

12 December 2006.

The German Presidency is now expected to adopt a common position on the basis of this agreement.

[Council Common Position \(CCP\)](#) was finally adopted on **19 April 2007**. The [NGOs responded with a press release](#)

on the

20 April 2007

. The CCP follows the compromised packaged including that the EC will do a report in two years, on the alternatives to mercury-containing sphygmomanometers and other equipment used in healthcare and other professional uses, and that mercury-barometers will be banned in 2 years time from the date of the adoption of the directive.

Debate on the CCP in the Environment Committee took place on the **7 May 2007**. The Rapporteur

[ornosa \(ES, PSE\) has submitted her report for consideration.](#)

[S](#)

[The Environmental and Health NGOs, have sent their views to the committee on the 7 May 2007.](#)

[An additional note](#) was sent to the Environment committee of the European Parliament on the **4 June**

, calling on the support of the MEPs to the Council Common Position and against the barometer

exemption.

The outcome of the vote was a victory for common sense! and against the barometer exemption! See [NGOs press release](#) on the **4 June 2007**

On **July 9-10, 2007** the European Parliament voted in its plenary session. The amendments tabled to exempt barometers were rejected and therefore the Council Common Position text was adopted by plenary. The adopted text can be seen at <http://register.council.europa.eu/pdf/en/07/st05/st05665-re01.en07.pdf>

Thermometers and all other measuring devices for domestic use will soon be mercury-free. Barometers using the metal will be banned two years later, and by then the Commission will report on the availability of reliable, safer, mercury-free alternative measuring devices, especially blood pressure devices used in hospitals and doctors' practices.

NGOs reacted in a very positive way to this result – [Press release](#) **10 July 2007**:

The final text was published on **2 October 2007** in the Official Journal of the European Union as **Directive 2007/51/EC**, at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:257:0013:01:EN:HTML>
It can be found in all EU languages at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007L0051:EN:NOT>

So this file is closed as far as the legislative process is concerned.

Many thanks to all of you, who helped reaching a good result.

Follow up of the directive

The EC started collecting information mainly on the technical aspects of availability and reliability of Hg-free sphygmomanometers in healthcare, the collection is on-going until end of summer 2008.

The NGOs sent their initial input to the debate on 23 September 2008. HCWH US also published a report with their experiences in substituting mercury with mercury free sphygmomanometers, and this was submitted to the EC as annex.

[EEB/ZMWG/HCWH/HEAL input sent to EC on review of availability/reliability of mercury-free sphygmomanometers in healthcare](#)

Annex [I](#), [II](#), [III](#)

Three meetings of the Limitations Working Group under DG Enterprise (EC) have taken place in June, October and December 2008. Member states and stakeholders have been attending these consultation meetings.

The EC has sent question to the scientific committee (SCENIHR – on Emerging and Newly Identified Health Risks), which will be asked to provide an opinion by end September 2009. Although the process foresees that the SciCom produce a Preliminary opinion which enters into public consultation, this time the SciCom decided that there is no time for that so it will not take place.

To give input to this debate, further to the submitted comments in September 2008, the EEB/ZMWG together with HCWH Europe organized a conference [“EU Mercury phase out in measuring and control equipment”, on the 18 June 2009,](#) in Brussels.


Around 50 persons attended the conference from different EC Directorate Generals (Environment, Industry, Consumer and Health), as well as EU Governments, Medical doctors and experts in validation and calibration issues, recyclers, manufacturers of measuring devices, trade unions and NGOs. The debate was very lively, with good/expert input from the panel and also from the participants. Technical issues on calibration and validation were clarified and the issue was also approached from a clinical view, where it became clear that problems in diagnosis of patients' blood pressure could also depend on doctor's experience, and not necessarily on the device itself. Very positive feedback was received from speakers and the EC.

The new [EEB commissioned study 'Turning up the pressure Phasing out mercury sphygmomanometers for professional uses'](#) was presented and input was provided to the EU debate.

The agenda of the meeting and the presentations can be found on:
http://www.zeromercury.org/EU_developments/090618_Meas_Dev_conference.html

The conference report is available [here](#) .

The conference showed evidence from medical and technical experts, NGOs, hospital representatives and Member states representatives that the transition to mercury-free sphygmomanometer use in clinical diagnosis and monitoring is fully possible. Even when it comes to issues of accuracy, reliability, calibration and use of mercury-free sphygmomanometers on special medical conditions such as arrhythmias and pre-eclampsia.

In October 2009, Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR) published their [Opinion on: Mercury Sphygmomanometers in Healthcare and the Feasibility of Alternatives](#)  pdf (380KB) . Adopted by the SCENIHR during the 4th plenary meeting of 23 September 2009.

Their opinion is along the line of the one NGOs had been expressing - that mercury sphygmomanometers are not needed for normal healthcare practice, nor special cases (hypertension, pre-eclampsia etc) or for calibration purposes. They may only be needed for validation of sphygmomanometers in specialised centers and long term epidemiological studies.

With the occasion of publication of the SCENIHR opinion, [NGOs circulated a press release on 27 October 2009.](#)

As foreseen, DG Enterprise has put together a **report** with all relevant elements and has **sent** this

to ECHA.

(prepared in consideration of the obligation to review the mercury restrictions in Entry 18a of Annex XVII of REACH). The EC has requested the Agency to evaluate it and prepare, if appropriate, an Annex XV Dossier as foreseen by Article 69 of REACH. Subsequently, further discussion and consultation with the stakeholders will be carried out by appropriate means by ECHA when preparing Annex XV restriction report. ECHA will make the finalised Annex XV report publicly available and invite all interested parties to submit comments and contributions (see Art 69(6)).[expected in autumn 2010]

The Risk Assessment and Socio-economic Analysis Committees of ECHA (RAC, SEAC) will give their opinions on the suggested restriction taking into account comments submitted by the interested parties during the public consultation (see Art 70 and 71). [expected by March 2011].

Furthermore, interested parties will have a possibility to comment the draft opinion of SEAC. [expected summer-autumn 2011]

For more information, about the timetables and procedures, please, consult the new ECHA website at http://echa.europa.eu/reach/restriction_en.asp

Please see the [EEB comments on the suggested restrictions on mercury use in measuring devices](#) that was submitted during the public consultation that was concluded on the 24 March 2011. Additional [comments on Phenylmercury compounds](#) were also submitted at the same time.