



**COUNCIL OF  
THE EUROPEAN UNION**



## **Council conclusions Review of the Community Strategy concerning Mercury**

***3075th ENVIRONMENT Council meeting  
Brussels, 14 March 2011***

The Council adopted the following conclusions:

"THE COUNCIL OF THE EUROPEAN UNION

1. RECALLS the importance of reducing releases of mercury as well as the supply of and demand for mercury in order to minimise mercury emissions in the environment and the exposure of humans to mercury, referred to in the Council conclusions of 24 June 2005 on the Community Strategy Concerning Mercury;
2. REAFFIRMS its commitment to the overall objective of protecting human health and the environment from releases of mercury and its compounds by minimising and, where feasible, ultimately eliminating global anthropogenic mercury releases to air, water and land\*;
3. REITERATES 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 mercury-free alternatives\*\*;
4. NOTES with satisfaction that the UNEP Governing Council has decided on the elaboration of a global legally binding instrument on mercury and established an Intergovernmental Negotiating Committee to this effect\*\*\*, held two meetings so far;

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\* Council conclusions of 4 December 2008 "Addressing global mercury challenges"  
\*\* Council Conclusions of 24 June 2005 "On the Community Strategy Concerning Mercury"  
\*\*\* UNEP Governing Council Decision 25/5 on chemicals management, including mercury

# **P R E S S**

5. UNDERLINES, in this context, that mercury-added products, where viable alternatives exist, should be phased out as rapidly and as completely as possible, with the ultimate goal that all mercury-added products should be phased-out, taking into due account technical and economic circumstances and the needs for scientific research and development.
6. STRESSES that it is important for the EU to participate actively in and to give full support to these international negotiations on a new global mercury convention in order to achieve the objective referred to above;
7. NOTES with satisfaction the progress made during the second session of the Intergovernmental Negotiating Committee in Chiba, Japan, from 24 to 28 January 2011 and REITERATES the EU's commitment towards further progress on all elements at the next sessions, aiming at an ambitious overall outcome of the negotiation process;
8. RECALLS the importance of close cooperation and coordination with existing chemicals and waste conventions, relevant agreements and, where appropriate, partnerships during the preparation and subsequent implementation of this new legally binding instrument;
9. WELCOMES the Commission Communication on the review of the Community Strategy Concerning Mercury\* and in particular the significant progress achieved in implementing the Strategy as described in the review;
10. WELCOMES in particular the legislation that has been adopted on the banning of the export of metallic mercury from the Union and its safe storage\*\* as well as on marketing restrictions for certain measuring devices containing mercury\*\*\*, in line with the priorities identified in the 2005 Council conclusions; NOTES with satisfaction the ongoing assessment under REACH regarding the possible need to restrict the use of mercury in additional measuring devices; NOTES that the Community Strategy Concerning Mercury has close links to the directives on Eco-Design of Energy-Using Products+, Restriction on the use of certain hazardous substances in electrical and electronic equipment (RoHS)++ and Waste of Electrical and Electronic Equipment (WEEE)+++.
11. STRESSES the importance of a timely review of Regulation (EC) 1102/2008 as regards, inter alia:
  - identification of appropriate options, based on available information and recent developments, regarding techniques for the safe storage of metallic mercury, including its stabilization and chemical solidification, and
  - consideration of an extension of the export ban to additional mercury compounds, mixtures and products containing mercury;
 on the basis of an impact assessment and taking into account the international negotiations on a legally binding instrument on mercury under UNEP;

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\* COM(2010)723, 7 December 2010

\*\* Regulation (EC) 1102/2008 of 22 October 2008 on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury, OJ L 304, 14.11.2008, p.75

\*\*\* Commission Regulation (EC) No 552/2009 of 22 June 2009 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex XVII

+ Ecodesign: Directive 2009/125/EC, OJ L 285, 31.10.2009, p.10

++ RoHS: Directive 2002/95/EC, OJ L 37, 13.2.2003, p.19

+++ WEEE: Directive 2002/96/EC, OJ L 37, 13.2.2003, p.24

12. WELCOMES the further investigation of the issue of dental amalgam planned for 2011, with due consideration to all relevant aspects of its whole life cycle; INVITES the Commission to finalise this investigation as soon as possible and to cover in this investigation the availability, suitability, and other important characteristics of mercury-free alternatives, possibilities of reducing releases from crematoria\* and dental clinics, with due consideration to socio-economic impacts and the situation in Member States, and to use this investigation to contribute to filling the knowledge gaps identified by the SCHER\*\*;
13. INVITES the Commission and Member States to consider, where appropriate, the possible need for measures to reduce the environmental impact of mercury in dental amalgam, on the basis of the above-mentioned investigation; ENCOURAGES Member States to take measures to the effect that amalgam waste from dental clinics is recollected.
14. INVITES the Commission to extend its investigation to mercury-containing button cell batteries that are still allowed on the EU market, and to assess the need for further risk management measures;
15. STRESSES the importance of minimising mercury exposure to consumers, workers and the environment from mercury containing lamps.
16. RECOGNISES the potential of the Industrial Emissions Directive to achieve considerable emission reductions from large point sources; INVITES the Commission to proceed with the review of best available techniques reference documents (BREFs) and the adoption of best available techniques (BAT) conclusions for the industrial activities that are, inter alia, particularly relevant in terms of mercury emissions, namely chlor-alkali manufacturing, production of cement and lime, production of iron and steel and non-ferrous metals, chemical production, large combustion plants and waste incineration installations;
17. INVITES Member States to accelerate conversion to mercury-free technology in the chlor-alkali sector, by ensuring that an appropriate time schedule for the phase-out of mercury cells is reflected in the permits issued to chlor-alkali installations in accordance with the Industrial Emissions Directive or in any other legally binding instrument, in order to achieve a phase-out not later than 2020;
18. INVITES Member States to consider conversion to mercury-free technology, where it is technically and economically feasible, in other remaining industrial processes that use mercury cells or mercury as a catalyst;
19. INVITES Member States and the Commission to raise awareness of all stakeholders, including the general public, on the health and environmental impact of mercury and to disseminate information about ongoing EU activities in this field, including EU legislation."

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\* Note is taken of OSPAR Recommendation 2003/4 on Controlling the Dispersal of Mercury from Crematoria

\*\* SCHER scientific opinion on the environmental risks and indirect health effects of mercury in dental amalgam, 6 May 2008;  
[http://ec.europa.eu/health/ph\\_risk/committees/04\\_scher/docs/scher\\_o\\_089.pdf](http://ec.europa.eu/health/ph_risk/committees/04_scher/docs/scher_o_089.pdf)