



## STRIKE webinar 23 June 2021:

Challenges in trade control with new international mercury agreements

*The global mercury problem and legislation that targets it*



The STRIKE project is funded by the European Union's Internal Security Fund - Police (ISFP/2017/AG/ENV/821345)



## Agenda of the webinar



- Welcome remarks (Jakob Maag, UNITAR)
- Introduction of the agenda and speakers
- Introduction to the STRIKE project
- The global mercury problem
- Legislative context for trade of mercury
- Mercury trade in the African context (Joseph Molapisi, Africa Institute)
- Discussion/Q&A (pose in Q/A or chat windows)





## Mercury - why it requires our attention



- The global mercury problem – something we need to take care of - together!
- New legislation globally and regionally demands our attention:
  - The Minamata Convention on Mercury
  - Other international agreements
  - EU legislation
  - National legislation
- What is the legislation about trade/shipments of :
  - mercury metal and compounds,
  - mercury-added products
  - mercury wastes



Mercury smuggled from South Africa to Zimbabwe in the trunk of a car.  
Photo: R. Morinda for COWI, 2016



**STRiKE: Stronger Training  
and Increased Knowledge  
for better Enforcement  
against Waste & Mercury**



**The STRiKE project is funded by the European Union's Internal  
Security Fund - Police (ISFP/2017/AG/ENV/821345)**



## Stronger Training and Increased Knowledge for better Enforcement against Waste & Mercury (STRIKE)



- **The STRIKE project is funded by the European Union's Internal Security Fund - Police**
- **Full Partners:** University of Limerick, German Police University, Dutch National Forensic Institute, and UNITAR
- **5 Associate Partners:** German Customs Authority (Germany); District of Lower Bavaria (Germany); Basel Convention Regional Centre (Slovakia); African Institute (South Africa), Waste Management Department - Ministry of Environment and Physical Planning (Macedonia).
- **Geographical scope:** EU, CEE/Balkan region and selected African countries
- **Objectives:** to **enhance operational activities & capacities of authorities** involved in addressing illegal trade & management of problematic waste streams
- Focus on: **e-waste, end-of-life vehicles, batteries, waste mercury** and **mercury-added products** (MAPs).
- The project is a follow up of [CWIT](#), [DOTCOM Waste](#) and the [WasteForce](#) project.





## WP 2: Knowledge and risks analysis of waste crime & mercury added products



**Objective:** To enhance knowledge and understanding of illegal trade and management of problematic waste streams and illegal production and trade of mercury-added products, in support of an improved risk analysis and possible harmonisation of national annual plans and enforcement strategies

### Actions:

- 2.1: **Strategic Risk Analysis** (presented on Webinar #1; see website)
- 2.2: **Guidelines** on the preparation of **annual plans and enforcement strategies**



## WP 3: New Tools and Methodologies



**Objective:** to develop **practical tools and advanced methodologies** in support of practitioners across the compliance and enforcement chain, in their fight against waste and product trade crimes, including waste mercury and mercury-added products.

### **Actions:**

- 3.1: **Forensic tools** for detection and investigation of waste and mercury crime [separate webinar on this]
- 3.2: **Methodologies for estimation of damages** caused by mercury and e-waste



## WP 4: Capacity Building and Skills Acquisition



**Objective:** to enhance capacities and skills of practitioners and stakeholders in selected countries in Western Europe, as well as CEE/Balkans region and Africa in the detection, investigation and prosecution of waste-crime cases and illegal trade in mercury-added products.

### **Actions:**

- 4.1: **Training Needs Assessment** (see website)
- 4.2: Update and development of **training tools and materials** (mercury module drafted)
- 4.3: **Multi-disciplinary training sessions:** 4 trainings in Ireland, Germany, Slovakia and the Netherlands
- 4.4: **Webinars**



## WP5: Dissemination



**Objective:** to disseminate information and results of the project to a wide audience of stakeholders that play a role in combating illicit waste management activities, illegal trade of waste and mercury-added products.

### Actions:

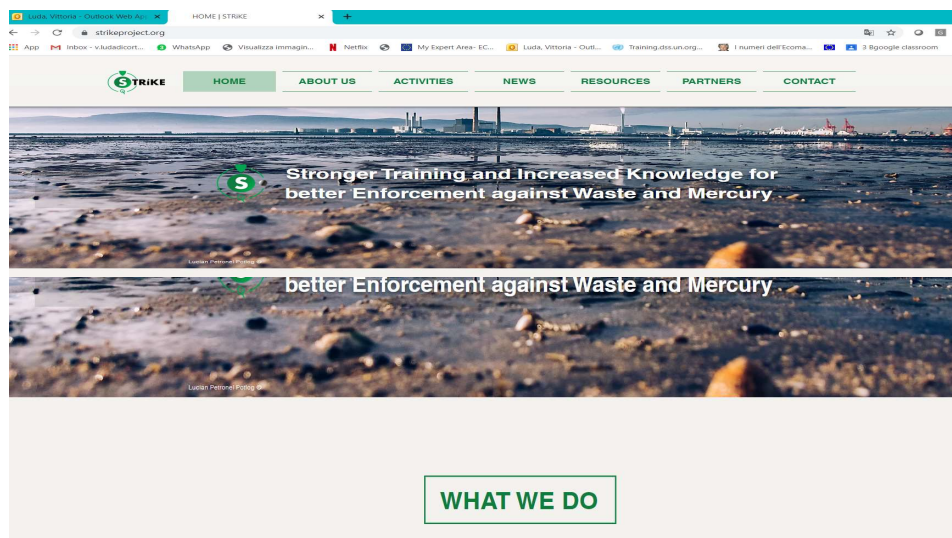
5.1: Website – [www.strikeproject.org](http://www.strikeproject.org)

5.2: Promotional materials

5.3: Final briefing

5.4: Final conference

Subscribe to newsletters on the website!





# The global mercury problem





## The global mercury problem



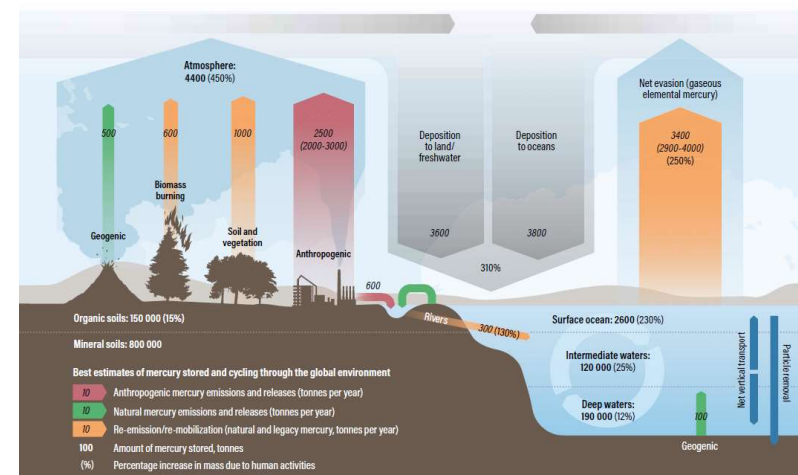
- Technically practical, but toxic
  - Widely used previously
  - Human activity doubled mercury amounts in the biosphere (where we live)
  - Problematic human exposure encountered globally
  - Mercury use is being phased out due to its hazards to health and environment



# The global mercury problem



- Mercury is persistent
  - Once we have brought it into the biosphere, it stays in circulation, unless managed
  - Roughly 1/3 of currently circulating mercury is from present human emissions – our focus
  - 1/3 is from previous human activity (re-emission and circulation in oceans)
  - 1/3 is from natural emissions



Source: Global Mercury Assessment 2018, UNEP/AMAP



## The global mercury problem



- Mercury is toxic in all its forms when bio-available
  - At very low concentrations - probably no lower thresholds for adverse effects
  - Handling mercury is risky
  - Subtle effects: Damages to the developing brain and nerves
- Mercury can change forms in nature and with human activity – makes it harder to manage
  - Metal mercury, fluid and as gas
  - Organic mercury compounds
  - Inorganic mercury compounds
- Bio-accumulates and bio-magnifies in nature
  - Even small initial concentrations can lead to adverse effects from food intake
    - (and direct exposure)
  - Especially high-end aquatic foods

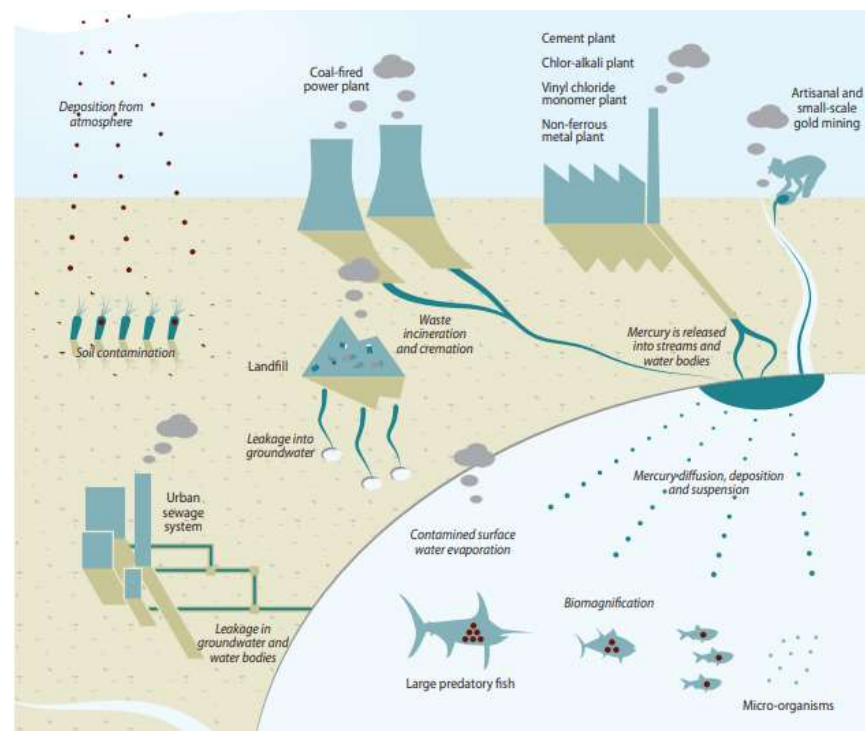




## The global mercury problem



- Mercury emissions spread globally
  - Fast with the atmosphere – days/weeks
  - Slowly with rivers and ocean currents
- Overall source categories of mercury emissions/releases:
  - Industrial extraction and processing of raw materials that have natural contents of mercury
  - Production processes that use mercury intentionally, including ASGM (small-scale mining)
  - Mercury-added products
- Alternatives and management solutions are readily available!



Source: Mercury – Time to Act, UNEP/ GRID-Arendal/ Zoi Environment Network, 2013



## The global mercury problem



- So, we need to manage it
- You are front line fighters against mercury!





**Legislative context for trade  
of mercury, mercury-added  
products and mercury  
wastes**





## The Minamata Convention on Mercury





## The Minamata Convention on Mercury



**At a glance**, the Convention includes operational provisions on the whole lifecycle of mercury; topics in bold font are relevant to customs and are presented in more detail here:

- **Controls on mercury supply sources and trade** (Article 3)
- **Phase-out and phase-down of mercury trade and use in products and processes** (Articles 4, 5 and 6, Annexes A and B)
- Controls on artisanal and small scale gold mining (ASGM) where mercury is used (Article 7, Annex C)
- Controls on air emissions and releases to land and water (Articles 8 and 9, Annex D)
- **Storage, waste** and contaminated sites (Articles 10, 11 and 12)



Photo: Carsten Lassen



## The Minamata Convention on Mercury



- For customs, the **key features of Article 3** relate to:
  - the export and import of metal mercury and certain mercury compounds
  - the restrictions on the use of mercury from primary mining and mercury taken out of use in chlor-alkali production using mercury cells.
- There are **conditions and exemptions** that pose an extra burden of documentation checking for customs and other enforcement entities!
- **Export** of mercury from a Party to the Convention (member country) **is only allowed**:
  1. to import countries which have given their prior consent
  2. only for purposes/fates which are allowed under the Convention, also noting the restriction on the use of mercury from primary mining and chlor-alkali plants





# The Minamata Convention on Mercury



This means that customs need evidence of the following in export inspections:

1. Prior consent from the importing country:
  - General: Check Minamata Convention's Secretariat's register of such prior consents from Parties: <https://www.mercuryconvention.org/en/parties/notifications>
  - If a specific consent form\* is not attached, contact directly the official authorities in charge in the importing country.
  - If the importing country is a non-Party to the Convention, the consent must include certification that the importing country "has measures in place to ensure the protection of human health and the environment and to ensure its compliance with Articles 10 (storage) and 11 (waste) of the Convention".
  - Check consent forms at <http://www.mercuryconvention.org/Convention/Formsandguidance/tabid/5527/language/en-US/Default.aspx>

\*) The form format can be seen at <https://www.mercuryconvention.org/en/documents/forms-related-article-3-mercury-trade>)



Photo: Carsten Lassen



# The Minamata Convention on Mercury



Customs need evidence of the following for exports, continued:

2. Description, in the specific export case, of the intended use/fate of the exported mercury in the import country
  - Check required forms at <http://www.mercuryconvention.org/Convention/Formsandguidance/tabid/5527/language/en-US/Default.aspx>
  - Note that mercury from primary mining cannot be used for artisanal and small-scale gold mining (ASGM), and excess mercury from the decommissioning of chlor-alkali plants can only be disposed of as waste
  - EU customs to note that EU regulation on mercury export is stricter than Minamata Convention requirements

**Import** of mercury from a non-Party, similarly requires evidence that:

3. Requires a written consent from the importer country and certification that the mercury is not originating from mercury sources not allowed under the Convention: New or “expired” dedicated mercury mining , or from chlor-alkali production

Article 3 also requires that Parties **identify stocks of mercury** above certain amounts, so if customs identify such stocks, contact the government authority responsible nationally for the Minamata Convention.



Photo: Carsten Lassen



## The Minamata Convention on Mercury



**Article 4** says that Parties shall not allow manufacture, import or export of specified mercury-added products after 2020

- A few countries already asked for five year extensions
  - Note the exemptions, which imposes documentation checking work on customs
  - A few OECD countries may have adopted alternative restrictions accepted by the Convention (as of September 2021 this only applies to the USA)
  - For EU customs, note that the EU regulation goes beyond the Minamata Convention for certain products
- 
- See targeted products next page





# The Minamata Convention on Mercury



**Batteries**, except for button zinc silver oxide batteries with a mercury content < 2% and button zinc air batteries with a mercury content < 2%

**Switches and relays**, except very high accuracy capacitance and loss measurement bridges and high frequency radio frequency switches and relays in monitoring and control instruments with a maximum mercury content of 20 mg per bridge, switch or relay

**Compact fluorescent lamps (CFLs)** for general lighting purposes that are ≤ 30 watts with a mercury content exceeding 5 mg per lamp burner

**Linear fluorescent lamps (LFLs)** for general lighting purposes:

- (a) Triband phosphor < 60 watts with a mercury content exceeding 5 mg per lamp;
- (b) Halophosphate phosphor ≤ 40 watts with a mercury content exceeding 10 mg per lamp

**High pressure mercury vapour lamps (HPMV)** for general lighting purposes

Mercury in **cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for electronic displays**:

- (a) short length (≤ 500 mm) with mercury content exceeding 3.5 mg per lamp
- (b) medium length (> 500 mm and ≤ 1 500 mm) with mercury content exceeding 5 mg per lamp
- (c) long length (> 1 500 mm) with mercury content exceeding 13 mg per lamp

**Cosmetics** (with mercury content above 1ppm), **including skin lightening soaps and creams**, and not including eye area cosmetics where mercury is used as a preservative and no effective and safe substitute preservatives are available

**Pesticides, biocides and topical antiseptics**

The following **non-electronic measuring devices** except non-electronic measuring devices installed in large-scale equipment or those used for high precision measurement, where no suitable mercury-free alternative is available:

- (a) barometers; (b) hygrometers; (c) manometers; (d) thermometers; (e) sphygmomanometers



## The Minamata Convention on Mercury



- **Article 5** on the intentional **use of mercury in processes** is only relevant to customs in the context of “allowed uses” for which mercury trade is not restricted in Article 3.
- **Article 7** of the Minamata Convention aims at achieving reductions and ultimately elimination in **mercury usage in ASGM**.
  - Mercury use in this activity is **still allowed** – while dis-encouraged – in this activity, because a quick transition is deemed unlikely due to the many people depending for their livelihood on this technology, and because the activity is largely informal and thus hard to influence
  - The use of mercury from primary mining is however not allowed in ASGM as per Article 3 (see above)
  - **Many gold mining countries have national prohibitions** of mercury use in ASGM, and this should be observed in customs investigations.
- Article 10 on **interim storage** of mercury (not waste) states that mercury and its compounds should be stored in an environmentally sound manner, to avoid releases (as per a specific guideline)
  - This may be an aspect that customs may also encounter during inspections.



Photo: Carsten Lassen



# The Minamata Convention on Mercury



- **Article 11 states that the relevant definitions of the Basel Convention apply**
  - Also for countries that are not Basel Parties but are Minamata Parties
- In the Minamata Convention **mercury wastes mean** substances or objects that are disposed off:
  - a) Consisting of mercury or mercury compounds;
  - b) Containing mercury or mercury compounds; or
  - c) Contaminated with mercury or mercury compounds.
  - Concentration threshold for a) and b) exist, while for c) it is still under definition (as of September 2021)
- Article 11 further states that mercury and mercury compound **wastes must be managed in an environmentally sound manner**
- For Parties to the Minamata and Basel Conventions, **mercury wastes shall not be transported across international boundaries unless for the purpose of environmentally safe disposal**



Photo: Carsten Lassen



## The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal





## Other international regulation related to mercury trade and shipments



**The Basel Convention** on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

Provisions on:

- The **reduction** of hazardous waste generation and the promotion of **environmentally sound management** of hazardous wastes
  - Wherever the place of disposal
- The **restriction of transboundary movements of hazardous wastes**
  - Except where it is perceived to be in accordance with the principles of environmentally sound management
- **Regulation of permitted transboundary movements** (import, transit, and export) of waste.



Photo: Carsten Lassen



# The Basel Convention



- **Prior informed consent principles**
- **Definition of illegal trafficking of waste**
  - a) Without notification to all States concerned;
  - b) Without the consent of all States concerned;
  - c) With consent obtained through falsification, misrepresentation or fraud;
  - d) When there is a material discrepancy between documents and wastes;
  - e) When the movement results in deliberate disposal of the wastes in contravention of the Convention (e.g. dumping).



Photo: Carsten Lassen



## The Basel Convention



The Basel Convention regional agreements and the “Ban Amendment”

- Ban amendment in force 5 December 2019 prohibits all transboundary movements of hazardous wastes from OECD to non-OECD States, which are destined for
  - Final disposal operations or
  - Recovery or recycling operations

The ban was implemented earlier in:

- The European Waste Shipments Regulation (WSR; see below)
- The 1998 Bamako Convention, a regional treaty of African nations prohibiting the import of any hazardous (including radioactive) waste into Africa
- The 1995 Waigani Convention on banning the importation of hazardous and radioactive Wastes within the South Pacific Region



Photo: Carsten Lassen



## The Basel Convention



**OECD decision** on transboundary movements of wastes destined for recovery operations between OECD countries (only)

- Simplified procedures based on risk categorization into two types of control procedures
  - **Green Control Procedure:** for wastes that present low risk for human health and the environment and, therefore, are not subject to any controls other than those normally applied in commercial transactions; and
  - **Amber Control Procedure:** for wastes presenting sufficient risk to justify their control. This is similar to the system of prior notification and consent of the Basel Convention.



Photo: Carsten Lassen



## The Basel Convention



Basel convention guideline on mercury waste treatment

- Detailed technical descriptions of the **environmentally sound treatment and disposal** of mercury wastes



Photo: Carsten Lassen



## The Basel Convention



### Basel Convention waste codes with reference to mercury\*

<b>Entries with direct reference to mercury</b>	
Y29	Wastes having as constituents: <i>Mercury; mercury compounds</i>
A1010	Metal wastes and waste consisting of alloys of any of the following: ... - <i>Mercury</i> ... but excluding such wastes specifically listed on list B.
A1030	Wastes having as constituents or contaminants any of the following: ... - <i>Mercury; mercury compounds</i> ...
A1180	Waste electrical and electronic assemblies or scrap <sup>2</sup> containing components such as accumulators and other batteries included on list A, <i>mercury-switches</i> , glass from cathode-ray tubes and other activated glass and PCB-capacitors, or contaminated with Annex I constituents (e.g., cadmium, <i>mercury</i> , lead, polychlorinated biphenyl) to an extent that they possess any of the characteristics contained in Annex III (note the related entry on list B B1110) <sup>3</sup>

\*As per Annexes I and VIII to the Basel Convention



## The Basel Convention



Other Basel Convention waste codes relevant to mercury (not exhaustive)\*

<b>Other entries related to wastes which may contain or be contaminated with mercury</b>	
A1170	Unsorted waste batteries excluding mixtures of only list B batteries. Waste batteries not specified on list B containing Annex I constituents to an extent to render them hazardous
A2030	Waste catalysts but excluding such wastes specified on list B
A2060	Coal-fired power plant fly-ash containing Annex I substances in concentrations sufficient to exhibit Annex III characteristics (note the related entry on list B B2050)
A3170	Wastes arising from the production of aliphatic halogenated hydrocarbons (such as chloromethane, dichloro-ethane, vinyl chloride, vinylidene chloride, allyl chloride and epichlorhydrin)
A4010	Wastes from the production, preparation and use of pharmaceutical products but excluding such wastes specified on list B
A4020	Clinical and related wastes; that is wastes arising from medical, nursing, dental, veterinary, or similar practices, and wastes generated in hospitals or other facilities during the investigation or treatment of patients, or research projects
A4030	Wastes from the production, formulation and use of biocides and phytopharmaceuticals, including waste pesticides and herbicides which are off-specification, outdated, or unfit for their originally intended use
A4080	Wastes of an explosive nature (but excluding such wastes specified on list B)
A4160	Spent activated carbon not included on list B (note the related entry on list B B2060)

\*As per Annexes I and VIII to the Basel Convention



## Other international regulation related to mercury trade and shipments



### **The Rotterdam Convention** on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

- **Regulates** the transboundary trade of hazardous chemicals, including pesticides, for which Parties have implemented bans or severe restrictions
- Based on **prior informed consent** - the “PIC procedure”
- Parties (members states) submit **notifications** for inclusion of a chemical
- Consideration for addition of a chemical to Annex III, if
  - one notification if registered from each of two specified regions
  - or in case of severely hazardous pesticide representing risks in developing countries
- **Decision guidance documents** are developed for Annex III chemicals
  - to help Parties decide if they should accept import of the chemical



Photo: Carsten Lassen



## The Rotterdam Convention



The Convention promotes the exchange of information on a very broad range of chemicals. It does so through:

- the **requirement for a Party to inform other Parties of each national ban** or severe restriction of a chemical;
- the possibility for Party which is a developing country or a country in transition to inform other **Parties that it is experiencing problems caused by a severely hazardous pesticide formulation** under conditions of use in its territory;
- the **requirement for a Party that plans to export a chemical that is banned** or severely restricted for use within its territory, to inform the importing Party that such export will take place, before the first shipment and annually thereafter;
- the **requirement** for an exporting Party, when exporting chemicals that are to be used for occupational purposes, **to ensure that an up-to-date safety data sheet is sent to the importer**; and
- **labelling requirements for exports of chemicals** included in the PIC procedure, as well as for other chemicals that are banned or severely restricted in the exporting country



Photo: Carsten Lassen



## The Rotterdam Convention



- As of February 2021, the following mercury compounds are covered by the PIC procedure (in Annex III to the Convention):
  - “Mercury compounds, including inorganic mercury compounds, alkyl mercury compounds and alkyloxyalkyl and aryl mercury compounds.”
  - These compounds are listed under the category “Pesticides”, but they actually have a broader application.
- Annex III’s list of chemicals is reviewed regularly
- So, for enforcement purposes check Annex III in <http://www.pic.int/TheConvention/Overview/TextoftheConvention/tabid/1048/language/en-US/Default.aspx>



Photo: Carsten Lassen



## EU legislation relating to trade of mercury and its products and wastes



- Regulation (EU) 2017/852 on mercury
- Waste Framework Directive 2008/98/EC
- Regulation (EC) 1013/2006 on shipments of waste



Photo: Carsten Lassen



## EU legislation - Regulation (EU) 2017/852 on mercury



- **Covers the full lifecycle of mercury**
- Implements and goes beyond the Minamata Convention
- Complements other existing environmental law, by
  - **Prohibiting the export of mercury and mercury compounds;**
  - **Prohibiting** the manufacture, **export and import** of a large range of **mercury-added products;**
  - Putting an end to all uses of mercury catalysts and large electrodes in industrial processes
  - Reducing the use of and pollution from dental amalgam (and paves the way for its possible phase-out)
  - Restricting future new uses of mercury
  - Ensuring that all mercury waste is safely taken out of the economic sphere and undergoing environmentally sound management (ESM)
  - Regulating **storage and waste of mercury** and its compounds and mixtures.
- The presentation here focuses on aspects relevant to customs



Photo: Carsten Lassen



## EU legislation - Regulation (EU) 2017/852 on mercury



- **Article 3 says that export of mercury out of the EU, also for reclaiming (/recycling) is prohibited.**
- **The export of the following compounds is also prohibited**, except for laboratory-scale research and laboratory analysis (the latter generally in small usage doses).
- Mercury compounds prohibited for export from 1 January 2018:
  - Mercury (I) chloride ( $\text{Hg}_2\text{Cl}_2$ , CAS RN 10112-91-1)
  - Mercury (II) oxide ( $\text{HgO}$ , CAS RN 21908-53-2)
  - Cinnabar ore
  - Mercury sulfide ( $\text{HgS}$ , CAS RN 1344-48-5)
- Mercury compounds prohibited for export from 1 January 2020:
  - Mercury (II) sulphate ( $\text{HgSO}_4$ , CAS RN 7783-35-9)
  - Mercury (II) nitrate ( $\text{Hg}(\text{NO}_3)_2$ , CAS RN 10045-94-0)
- Mixtures of mercury prohibited for export and import from 1 January 2018:
  - Mixtures of mercury with other substances, including alloys of mercury, with a mercury concentration of at least 95 % by weight.
- The European Commission has specified forms to be used for the purpose of implementing Articles 3; see [https://ec.europa.eu/environment/chemicals/mercury/regulation\\_en.htm](https://ec.europa.eu/environment/chemicals/mercury/regulation_en.htm)



Photo: Carsten Lassen



## EU legislation - Regulation (EU) 2017/852 on mercury



- **Article 4 – import of mercury and its mixtures is prohibited**, except:
  - If it is imported for disposal of waste in cases where the exporting country has no access to available conversion capacity in its own territory, OR
  - If its intended use is allowed in the Member State and prior consent from the Member State has been given
    - AND the exporting country is a Party to the Minamata Convention and the mercury is not from primary mining prohibited under Article 3 of that Convention,
    - OR the exporting country is not a Party to that Convention but has provided certificate that it is not from primary (dedicated) mercury mining.
- For custom's enforcement, this means that certificate/proof of these circumstances shall be available
  - EU forms are available at [https://ec.europa.eu/environment/chemicals/mercury/regulation\\_en.htm](https://ec.europa.eu/environment/chemicals/mercury/regulation_en.htm)



Photo: Carsten Lassen



## EU legislation - Regulation (EU) 2017/852 on mercury



- **Article 5 prohibits** export, import and manufacturing of **mercury-added products** listed below:
  - Exemption for civil protection, military use, and research/calibration
  - Follows largely the Minamata Convention, but goes beyond in a few cases

1. **Batteries** or accumulators that contain more than **0,0005 %** of mercury by weight.

2. **Switches and relays**, except very high accuracy capacitance and loss measurement bridges and high frequency radio frequency switches and relays in monitoring and control instruments with a maximum mercury content of 20 mg per bridge, switch or relay.

3. **Compact fluorescent lamps (CFLs)** for general lighting purposes: (a) CFL.i  $\leq$  30 watts with a mercury content exceeding 2,5 mg per lamp burner; (b) CFL.ni  $\leq$  30 watts with a mercury content exceeding 3,5 mg per lamp burner.

4. The following **linear fluorescent lamps (LFLs)** for general lighting purposes: (a) Triband phosphor  $\leq$  60 watts with a mercury content exceeding 5 mg per lamp; (b) Halophosphate phosphor  $\leq$  40 watts with a mercury content exceeding 10 mg per lamp.

5. **High pressure mercury vapour lamps (HPMV)**s for general lighting purposes.



## EU Regulation 2017/852 – Article 4 continued



6. The following **mercury-added** cold cathode fluorescent **lamps** and external electrode fluorescent lamps (CCFLs and EEFLs) **for electronic displays**: (a) short length ( $\leq 500$  mm) with mercury content exceeding 3,5 mg per lamp; (b) medium length ( $> 500$  mm and  $\leq 1\,500$  mm) with mercury content exceeding 5 mg per lamp; (c) long length ( $> 1\,500$  mm) with mercury content exceeding 13 mg per lamp.

7. **Cosmetics with mercury and mercury compounds**, except those special cases included in entries 16 and 17 of Annex V to the Cosmetics Regulation (EC) No 1223/2009.

8. **Pesticides, biocides and topical antiseptics.**

9. The following **non-electronic measuring devices\***:

- (a) barometers;
- (b) hygrometers;
- (c) manometers;
- (d) thermometers and other non-electrical thermometric applications;
- (e) sphygmomanometers;
- (f) strain gauges to be used with plethysmographs;
- (g) mercury pycnometers;
- (h) mercury metering devices for determination of the softening point.

\* With exemptions for products:  $>50$ y old (in 2017), for exhibition purposes, installed in large equipment, or for high precision measurements where no alternatives exist (see Reg. text)



## EU legislation - Regulation (EU) 2017/852 on mercury



- **Article 7 restricts industrial uses of mercury**
- In the context of uses allowed in the Union - and therefore allowed to import under certain conditions (as per Article 3 above), only the following uses are allowed:
  - Manufacture of mercury-added products allowed under Article 4 (meaning few products)
  - VCM production until 1 Jan. 2022
  - Some uses as catalyst until 1st Jan.2022 (in alcoholates production until 1 Jan. 2028)





## EU legislation - Regulation (EU) 2017/852 on mercury



- **Article 11 on waste says that:**
  - Mercury and mercury compounds, whether in pure form or in mixtures, from any of the following large sources shall be considered to be waste within the meaning of the Waste Directive 2008/98/EC and be disposed of without endangering human health or harming the environment, in accordance with that Directive:
    - Chlor-alkali industry
    - Cleaning of natural gas
    - Non-ferrous mining and smelting operations
    - Extraction from cinnabar ore in the Union.





## EU legislation - Regulation (EU) 2017/852 on mercury



- **Article 12, 13 and 14 on waste management and tracing:**
  - Article 12 requires reporting of stored amounts of mercury (waste), and sets conditions for this
  - Article 13 sets conditions for temporary storage and final disposal of mercury waste
  - Article 14 requires the establishment of a comprehensive tracing system for mercury waste. All shipments of mercury waste received, or – for temporary storage – dispatched from the facilities involved within the Union shall be recorded in a detailed manner and reported to the competent authorities
  - Relevant records should be available in the shipment situation





## EU legislation - Waste Framework Directive 2008/98/EC



- Establishes the basic concepts and definitions relating to waste management, such as definitions of waste, recycling and recovery
- Defines waste and hazardous waste
- Assigns codes according to waste lists



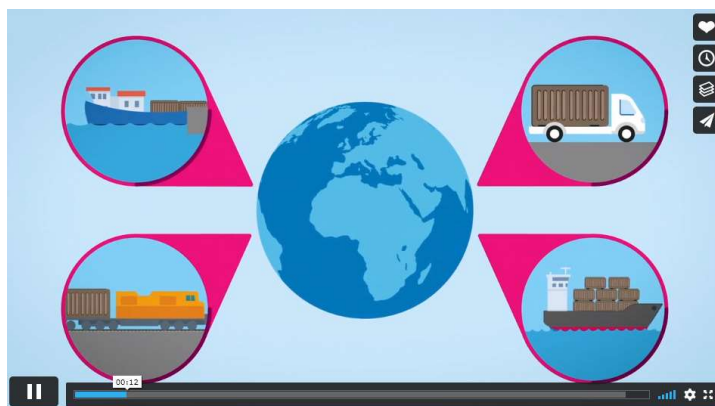
Photo: Carsten Lassen



## EU legislation - Regulation (EC) 1013/2006 on shipments of waste



- The WSR lays down procedures for the transboundary shipments (i.e. transport) of waste with and beyond the EU.
- It implements the provisions of the Basel Convention and the OECD Decision.
- The basic principles of the WSR are explained in a **video** published by The European Network of Prosecutors for the Environment (ENPE)



<https://vimeo.com/333388494>



## National regulations

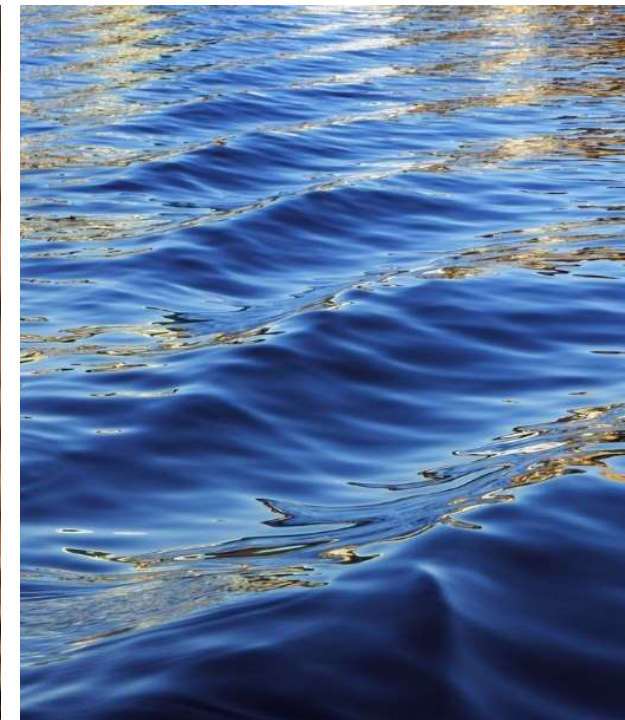


- **Some national regulation goes beyond Minamata or EU regulation**
- For example:
  - Bans on mercury use in artisanal and small scale mining (ASGM) in some developing countries
  - Further restrictions on mercury-added products or dental amalgam use (Nordic countries and few others)
- Check in the specific case





# Mercury trade in the African context





Any questions or comments? –  
Use the Q&A or chat functions





**Thank you for your attention!**

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