To the Environment Committee of the European Parliament

Brussels, 31 January 2007

Environmental and Health NGOs[i] call for a robust mercury export ban and safe surplus storage Regulation. [Papadimoulis report – ENVI, Holm report – INTA]

The coalition of environmental and health NGOs welcome the Commission's proposal on an EU mercury export ban and the safe storage of surplus mercury, in keeping with the EU Strategy on Mercury (28/1/2005). However, we consider that several aspects of the regulation should be strengthened to fully ensure protection for human health and the environment. .

It is well known that mercury travels throughout the atmosphere, contaminating European and global food supplies at levels posing a major risk to human health, wildlife and the environment. Since current measures are not sufficient to reduce contamination, further actions must be taken.

We therefore urge you to take account of the following issues:-

1. The proposed ban should be implemented as soon as possible, preferably by 2008[ii].

- The EU is the world's largest mercury exporter, most of which goes to developing countries where it is often haphazardly used and released, contaminating workers and their families, local communities and global food supplies.
- The EU's leadership in resolving global mercury problems is an economic, health, environmental and moral imperative.
- Strong EU leadership will encourage other countries to reduce mercury consumption as well as engage in multilateral and global trade agreements, which are clearly needed to significantly reduce mercury as a global pollutant.
- An EU export ban, coupled with other international actions from the EU Strategy, would greatly reduce the disproportionate impact of mercury contamination in the developing world.
- Banning mercury exports will help reduce demand for mercury by increasing prices (eg. in artisanal and small-scale gold mining) and thus encouraging more efficient use and reduced releases, with minimal adverse economic impact.[iii,iv]
- The risk of new mercury production coming onto the market will not materialise, given the limited technical and political ability of the few mercury-producing countries to expand their output[v].
- The European Parliament's resolution in March 2006 asked for implementation by 2010.

2. The export ban should include mercury compounds.

- Compounds comprise some of the largest global uses of mercury, and therefore represent a significant loophole in the proposal..
- It makes little sense to permit EU export of mercury compounds, which EU traders could simply produce or trade for export. Converting liquid mercury to a compound, and later reconverting it back may cost about US$200 per flask. At the current market price of some $600 per flask, unscrupulous traders could abuse the 'compound loophole', and still make money.[vi]
- Including compounds will ensure consistency in the regulation – currently although storage of the compound calomel[vii] is requested, its export is not included in the ban.

3. **Mercury-containing products, which are subject to EU use and marketing restrictions should also be included in the ban.**

- Mercury containing products contribute significantly to mercury spills, release at disposal, and therefore both direct health risks and environmental contamination.
- Cost effective mercury-free alternatives are available for virtually all mercury containing products.
- The EU should avoid double standards. Mercury-containing products prohibited here should not be exported to countries where they may not yet be regulated.

The European Parliament (March 2006) called for the export ban to include mercury compounds and products containing mercury which are or will soon be subject to EU use and marketing restrictions.

4. **The EU should consider prohibiting imports of mercury and mercury compounds;**

- To ensure EU mercury supplies are consistent with EU demand, mandatory storage obligations, and policies encouraging mercury recovery from wastes and products.
- To better protect the EU waste/mercury recyclers – avoiding low-cost mercury flooding EU market.
- The EU could undertake very targeted import prohibitions where it is necessary to implement important EU policies.[viii]

5. **The temporary storage of decommissioned mercury from the chlor-alkali industry must start as soon as possible, in continuously-monitored secure sites located where immediate intervention can take place if necessary.**

- Until a safe disposal techniques are developed and fully evaluated metallic mercury shall be stored temporarily in such a way that it can be retrieved.
- A framework of minimum conditions for storage should be established ensuring continuous monitoring, minimum safety standards, regular and transparent reporting, advance planning and projections, assurance of delivery, and penalties for failure.
- The responsibility for safe final disposal should remain with the chlor-alkali industry.
- Disposal for metallic mercury in salt mines raises serious concerns with respect to the environmental safety over the very-long term.[ix] Given the relatively minor costs associated with storage, it would be wiser to store the mercury now and study this issue further.

6. **A trade tracking system should be set up, as soon as possible, to record all imports and exports of elemental and compound mercury between Member States, and between the EU and external countries.**

- The tracking system will ensure transparency of the trade, and allow developments that run contrary to the intention and effectiveness of the ban to be easily assessed by the Commission and stakeholders.
- It would create a level playing field for mercury importers and traders, giving them an incentive to take responsibility for their commerce..
- The tracking system data should include: companies' identity, country, location, quantities involved, purpose of use, etc.
- Member States should provide information to the EC regularly, and the EC should make this information public.
- The movement of mercury within the industry sector should also be recorded and reported to the Commission, before and after the effective date of the export ban.

The European Parliament has called for a mercury trade tracking system to be in place before the export ban. (March 2006)

In conclusion, we reiterate our appreciation for this Commission initiative. A strong EU position recognises the EU's responsibility for its share of the problem. Ensuring an EU mercury export ban is also a pragmatic acknowledgement that there is little point in simply reducing mercury demand within the EU, only for unwanted mercury to be exported to the developing world under far less stringent controls, released, and ultimately returned to Europe's atmosphere and the fish we eat.

The value of a strong EU commitment to tackling mercury problems on the global stage must not be underestimated. This is a straightforward opportunity to reduce the health risks to millions of EU citizens, and many more globally, that we cannot afford to miss.

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[i] Environmental NGOS include
The **European Environmental Bureau, (EEB)**, www.eeb.org, is a federation of more then 140 environmental citizens' organisations based in all EU Member States and most Accession Countries, as well as in a few neighbouring countries. These organisations range from local and national, to European and international. The aim of the EEB is to protect and improve the environment of Europe and to enable the citizens of Europe to play their part in achieving that goal.
The **Zero Mercury Working group**, www.zeromercury.org, is an international coalition of more than 48 public interest non-governmental organizations from around the world formed in 2006 by the European Environmental Bureau and the Mercury Policy Project/Ban Mercury Working Group. The aim of the group is to reach 'Zero' emissions, demand and supply of mercury, from all sources we can control, towards eliminating mercury in the environment at EU level and globally."
Health and Environment Alliance (HEAL), http://www.env-health.org**/** is an international non-governmental organisation advocating environmental protection as a means to improving health and well-being. Member groups and organisations represent health, environment, women, health professionals and others. The group has a diverse membership of over 50 groups including non-governmental organisations, professional bodies representative of doctors, nurses and other healthcare workers, academic institutions and other not-for-profit organisations.
Health Care Without Harm Europe (HCWH), www.noharm.org, is an international coalition of hospitals and health care systems, medical and nursing professionals, community groups, health-affected constituencies, labour unions, and environmental. HCWH is dedicated to transforming the health care industry worldwide, without compromising patient safety or care, so that it is ecologically sustainable and no longer a source of harm to public health and the environment.

[ii] As originally proposed in earlier Commission drafts but also by the Luxembourg Presidency http://register.consilium.eu.int/pdf/en/05/st07/st07986.en05.pdf
[iii] Veiga MM, PA Maxson, LD Hylander, "Origin and consumption of mercury in small-scale gold mining." *Journal of Cleaner Production* 14 (2006) 436-447, Elsevier..
[iv] COM (2005) 20 final - Extended Impact Assessment, on the Community Strategy on Mercury, pg. 26
[v] COM (2005) 20 final - Extended Impact Assessment, on the Community Strategy on Mercury, pg. 25-26 and http://www.mem-algeria.org.
[vi] A recent report prepared for the European Commission indicates the mercury compound 'calomel' is generated in significant quantities in the EU, most commonly in emission control systems at metal smelters. Calomel can readily be processed into commodity mercury at locations outside the EU, thus the ability and experience needed to process and trade calomel for this purpose already exists, Concorde East/West, Mercury Flows and Safe Storage of Surplus Mercury, August 2006, pp. 30-31.
[vii] IPPC Reference Document on Best Available Techniques in the Non-Ferrous Metals Industries, European Commission, December 2001, p. 134.
[viii] With respect to the purely legal question of confronting trade obstacles, we note the very recent promulgation of Council Regulation No. 1236/2005, restricting trade in products used for torture and other inhuman punishment. We specifically note the import prohibition of equipment that can only be used for capital punishment, torture, or other similar purposes in Article 4 of this regulation. This import prohibition suggests the EU can undertake very targeted import bans where it is necessary to implement important EU policies.
[ix] EEB Conference report " EU mercury surplus management and Mercury-use restrictions in measuring and control equipment", October 2006, p.23