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PROPOSAL

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 2 February 2016

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

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Subject: ANNEXES to the Proposal for a Regulation of the European Parliament
and of the Council on mercury, and repealing Regulation (EC) No
1102/2008

Delegations will find attached document COM(2016) 39 final ANNEXES 1 to 5.

Encl.: COM(2016) 39 final ANNEXES 1 to 5



Brussels, 2.2.2016
COM(2016) 39 final

ANNEXES 1 to 5

ANNEXES

to the Proposal for a

Regulation

**of the European Parliament and of the Council on mercury, and repealing Regulation
(EC) No 1102/2008**

{SWD(2016) 14 final}

{SWD(2016) 17 final}

{SWD(2016) 18 final}

ANNEX I

Mercury compounds and mixtures subject to Articles 3 and 4

Mercury compounds:

Mercury (I) chloride (Hg_2Cl_2 , CAS RN 10112-91-1)

Mercury (II) oxide (HgO , CAS RN 21908-53-2)

Cinnabar ore

Mixtures:

Mixtures of mercury with other substances, including alloys of mercury, with a mercury concentration of at least 95 % weight by weight.

ANNEX II

Mercury-added products referred to in Article 5

Part A - Mercury-added products

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| <p>1. Batteries, except for button zinc silver oxide batteries with a mercury content < 2%, button zinc air batteries with a mercury content < 2%.</p> |
| <p>2. Switches and relays, except very high accuracy capacitance and loss measurement bridges and high frequency radio frequency switches and relays in monitoring and control instruments with a maximum mercury content of 20 mg per bridge, switch or relay.</p> |
| <p>3. Compact fluorescent lamps (CFLs) for general lighting purposes that are ≤ 30 watts with a mercury content exceeding 5 mg per lamp burner.</p> |
| <p>4. The following linear fluorescent lamps (LFLs) for general lighting purposes:</p> <p>(a) Triband phosphor < 60 watts with a mercury content exceeding 5 mg per lamp;</p> <p>(b) Halophosphate phosphor ≤ 40 watts with a mercury content exceeding 10 mg per lamp.</p> |
| <p>5. High pressure mercury vapour lamps (HPMV) for general lighting purposes.</p> |
| <p>6. The following mercury added cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for electronic displays:</p> <p>(a) short length (≤ 500 mm) with mercury content exceeding 3.5 mg per lamp;</p> <p>(b) medium length (> 500 mm and ≤ 1 500 mm) with mercury content exceeding 5 mg per lamp;</p> <p>(c) long length (> 1 500 mm) with mercury content exceeding 13 mg per lamp.</p> |
| <p>7. Cosmetics with mercury and mercury compounds, except those special cases included in Annex V entry 17 of Regulation (EC) No 1223/2009 of the European Parliament and of the Council¹.</p> |
| <p>8. Pesticides, biocides and topical antiseptics.</p> |
| <p>9. The following non-electronic measuring devices where no suitable mercury-free alternative is available:</p> |

¹ Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59).

- (a) barometers;
- (b) hygrometers;
- (c) manometers;
- (d) thermometers;
- (e) sphygmomanometers;

This entry does not cover the following measuring devices:

- (a) non-electronic measuring devices installed in large-scale equipment or those used for high precision measurement;
- (b) measuring devices more than 50 years old on 3 October 2007;
- (c) measuring devices, which are to be displayed in public exhibitions for cultural and historical purposes.

Part B - Additional products excluded from the list in Part A of this Annex

Switches and relays, cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for electronic displays and measuring devices, when they are used to replace a component of a larger equipment and provided that no feasible mercury-free alternative for that component is available, in accordance with Directive 2000/53/EC of the European Parliament and of the Council² and Directive 2011/65/EU of the European Parliament and of the Council³.

² Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles (OJ L 269, 21.10.2000, p. 34).

³ Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJ L 174, 1.7.2011, p. 88).

ANNEX III

Mercury-related requirements applicable to manufacturing processes

Part I: Prohibited use of mercury or mercury compounds in manufacturing processes

- (a) from 1 January 2019: acetaldehyde production
- (b) from 1 January 2019: vinyl chloride monomer production

Part II: Manufacturing processes subject to restrictions on use and releases of mercury and mercury compounds

Production of sodium or potassium methylate or ethylate

The production of sodium or potassium methylate or ethylate shall be carried out in accordance with the following requirements:

- No use of mercury from primary mining;
- Reduction of direct and indirect release of mercury and of mercury compounds into air, water and land in terms of per tonne of substances produced by 50% by 2020 as compared to 2010; and
- At the date of entry into force of this Regulation, the capacity of installations using mercury and mercury compounds for the production of sodium or potassium methylate or ethylate that were in operation before that date shall not be increased and no new installations shall be allowed.

ANNEX IV

Content of the national plan on artisanal and small-scale gold mining referred to in Article 9

The national plan shall include the following information:

- (a) national objectives and reduction targets;
- (b) actions to eliminate:
 - (i) whole ore amalgamation;
 - (ii) open burning of amalgam or processed amalgam;
 - (iii) burning of amalgam in residential areas; and
 - (iv) cyanide leaching in sediment, ore or tailings to which mercury has been added without first removing the mercury;
- (c) steps to facilitate the formalization or regulation of the artisanal and small-scale gold mining sector;
- (d) baseline estimates of the quantities of mercury used and the practices employed in artisanal and small-scale gold mining and processing within its territory;
- (e) strategies for promoting the reduction of emissions and releases of, and exposure to, mercury in artisanal and small-scale gold mining and processing, including mercury-free methods;
- (f) strategies for managing trade and preventing the diversion of mercury and mercury compounds from both foreign and domestic sources to use in artisanal and small scale gold mining and processing;
- (g) strategies for involving stakeholders in the implementation and continuing development of the national action plan;
- (h) a public health strategy on the exposure of artisanal and small-scale gold miners and their communities to mercury which shall include, inter alia, the gathering of health data, training for health-care workers and awareness-raising through health facilities;
- (i) strategies to prevent the exposure of vulnerable populations, particularly children and women of child-bearing age, especially pregnant women, to mercury used in artisanal and small-scale gold mining;
- (j) strategies for providing information to artisanal and small-scale gold miners and affected communities;
- (k) a schedule for the implementation of the national action plan.

ANNEX V

Correlation table

| Regulation (EC) No 1102/2008 | This Regulation |
|-------------------------------------|-----------------------------------|
| Article 1(1) | Article 3(1)(first subparagraph) |
| Article 1(2) | Article 3(1)(second subparagraph) |
| Article 1(3) | Article 3(2) |
| Article 2 | Article 11 |
| Article 3(1), first subparagraph | Article 13(1) |
| Article 3(1), second subparagraph | – |
| Article 3(2) | – |
| Article 4(1) | – |
| Article 4(2) | – |
| Article 4(3) | – |

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| Article 5(1) | – |
| Article 5(2) | – |
| Article 5(3) | – |
| Article 6(1) | Article 12(1) |
| Article 6(2) | Article 12(1) |
| Article 6(3) | Article 12(1) |
| Article 6(4) | – |
| Article 7 | Article 14 |
| Article 8(1) | – |
| Article 8(2) | – |
| Article 8(3) | – |
| Article 8(4) | – |
| Article 8(5) | – |
| Article 9 | – |

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