



Environmental and Health NGOs' voting recommendations
EU Export ban and safe storage of mercury (Papadimoulis Report)
ENVI vote 26 March 2008



Brussels, 25 March 2008

Please also consider the justifications provided in the joint NGO letter dated 17 March 2008.

Article	A m.	Tabled by	Short description	Remarks/Comments	Vote
Citation 1	2	Rapporteur	Delete reference to Article 133	The regulation shall be based on Art. 175 of the EC Treaty - allowing Member States to implement stricter measures. The legislation aims to protect environment and human health, not by commerce so the legal basis should refer to the environment and allow more stringent national measures.	+
Art. 1	18	Rapporteur	Export ban of metallic mercury, cinnabar ore, and mercury compounds (concentration above 5% weight by weight (w/w)... by 1 December 2010 .	<ul style="list-style-type: none"> The European Parliament supported this in first reading (June 2007) and in the resolution (March 2006). Including ore and compounds closes a major loophole in the proposal. <u>More than 100 tonnes of mercury compounds were exported from the EU in 2006.</u> Mercury can be recovered or reconverted from different compounds in various ways, many at a substantial profit. 	+
Art. 1, para 1 a (new)	19	Rapporteur	Export of mercury-containing products bannedfrom 1 December 2010.	<ul style="list-style-type: none"> These products in the ban are currently a loophole in the legislation, because they contain large amounts of mercury. <u>The economic impact for the EU from such a ban is likely to be small.</u> Allowing export of these products creates double standards, and a health and environmental problem. This provision, which already applies to soaps under Regulation EC 304/2003 would avoid a one-by-one process of product export bans. 	+
Art. 1 a (new)	20	Rapporteur	Import ban of metallic mercury, cinnabar ore, and mercury compounds (concentration above 5% weight by weight (w/w) ... from 1 December 2010.	The EU should also prohibit import of mercury and mercury compounds ensuring EU mercury supplies are consistent with EU demand, mandatory storage obligations, and policies encouraging mercury recovery from waste and products.	+
Art. 2	21	Rapporteur	From 1 December 2010, Member States shall ensure that mercury + ore (from various sources: chlor alkali industry, gas cleaning, mining + smelting) is considered waste and.... be temporarily stored (...), and eventually disposed of within the Community, in appropriate facilities..., with a safety assessment and relevant permit.	<p>The European Parliament supported this in First Reading (June 2007) The CommonPosition on final disposal seems premature:</p> <ul style="list-style-type: none"> - Disposal of liquid waste is banned under the EU Landfill Directive, due to the risks; - Disposal in salt mines raises serious concerns about long-term environmental safety – <u>Serious accidents can and do happen in salt mines</u> - Sweden and Spain are now conducting research on safe disposal; the USA has concluded the best solution is temporary above ground storage. <p>Until safe disposal techniques are developed and fully evaluated, metallic mercury should be stored temporarily so it can be retrieved in case of problems Minimum conditions for storage should include continuous monitoring, minimum safety standards, regular and transparent reporting, advance planning and projections, assurance of delivery, and penalties for failure.</p>	<p>+</p> <p>+</p>

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Art. 2, para 1 a (new)	38	Hegyi, Martínez Martínez	Prior to any other alternative, consideration shall be given to ...Almadén (Spain) for the safe storage		(+)
	39	Ayuso	Same as Am. 38	Falls if 38 adopted	
Art. 3, para 1, subpara 1	22	Rapporteur	...waste metallic mercury shall be temporarily stored prior to its safe final disposal.: (a) in underground salt mines adapted for the temporary storage of metallic mercury; (b) in above-ground facilities exclusively ...	The European Parliament supported this in First Reading (June 2007) The Common Position on final disposal seems premature: - Disposal of liquid waste is banned under the EU Landfill Directive, due to the risks; - Disposal in salt mines raises serious concerns about long-term environmental safety – <u>Serious accidents can and do happen in salt mines</u> - Sweden and Spain are now conducting research on safe disposal ; the USA has concluded the best solution is temporary above ground storage. Until safe disposal techniques are developed and fully evaluated, metallic mercury should be stored temporarily so it can be retrieved in case of problems Minimum conditions for storage should include ensuring continuous monitoring, minimum safety standards, regular and transparent reporting, advance planning and projections, assurance of delivery, and penalties for failure.	+
Art. 3, para 1, point b	40	Seeber	Delete “more than one year”	Falls if 22 adopted	
Art. 4, para 1	23	Rapporteur	The safety assessment ...for the temporary storage ... shall ensure that the particular risks .. are covered.		+
Art. 4, para 3	24	RapporteurEC to propose acceptance criteriaby 1 July 2009. Deletes ref to disposal.		+
Art. 4, para 3, subpara 1	41	Hegyi, Westlund	... EC to propose acceptance criteria by 1 July 2009 , considering info from exchange, and report on solidification	Compatible to am. 24 as an addition	+
Art. 4 a (new)	25	Rapporteur	...responsibility for safe storage with the storage facility owner. MS to set up a fund... for later safe final disposal	The responsibility for safe final disposal should remain with the Member States and the chlor-alkali industry as appropriate.	+
Art. 5, para 1	26	Rapporteur	... permit issued for a facility for storage.... accompanied by safety assessment pursuant to Article 4(1).		+
Art. 5, para 2	27	Rapporteur	Member States shall draw up a register ... and collect relevant informationregularly ...	The trade tracking system shall be set up, as soon as possible and <u>BEFORE the export ban date</u> , to provide information regularly and record all exports and imports (elemental & compound) within EU and between EU and external countries.	+
Art. 5, para 3	28	Rapporteur	Information to include movement of mercury, cinnabar ore and mercury compounds in & out of the EU until 1 December 2010 ; ...and (b) traded within the Community.	<ul style="list-style-type: none"> • Periodical reporting will ensure transparency of the trade, and help the Commission and stakeholders to quickly detect developments that undermine the ban. • It would create a level playing field for importers and traders, and promote their responsibility. 	+

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Art. 5 a (new)	29	Rapporteur	<i>The companies concerned in the chlor-alkali industry shall send data on decommissioning mercury to the Commission and Member Statecompetent authorities s: (...)</i>		+
Art. 7, para 1	42	Hegyi, Westlund	As above. ...(plus) exchange of information shall, <i>by 1 July 2009 [examine] research on safe disposal options.</i>		+
	30	Rapporteur	Commission to organise an <i>initial</i> exchange of information between Member States and <i>relevant stakeholders by 1 July 2010.</i> This exchange to examine: extending export ban to compounds <i><5% w/w concentration ();</i> extending storage obligation to metallic mercury from other sources; and time limits for temporary storage <i>in a salt mine or above-ground facility.</i>		+
Art. 7, para 1 a (new)	43	Hegyi, Martínez Martínez	<i>1a. The exchange of information to analyse results of study of Almadén as the safe storage site</i>		(+)
	46	Ayuso			
Art. 7, para 2	44	Hegyi, Westlund	Review on solidification, EC report to EP and Council by <i>1 January 2010.</i> EC submit rep. for review of regulation not later than <i>1 July 2012.</i>		+
	31	Rapporteur	Delete phrase on EC to report for revision of the regulation	Text correction – reappears further down in the text	+
Art. 7, para 2 a (new)	45	Hegyi, Martínez Martínez	<i>2a. Six months before the ban ...EC to evaluate the effectiveness and impact of the compensation measures</i>		neutral
Art. 7, para 3	32	Rapporteur	EC to assess ban application + market effects, considering info ... also in <i>Articles 5 and 5a.</i>		+
Art. 7, para 4	33	Rapporteur	EC to submit report/proposal on revision ... <i>asap but no later than 1 July 2012</i> reflecting and evaluating... also the information from <i>the report in paragraph 2.</i>		+
Art. 7, para 5	34	Rapporteur	EC to report to EP and Council by <i>31 December 2009 at the latest</i> on progress in multilateral activities		+
Art. 7 a (new)	35	Rapporteur	<i>Support to developing countries</i>		+

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Art. 8	36	Rapporteur	Until 1 December 2010 , Member States may maintain national measures on export or import of metallic mercury, cinnabar ore and mercury compounds and the export of certain products ,	In reference to am. 18, 19 and 20	+
Title	1	Rapporteur	cinnabar ore, mercury compounds and certain mercury-containing products	integrates into title the AMs on scope	+
Recital - 1 (new)	3	Rapporteur	(-1) This Regulation is motivated by the need to protect human health and the environment.		+
Recital 1	4	Rapporteur	(1) Mercury releases are recognised as a global threat that warrants action at local , regional, national and global level.		+
Recital 2	5	Rapporteur	Refers to European Parliament's resolution of 14 March 2006¹ on the Mercury strategy , ...		+
Recital 3 a (new)	37	Ayuso	Recognition of problems in Almadén (Spain)and considered it advisable to adopt adequate compensation measures		neutral
Recital 4	6	Rapporteur	The export... cinnabar ore and mercury compounds ... Member States to have right to impose more stringent bans (Treaty Article 176) .	In agreement with am. 18 and 19.	+
Recital 4 a (new)	7	Rapporteur	(4a)bans the export of mercury-containing products already, or about to be, prohibited from being placed on the market in the European Union. ...EC to draw a list...		+
Recital 4 b (new)	8	Rapporteur	On Import		+
Recital 5 a (new)	9	Rapporteur	5a) Member States should periodically submit information to the Commission		+
Recital 6	10	Rapporteur	(6) PARCOM (Convention for the Prevention of Marine Pollution from Land-Based Sources) Decision 90/3 agreed to the phase out of mercury cell chlor-alkali plants completely by 2010. ...temporary.... retrievable		+
Recital 7	11	Rapporteur	Seveso Directive to apply to storage facilities		+
Recital 8	12	Rapporteur	...shipment regulation .. temporary storage of metallic mercury		+

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Recital 9	13	Rapporteur	... above-ground retrievable storage. The storage conditions in a salt mine, adapted for the temporary storage of metallic mercury,		+
Recital 10 a (new)	14	Rapporteur	Industry to submit information		+
Recital 11	15	Rapporteur	MS to submit info on permits for temporary storage. Importers, exporters and operators to submit info on movements and use of metallic, ore and compounds .		+
Recital 13	16	Rapporteur	exchange of info with all stakeholders, temporary storage and safe final disposal....		+
Recital 13 a (new)	17	Rapporteur	Assistance to developing countries		+

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