



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from: General Secretariat
to: Delegations

Subject: Review of the Community's Strategy concerning Mercury
- Information from the Swedish delegation

Delegations will find annexed a note from the Swedish delegation on the above subject, which will be dealt with under "other business" at the meeting of the Council (Environment) on 15 March 2010.

Review by end of 2010 of the Community Strategy Concerning Mercury

- The Community Strategy Concerning Mercury (COM(2005) 20 final) will be reviewed during 2010.
- Sweden would like to bring the attention to the importance of this review, not least for the EU to maintain leadership in the upcoming negotiations on a new global mercury convention.
- Sweden would like to invite the Commission to make a short presentation of their work plan and how Member States would be involved in the review. Furthermore, Sweden would welcome a discussion and preparation of Council conclusions to confirm and support the foreseen new communication.

Rationale

The mercury strategy has proven to be a useful tool for coherent and comprehensive action by the EU, within the Community as well as globally. A big part of its “actions” have been implemented rather successfully. Furthermore, the strategy has shown the outer world that the EU is able and willing to take a leading role in global efforts.

The Swedish view is that the foreseen review of the strategy should aim at identifying further action to be taken within the EU as well as to give specific guidance and input to the global negotiations. Sweden finds it important that the EU continues to show global leadership by staying in the forefront of reducing, and when possible eliminating, mercury use and emissions within its own territory. The review should be completed as fast as possible in view of providing input to the global negotiations and driving them forward. As the second negotiating meeting is scheduled for February 2011, it should be considered to prepare for new Council conclusions by the end of 2010.

Among others, an area where Sweden expects the strategy to deliver is the use of mercury for dental amalgam. Mercury use in dental amalgam is the biggest remaining use of mercury in products not restricted within the EU. Mercury-free dental fillings are already available and have proven to be adequate for almost all purposes. Sweden and other countries have therefore been able to successfully restrict the use and basically eliminate mercury in dentistry. Also at global level, there is a growing understanding of the needs and possibilities to phase-down mercury use in dental amalgam.

Finally, Sweden would like to stress the importance of an open and transparent review process, allowing Member States and other stakeholders to participate and provide input at an early stage.

Background

Mercury and its compounds are highly toxic to humans, ecosystems and wildlife. Initially seen as an acute and local problem, mercury pollution is now also understood to be global, diffuse and chronic.

In December 2002 the Commission presented a report to the Council concerning mercury from the chlor-alkali industry. This considered the fate of 12-15 thousand tonnes of surplus mercury resulting from the sector's conversion away from the mercury cell process. The Council reacted by 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, taking into account production, use, waste treatment and emissions". The strategy, in form of a Communication to the Council and the European Parliament, was presented in January 2005. Council conclusions on the strategy were adopted in June 2005.

The 25th UNEP Governing Council in February 2009 agreed to convene an Intergovernmental Negotiating Committee (INC) with the mandate to prepare a global legally binding instrument on mercury. The decision specifies that the INC should commence its work in 2010 with the goal of completing its task prior to the 27th Governing Council in 2013.

In addition, the decision defines the scope of the work of the INC which is 'to develop a comprehensive and suitable approach to mercury'.

The convention is supposed to include provisions covering all major uses and releases of mercury at global level. The GC decision is a major success for the purposeful work by the EU during several years to gain other countries support for the conclusion that voluntary efforts would not be sufficient to combat the global challenges of mercury.