



Brussels,
Ares(2015)

Opinion

Title

DG ENV – Ratification and implementation of the Minamata Convention on mercury

(version of 30 September 2015)*

(A) Context

Mercury is a persistent and very toxic metal and hence recognised as a global threat to human health and the environment and there is broad international consensus on the need to phase it out. The EU actively participated and influenced the outcome of international negotiations under the auspices of the United Nations Environment Programme (UNEP) which led to the conclusion of the Minamata Convention on Mercury in October 2013. The Convention has been signed by 128 parties and it has been ratified by 18 parties so far. It will enter into force once it is ratified by at least 50 parties.

The EU and 26 of its Member States have signed the Convention and thereby committed themselves to work towards its ratification and implementation (Portugal and Estonia did not sign it but intend to ratify it). As the Convention's provisions have been inspired to a great extent by EU legislation, full compliance with the Convention requires only few additional measures or amendments of EU law. However, on certain issues EU law could possibly go beyond the minimum requirements of the Convention. This impact assessment assesses the various options for the ratification of the Convention.

(B) Overall opinion: POSITIVE

The Board recommends that the impact assessment report be further improved, with special attention to the following aspects:

First, the report should describe the likelihood that the most important mercury emitters among third countries will ratify the Convention and how the Convention would be enforced.

Second, the report should assess the impact of the Convention on the competitive position of EU companies vis-à-vis companies of third countries (those adhering to the Convention and those not).

Thirdly, the report should better explain the reasons for discarding a ban on dental amalgam.

* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted.

(C) Main recommendations for improvements

(1) Provide more information about the impact of the Minamata Convention on global mercury use and emissions: The report should describe the international context that led to the Minamata Convention, after other (voluntary) approaches were unsuccessful in addressing the worldwide mercury problem. It should describe the current stance of the ratification process and the impact of ratification by the EU (and its Member States) on the likelihood of ratification by important third countries. It should also add information on compliance and enforcement mechanisms of the Convention.

(2) Assess the evolution of the competitive position of EU companies, both under the baseline and under the policy options: The report should assess the evolution of the EU companies' competitiveness vis-à-vis competitors situated in third countries and how the Minamata Convention would, besides from beneficial environmental impacts, impact on competitiveness. It should also indicate whether a displacement of production to non-signatory third countries is likely or not, and how much EU industries depend on intermediate goods supplied by mercury-using industries outside the countries with a stringent regime. The report should also explain whether SMEs would be affected differently from larger manufacturers.

(3) Provide more information about the negative consequences of a ban on dental amalgam: Given large stakeholder support, the report should further explain the reasons that led to discarding this policy option.

Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report.

(D) Procedure and presentation

The diversity of the consulted parties should be better reflected in the report, not only focussing on the majority view. The report should better explain how stakeholder views were taken into account, especially when these did not correspond to the preferred policy option.

(E) RSB scrutiny process

Reference number	2015/ENV/014
External expertise used	No
Date of RSB meeting	28 October 2015 (written procedure)