



**COUNCIL OF  
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Subject : Community strategy concerning **mercury**  
– Draft Council conclusions

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1. On 31 January 2005, the Commission sent to the Council and to the European Parliament a communication on a Community strategy on mercury \*.

The strategy sets out the following objectives:

- Reducing mercury emissions
- Cutting supply and demand
- Looking for long-term solutions for mercury surpluses and reservoirs
- Protecting against mercury exposure
- Improving understanding of the mercury problem
- Supporting and promoting international action on mercury.

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\* doc. 5999/05.

The Commission intends to review the mercury strategy as a whole by the end of 2010.

The Community participated in the international debate on mercury at the UNEP Governing Council in February 2005.

2. At its meeting on 26 May 2005, the Permanent Representatives Committee examined draft Council conclusions on the mercury strategy. MT maintained a parliamentary scrutiny reservation.
  
  3. The Council (Environment) on 24 June is asked to reach agreement on the two outstanding issues reflected in the Annex to this note (page 4) and to adopt Council conclusions.
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**COMMUNITY STRATEGY CONCERNING MERCURY**

**- Draft Council conclusions -**

THE COUNCIL OF THE EUROPEAN UNION

1. TAKES NOTE of the Council conclusions of 7 June 2001 and 17 October 2002 inviting the Commission to present solutions for the problem of mercury from the chlor-alkali industry and of the Council conclusions of 9 and 10 December 2002 inviting the Commission to present a coherent strategy with measures to protect human health and the environment from the release of mercury based on a life cycle approach;
2. RECALLS the conclusion \* that there is sufficient evidence of significant global adverse impacts to human health and/or the environment arising from the release of mercury to the environment;
3. TAKES NOTE of the UNEP Governing Council Decision 22/4 (2003) and the UNEP Governing Council Decision 23/9 (2005) calling for the initiation of national, regional and global actions as soon as possible to protect human health and the environment through measures which will reduce or eliminate releases of mercury and its compounds to the environment;
4. UNDERLINES the importance of reducing releases of mercury as well as the supply and demand for mercury in order to minimize mercury emissions in the environment and the exposure of humans to mercury, especially by methylmercury in fish;

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\* UNEP Governing Council Decision 22/4 (2003).

5. WELCOMES the Commission communication on a "Community Strategy concerning Mercury" and STRESSES the importance of the described integral approach as requested earlier by the Council, containing extended objectives for reducing mercury emissions and reducing the entry into circulation of mercury in society, as well as objectives for handling mercury surpluses, protection against mercury exposure and improving understanding of the mercury problem;
6. STRESSES the need for the EU to continue and intensify its international efforts to reduce mercury emissions and exposure on a global scale with a view to reaching a global phase-out of primary production, preventing surpluses re-entering the market, as well as phasing out its use and trade, taking into account the availability of alternatives;
7. UNDERLINES, in this context, the importance of the proposal to phase out the export of mercury from the Community [which should be further examined]<sup>1</sup>; CONSIDERS that the phasing out of the export of mercury from the Community as soon as possible, [and by 2011 at the latest]<sup>2</sup>, while necessary, will not be sufficient to protect human health and the environment from the negative effects of the mercury released into the environment; and therefore an international commitment is needed in addition, with a view to agreeing on a legally-binding instrument;
8. UNDERLINES that for the further development and implementation of the strategy it will be essential:
  - to pursue actions on a Community scale as well as on a global scale, taking into account the existing international legal framework as well as international trade rules, and the adoption of appropriate legal instruments,
  - to address residual uses of mercury in the Community, for example in dental amalgam and vaccines,
  - to develop viable techniques for a further reduction of mercury emissions from the combustion of fuels and to replace the use of mercury in gold mining,

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<sup>1</sup> BE/HU: scrutiny reservation.

<sup>2</sup> Compromise date supported by a large number of delegations. IT does not wish to indicate a specific date and DK/SE are in favour of 2008.

- to address the safe storage or disposal of mercury from the chlor-alkali industry,
- to implement best available techniques *inter alia* in line with the IPPC Directive, for further reduction of mercury emissions from combustion processes,
- to share with actors inside and outside the Community the common vision of the strategy, its principles, goals and related objectives and to actively participate in its further development and to share the responsibility for its implementation, taking also voluntary initiatives from industry into account,
- to ensure transparency and openness that has characterised the process up until now,
- to recognise the importance of public awareness, communication and education for the further implementation of the strategy,
- to achieve ownership and long-term political commitment by all stakeholders for the goals and objectives of the strategy,
- to address priorities on mercury research and technology,
- to support countries with economies in transition and developing countries with a high dependency on solid fuels, like coal, in promoting the clean and efficient use of fuels;

9. RECOGNISES the environmental and social problems arising from the closure of mercury mines in the Community, in particular:

- the rehabilitation and monitoring of contaminated former mining sites, including the proper handling of the mining waste whilst respecting the polluter-pays principle, and
- the need to develop new areas of business and employment,

and INVITES the Commission to examine possibilities for support of projects and other initiatives tackling these issues through the best possible use of available funding mechanisms;

10. ACKNOWLEDGES that there is an important role for Member States, industries and other relevant actors in the further development and implementation of the strategy;

11. INVITES the Commission to take action as soon as possible, and while supporting the reduction of supply, demand and emission on a global scale, to present appropriate proposals, in particular, on the following issues:
- the phasing out of the export of mercury from the Community and action to pursue the safe storage or disposal of mercury *inter alia* from the chlor-alkali industry to a timescale consistent with the intended phase out of mercury exports,
  - marketing restrictions for consumer use and health care non-electrical or non-electronic measuring and control equipment containing mercury.
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