

EEB contribution to the public consultation amending EU Regulation 649/2012

16 November 2021

The European Environmental Bureau welcomes the draft proposals from the European Commission which among others aligns the EU Mercury regulation with this present one.

In line with earlier submissions to consultations vis a vis the coming up revision of the EU Mercury regulation (https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12924-Mercury-review-of-EU-law/F2195179_en), as well as the draft delegated act proposals concerning mercury in lighting (https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives_en?text=mercury%20), the EEB considers important that the **export of mercury-added products not allowed to be marketed in the EU, should be prohibited.**

Under the European Green Deal, the EC has pledged *'to ensure a toxic-free environment'*, to *'help to protect citizens and the environment better against hazardous chemicals and encourage innovation for the development of safe and sustainable alternatives'*. Furthermore under the Chemicals Strategy for Sustainability the EU has committed to lead by example and ensure that hazardous chemicals banned in the EU are not exported – we would read this commitment also for products containing such hazardous chemicals.

While measures are taken to decrease mercury emissions and exposure in the EU, global emissions have been increasing, with an impact to the European environment because of the global nature of mercury pollution: around 50 % of the anthropogenic mercury deposited annually in Europe originates from outside Europe, with 30 % originating from Asia alone.

To that end, prohibiting exports of products containing mercury, is imperative to avoid double standards and prohibit export to countries with no or less stringent regulations. Furthermore, such measures will promote mercury-free markets and drive prices down. If not, allowing such exports can lead to further mercury pollution, emissions and exposure, with the risk that it 'returns' back in the EU.

Furthermore, given that the Ecodesign Directive bans since 1 September 2021, certain types of mercury-added fluorescent lamps to be put on the EU Market, those lamp categories should be included in Part 2 of Annex V of regulation 649/2012, and be banned from export. Those are:

- Integrally Ballasted Compact Fluorescent Lamps (CFLs)
- T2 and T12 Linear Fluorescent Lamps – all lengths
- Cold Cathode Fluorescent Lamps (CCFL) – all lengths
- External Electrode Fluorescent Lamps (EEFL) – all lengths

Given the global implication of this directive, such an amendment will confirm the EU's commitment to the health and environmental objectives described above and commit to an equitable and ethical approach across domestic and export markets.