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PROPOSAL

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

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

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Subject: COMMISSION STAFF WORKING DOCUMENT EXECUTIVE SUMMARY
OF THE IMPACT ASSESSMENT Ratification and Implementation of the
Minamata Convention on Mercury Accompanying the document 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 SWD(2016) 14 final.

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COMMISSION STAFF WORKING DOCUMENT
EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT

Ratification and Implementation of the Minamata Convention on Mercury

Accompanying the document

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

{COM(2016) 39 final}
{SWD(2016) 17 final}
{SWD(2016) 18 final}

Executive Summary Sheet

Impact Assessment on the *Ratification and Implementation by the EU of the Minamata Convention on Mercury*

A. Need for action

Why? What is the problem being addressed? Maximum 11 lines

Exposure to mercury, mainly through eating of contaminated fish, can cause harm to the brain, lungs, kidneys and immune system. The EU has already taken action to tackle the problem by reducing mercury emissions and use domestically. However, the global character of the mercury problem means that the EU cannot provide sufficient protection to its citizens on its own, as exposure to mercury is due, to a great extent, to emissions originating in other parts of the world. Hence, the EU actively supported the international negotiations for a global treaty on mercury and signed the Minamata Convention on Mercury. As long as the Minamata Convention is not ratified by at least 50 parties, it does not enter into force and therefore the above problem is not being tackled at a global scale. Six areas have been identified where EU legislation is currently not adapted to the Minamata Convention, which concern (1) import of metallic mercury, (2) exports of mercury-added products (3) existing use of mercury in industrial processes, (4) new mercury uses in products and processes (5) artisanal small gold mining and (6) use of dental amalgam.

What is this initiative expected to achieve? Maximum 8 lines

International action tackling the mercury problem would complement existing EU action and would enable a significant reduction of mercury pollution at the EU and global levels and its transboundary transport into the EU. In the medium to long term, this would reduce mercury contamination of the food chain.

What is the value added of action at the EU level? Maximum 7 lines

*The transboundary character of mercury pollution requires action at a global level. Ratification by the EU and its Member States is needed for the Convention to enter into force and have global support. Additionally certain aspects (e.g. trade of mercury containing products) regulated by the Minamata Convention are either exclusive EU competence or would affect the *acquis* and can therefore only be addressed at EU level. Furthermore, while all Member States are committed to ratifying the Minamata Convention, they could only do so after transposition and ratification of the Convention by the EU.*

B. Solutions

What legislative and non-legislative policy options have been considered? Is there a preferred choice or not? Why? Maximum 14 lines

*Transposition of international law can only be achieved through the legislative route. Given the vast EU *acquis* on mercury, and as the Minamata Convention is largely modelled after EU law, ratification by the EU necessitates only limited legislative interventions. The options are designed in a way to tackle the six areas where legislative gaps exist. In general they either foresee the minimum changes required for the ratification of the Minamata Convention or go beyond that and apply a stricter approach. The preferred option combines trade restrictions on mercury and mercury-added products, a prohibition on placing on the market of new products and industrial processes using mercury, restrictions in the use of mercury in certain manufacturing processes and restricting conditions for using dental amalgam. It mainly comprises measures corresponding to the minimum changes required for ratification but includes slightly stricter measures concerning new uses of mercury and dental amalgam. In relation to dental amalgam, which attracts most public interest, it was concluded that the prohibition of dental amalgam, favoured by the public, is not proportionate in the light of the opinions of EU's scientific committees on health and environmental risks and this option was thus discarded.*

Who supports which option? Maximum 7 lines

There is broad support for the ratification and implementation of the Minamata Convention. There were generally no significant differences in the responses given by individuals and organisations and most of them (39-85%) opted for a stricter approach in transposing the Convention. However, a small number of respondents (2-12%) preferred a less strict approach. Regarding uses of mercury in industrial processes, a full prohibition is vastly supported by individual and NGOs but a third of private sector organisations called for a less strict approach. Regarding dental amalgam, a very large majority individuals and NGOs supported a prohibition whilst just under half of private sector organisations supported a softer approach.

C. Impacts of the preferred option

What are the benefits of the preferred option (if any, otherwise main ones)? Maximum 12 lines

The main benefits will come as a consequence of the entry into force and application of the Convention by third countries. This will reduce global emissions of mercury and in the longer term contamination of the food chain globally and at EU level. Furthermore, the preferred options for updating the acquis will cause a drastic reduction in mercury releases to sludge and water. Job creation is to be expected in companies involved in the manufacturing, installation and maintenance of amalgam separators or specialised in managing mercury-containing waste.

What are the costs of the preferred option (if any, otherwise main ones)? Maximum 12 lines

Total cost of the preferred scenario are estimated at 13-135 million EUR/y. The most significant economic impacts are expected in the chemicals production sector, where a mercury process is currently applied in two German plants for the production of alcoholates used for various catalytic processes. As the scenario leaves open whether those two industrial plants will be converted to mercury-free processes in the foreseeable future, which depends on the measures that may be taken by Germany or voluntarily by industry. Therefore the cost range for this option (3-77 million EUR/y) is large. An additional cost of 10-58 million EUR/y is associated to installing and maintaining amalgam separators at dental practices.

How will businesses, SMEs and micro-enterprises be affected? Maximum 8 lines

SMEs and micro-enterprises will not be significantly impacted by the preferred options, except those dentists who are not yet equipped with dental amalgam amalgamators and separators.

Third countries respecting the Convention will apply similar standards as those currently in force within the EU, which will contribute to levelling the global playing field for mercury using and emitting activities.

Will there be significant impacts on national budgets and administrations? Maximum 4 lines

EU ratification of the Convention on Mercury would not entail any significant administrative burden or impacts on national budgets. It would facilitate ratification by the Member States who are committed to doing so.

Will there be other significant impacts? Max 6 lines

Entry into force of the Convention is expected to open markets for the EU eco-industry and to support trade of EU products that already comply with low-mercury or mercury-free requirements that integrated in the Minamata Convention.

D. Follow up

When will the policy be reviewed? Maximum 4 lines

As the global dimension would be a major aspect of any evaluation of mercury policy, the EU will review its policy in parallel to the Convention's effectiveness evaluation, which is expected to take place in 2023.