

To: Mr. Martin Meeus, Belgian Presidency
Mr. Patrick Child, European Commission
Mrs. Marlene Mortler, European Parliament

Cc: Member State Mercury Experts and Environment Attaches, European Parliament Shadow rapporteurs, DG Environment

Re: Final Call for securing a timely and robust revision of the EU mercury regulation

Brussels, 6 February 2024

Dear EU Negotiators,

With this letter, the European Environmental Bureau urges you to agree on a timely and robust revision of the EU mercury regulation, that would pave the way to a mercury-free Europe. It would not only encourage other countries to reduce their mercury consumption, but it would also significantly reduce mercury exposure, protecting the people and the planet from its unhealthy effects.

Mercury is a dangerous neurotoxin and is considered by the World Health Organization “as one of the top ten chemicals or groups of chemicals of major public health concern”.ⁱ Despite these warnings, anthropogenic mercury pollution still occurs in the EU – with mercury levels often exceeding legal limits, such as in the case of surface water bodiesⁱⁱ. Each year, a third of EU born babies have mercury levels above “the recommended safe limit”, threatening lifelong impacts on the child’s brain developmentⁱⁱⁱ.

The current review of the EU mercury regulation opens a window of opportunity to finally close the loop and address the last intentional remaining uses of mercury in products in the Union. For this to be true, the EU negotiators will need to be bold and pragmatic.

Dental amalgam must be phased out by 2025.

Dental amalgam, composed of 50% mercury, is known to pose an environmental and health risk. However, mercury-free dental restorations are available, affordable, effective, and preferred by most EU citizens. They are more widely used than dental amalgam (at 81-90%) and do not require extra labour costs. Furthermore, a phase-out by 2025 would prevent 10 tons of mercury from entering the environment by 2030, which also represents the most cost-effective way to prevent dental mercury pollution.

In this view, **the phase-out date of 1 January 2025 should be retained, preferably without derogation.** However, applying a derogation to allow a very few Members States to adapt their systems ensuring mercury free treatment for all could be acceptable, as long as this only applies to these few countries, and it is reasonable in time. Almost two years, **until 31 December 2025, provides enough time**, as also in these countries affordable and effective alternatives are available and a transition in the reimbursement system is feasible within a year, as the experience of the introduction of the ban on the use for children

European Environmental Bureau

• Rue des Deux Églises 14-16, 1000 Brussels, Belgium • ☎ +32 228 91090 • eeb@eeb.org • www.eeb.org

*International non-profit association • Association internationale sans but lucratif (AISBL) • EC register for interest representatives:
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and pregnant and breastfeeding women in 2018 has shown. At the time, there were 13 months between the adoption of the regulation and the application.

Furthermore, it will be important that the use of dental amalgam in exceptional cases is *duly justified* for documentation, analysis, and control purposes. The exemptions for uses should also be reassessed at a later stage as put forward by the European Parliament, same as the assessment of the necessity to maintain the derogation as referred to in Article 10(7) should not be carried out later than 1 January 2028, as most countries, if not all, will have phased out dental amalgam by 2025.

The exports of mercury added lamps must stop at the earliest, i.e. by 2025.

While Parties of the Minamata Convention decided to ban triband phosphor lamps at a later stage during their fifth meeting, it does not prevent the EU from taking a leading seat and driving a faster change. Fluorescent lamps are an outdated and unnecessary technology. In fact, affordable, cost-saving, and widely available lighting alternatives (light-emitting diodes a.k.a. LEDs) have replaced global reliance on mercury-added lamps. **The ban on linear fluorescent lamps (LFLs) and non-linear fluorescent lamps should and can begin by 2025.**

The economic impact from a 2025 fluorescent ban is estimated to be small or non-existent and the global market is already transitioning to mercury free alternatives. According to CLASP, more than 60 countries globally, representing 70% of the fluorescent lighting market have initiated actions for a smooth transition to all LED lighting.^{iv} Demand for half of EU-27 fluorescent exports will end due to new domestic bans of importing countries.

Moreover, allowing the continued manufacture and export of domestically banned products to low- and middle-income countries is unjust and ethically flawed, as the EU banned new fluorescent lamps from its own markets since September 2021 and September 2023. This double standard stands against EU principles, the European Green Deal, the Chemicals Strategy for Sustainability as well as the Zero Pollution Action Plan. The EU commitments via the Energy Efficiency Directive and the Joint communication on the new EU external energy strategy should also not be forgotten.

Last but not least, mercury-free lighting solutions are a vital climate solution. The EU will secure bigger climate mitigation benefits with an earlier fluorescent ban. As calculated by CLASP, if the EU adopts a 2025 deadline (two years before 2027), the EU will prevent 284 kg of mercury pollution and 27 Mt of CO₂ emissions.^v

The illegal misuse of mercury compounds, alongside other remaining uses, must be further studied.

The proposal from the European Parliament to invite the Commission to report on the manufacturing, import and export of mercury compounds for illegal practices and to report on the need to phase out remaining mercury uses (such as in lighthouses and porosimetry) are essential if EU intends to truly address remaining uses and mercury pollution.

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The trade of mercury compounds for use in mercury added skin lightening creams has been very much evidenced and it was confirmed that a Spanish company has been repeatedly exporting ammoniated mercury for the production of skin lightening products - a use banned at EU level and not allowed by the Minamata Convention. An EU study on compounds would also contribute and complement the global study on compounds that the COP of the Minamata Convention requested.

Moreover, it is important to note that other remaining uses are still causing mercury pollution. Back in 2008, a COWI/Concorde report had highlighted that mercury consumption for porosimetry was assessed to be substantially larger than previously expected and potentially among the largest remaining uses in the EU. For these reasons, other remaining uses should be further assessed in order to tackle mercury pollution comprehensively.

Emissions from crematoria must be better controlled.

Mercury emissions from crematoria should be better controlled as they remain a significant source of mercury pollution in the EU. Even with a ban on dental amalgam, over 1000 tonnes of mercury 'walking' around on peoples' mouths would yet be released in the decades to come. For that reason, **the proposal from the European Parliament to invite the Commission to draft guidelines and Members States to report on planned and implemented measures to reduce mercury emissions and releases from crematoria appears necessary.**

We call on all co-legislators to adopt the most ambitious, yet realistic and achievable, targets to truly address all sources of mercury pollution and in turn, significantly reduce the health risks to millions of EU citizens, and many more globally.

This is an opportunity we cannot afford to miss.

Yours sincerely,

Faustine Bas-Defossez,
Director for Nature Health and Environment
European Environmental Bureau

ⁱ <https://www.who.int/news-room/fact-sheets/detail/mercury-and-health>

ⁱⁱ <https://www.eea.europa.eu/publications/mercury-in-europe-s-environment>

ⁱⁱⁱ <https://www.eea.europa.eu/articles/mercury-a-persistent-threat-to>

^{iv} <https://www.clasp.ngo/wp-content/uploads/2023/12/Global-Report.pdf>

^v For inquiries about the methodology and assumptions behind CLASP's impact projections, please contact jwebber@clasp.ngo.