

To: Vice President Timmermans
Commissioner Vella
Commissioner Andriukaitis
Commissioner Bieńkowska
Commissioner Malmström
Copy: Director General Calleja Crespo
Director General Prats Monné
Director General Evans
Director General Demarty

Brussels, 14 December 2015

Subject: The European Union (EU) and its Member States (MS) should rapidly ratify the Minamata Convention on mercury

Dear Vice President and Commissioners,

In October 2013, the EU was among the first parties to sign the Minamata Convention on Mercury, adopted in Minamata/Kumamoto, Japan. However, 50 countries must first ratify the Convention before it can enter into force and, unfortunately, the EU was not among the first 19 countries to do so.¹ If the EU delays its ratification any further, the implementation of the Convention is likely to be significantly delayed. Therefore, we the undersigned call for the EU and its Member States to expedite the process of ratifying the Convention.

Since 2005, with the Community Strategy Concerning Mercury² as its flagship, the EU has played an important role, pressing for global legally binding solutions to achieve adequate control and reduction of mercury use, supply and demand. Since then the EU has adopted several important policies to reduce exposure to mercury, including taking the lead in banning mercury exports and reducing mercury supply, demand and releases to the environment.

A public consultation on the implementation of the Minamata Convention at EU level was launched in late 2014. Its results, together with the final report of the EC commissioned study (launched in early 2014) concerning the EU legislative gaps vis-à-vis the Minamata Convention and the review of the Regulation on mercury export ban and safe storage, were published at the end of March 2015. The EU roadmap on the ratification and implementation of the Convention was then published in September 2015, and it recognizes the importance of expediting the process:

“This means that impact on EU’s environment as well as the exposure of people living in the Union cannot be reduced to an acceptable level through domestic policies alone. Co-ordinated international action is therefore needed to address the mercury problem in a globally effective manner.”

“In order to ensure the quick implementation of the Convention, the EU itself needs to ratify it as soon as possible (leading by example, and allowing MS to ratify it), and therefore to make sure its *acquis* allows for this ratification. By becoming Party at an early stage, the EU would have a strong voice at the first Conference of the Parties, where important implementing decisions will be taken.”³

¹ <http://www.mercuryconvention.org/Countries>

² <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52005DC0020>

³ http://ec.europa.eu/smart-regulation/roadmaps/docs/2014_env_014_minamata_convention_mercury_en.pdf

Furthermore the effectiveness of EU policies on mercury depends in part on international implementing decisions. So the earlier the EU ratifies, the more likely it can secure the 'added value' of EU wide regulation.

However, the mercury legislative package (which was to be proposed by the EC, including a proposal for a revised mercury Regulation, a Communication and a Council Decision for the Treaty ratification) has been seriously delayed, by almost a year, apparently due to the Better Regulation agenda. This EU delay in ratification may possibly postpone the Convention from entering into force, and is contrary to the leadership role EU has taken to address the global mercury crisis over the last decade. As a result, it appears that the Better Regulation agenda is getting in the way of the EU's international commitments and our ability to lead on critical issues.

It is therefore imperative that the EU Commission expedites its internal process and presents its proposals as soon as possible. We urge the Commission to take all necessary steps including the publication of the EU package, to ensure that ratifications will not be held up by the EU.

As you may be aware, delays in ratification and Convention implementation are already having an adverse effect on the global mercury supply and trade situation. For example, primary mercury mining has increased in Mexico, total mercury production increased in China, and mercury export "hot spots" have shifted to Asia, closer to countries with heavy use of mercury in artisanal and small scale gold mining. Such emissions from outside the EU undermine the health and environmental protection that the EU laws are intended to confer, and could thereby weaken their effectiveness.

In parallel, we also urge the EC to include in its revised mercury regulation proposal measures that go beyond the minimum requirements of the Minamata Convention, as per the outcome of the public consultation. These could include, but not be limited to, banning the export of mercury-containing products that are not allowed on the EU market and phasing out mercury in dental care since safe mercury-free alternatives are available. This is necessary not only for the protection of EU (and world) citizens but also to ensure that the EU leadership role is maintained at the global level through rapid entry into force and effective implementation of the mercury treaty.

In summary, in order to remain a global leader on addressing the global mercury crisis, the EU and its Member States must act quickly to bring the Convention into force. Thank you in advance for your attention to this important issue.

Yours sincerely,

Jeremy Wates, Secretary General
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Also on behalf of:

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