

To: EU Member States Experts
Environment Attaches

Concerns: Input to the Working Party on Environment, 18 February 2011 – Need for strong Council conclusions on the revised Community Strategy Concerning Mercury

16 February 2011

Dear Member State Experts,

It is our understanding that the Council Working Party on Environment (WPE) is currently meeting to develop Council conclusions on the revised EU Mercury strategy as adopted by the European Commission in December 2010. The EEB, HCWH Europe and HEAL are very disappointed with the EC communication.¹ Following our earlier letters to the Environment Ministers, please find below an outline on several ways to strengthen the strategy.

Mercury is a global pollutant that travels long distances. Its most toxic form – methylmercury - accumulates in large predatory fish and is taken up in our bodies through eating fish, with the worst impacts on babies *in utero* and small children, and scientific evidence continues to mount on the negative long term health impacts to society.

With the EU Mercury strategy as its flag, the EU has played a leadership role at the global level, and has been instrumental in the UNEP Governing Council decision where world governments agreed to develop a legally binding instrument on mercury by 2013.

Additional action on mercury from the EU is therefore very important. The stakeholder consultation (June 2010) has confirmed that many Member States also strongly support reinforcement of current action, as well as further action. We think that a robust revised EU Mercury Strategy is imperative not only for the protection of EU citizens, but also fundamental to ensure that the EU leadership role is maintained at the global level (i.e. the intergovernmental negotiations towards the adoption of the mercury treaty by 2013). As recommended further below, the EU should lead the negotiations with its own examples and not fall behind just following global decisions.

During earlier consultation meetings on the strategy, Member States specifically called for immediate action on establishing a sun-set date for the use of mercury in the chlor-alkali industry, and in button cell batteries. They have further supported a phase out on mercury use in dentistry. It needs to be noted that a mercury phase down is also supported by the World Health Organization, as declared during the first Intergovernmental Negotiating Committee meeting (June 2010, Stockholm) to prepare a mercury treaty.

Furthermore, re-enforcement of foreseen actions are seriously needed regarding emissions from coal-fired power plants, but also with respect to expanding the export ban to mercury-containing products which are prohibited on the EU market. Emissions from coal fired power plants is the biggest source of mercury emissions in the air – in Europe and globally, with

¹ [PR: European Commission falls behind on EU Mercury Strategy](#), 10 December 2010

long-term implications on human health. Also at global level, there is a growing understanding that in these areas there is a need and possibility to move away from mercury.

Therefore, we cannot stress enough the importance of developing a robust revised EU Mercury policy which has concrete actions. This is needed not only to carry out the originally foreseen but not yet implemented actions, but also for new and ambitious actions to further reduce mercury emissions, supply and demand at EU level. To that end, we call on you to develop stronger and more comprehensive conclusions, sending a strong message to the Commission that it is very important for the EU to continue playing a leadership role at the global (UNEP) level in developing a strong, far-sighted and vigorous mercury treaty.

More specifically, we would respectfully call on you (and the Council) to:

- stress that the EU should continue leading by example at the global level by further committing to reduce mercury use, supply and emissions;
- conduct a timely review of the Regulation (EU) 1102/2008 as regards, inter alia, an extension of the export ban to cover also other mercury compounds, mixtures and products containing mercury and the safe storage of metallic and/or solidified mercury as relevant ;
- conclude that mercury use in the chlor-alkali sector should come to an end;
- request that the Commission presents a proposal by 1 October 2011 for legally binding measures, including a sunset date for the use of mercury in the sector, as soon as possible and before 2020;
- request that the Commission assesses the use of mercury in the manufacturing of sodium methylate and makes proposals for restricting this use, by no later than 1st July 2012;
- request that the Commission reviews and rapidly adopts Best Available Technique (BAT) conclusions as well as BAT Associated Emission Levels for all relevant to mercury industrial processes, inter alia, large combustion plants, waste incinerators, cement and lime industries, non-ferrous metals and other chemicals production industries, in view of supporting the implementation of the newly adopted Industrial Emissions Directive. In particular minimum requirements for preventing mercury emissions i.e. Emission Limit Values, need to be set;
- request that the Commission assesses possibilities for restricting the use of mercury in button cell batteries and proposes relevant legal measures banning in their placing on the market by 1 July 2012;
- request that the Commission further assesses the possibility for a mercury phase out in the use of mercury in dentistry and propose legislative measures as appropriate by 1 July 2012, considering all available studies and developments as well as availability of alternatives;
- request that the EC should further ensure enforcement of current legislation and take further legal measures to ensure that highly efficient amalgam separators are installed in all dental clinics in the EU;
- request that the Commission further investigates and proposes measures to achieve reductions of mercury emissions from small combustion plants and crematoria, considering existing studies and developments, no later than 31 December 2012;.

- request that the Commission investigates the use of mercury in vaccines, the existing alternatives and the extent to which mercury can be appropriately eliminated from such a use, and propose relevant measures, to better protect public health, by 31 December 2012;
- underline the importance of not allowing the introduction of new uses of mercury in products;
- request that the Commission assesses and proposes further legal action assuring that all mercury-containing products are eventually phased-out where viable alternatives exist, no later than 31 December 2012;
- request that the Commission takes action to further raise awareness and increase knowledge on the fact that energy efficient lamps contain mercury and should be separately and safely collected avoiding physical breakage;
- request that the Commission takes measures to ensure separate safe collection of products containing mercury which is not currently requested by law - e.g. mercury thermometers;
- recommend to the Commission to take action to carry out a first testing programme for methylmercury in fish and update the EU-wide risk communication as appropriate, by 31 December 2012; and
- recommend to the Commission and the Member States to continue and enhance support for the implementation of projects in developing countries and countries with economies in transition, concurrently with the work of the intergovernmental negotiating committee , as part of the international work in the areas mentioned under UNEP GC decision 25/5, paragraph 34.

In summary, the EU's mercury strategy has a key role to play not only in reducing mercury exposure within the EU but also in ensuring a strong EU presence in the UNEP discussions, and thereby contributing to a more ambitious world treaty. So, to conclude, we implore you to ensure a reinforcement of the EU mercury strategy via robust Council conclusions.

For more information and justifications on the above please see the [EEB comments on the BIO draft final report on the Review of the EU Mercury Strategy](#), 16 July 2010

Thank you in advance for addressing our concerns.

Yours sincerely,



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