Danish Ministry of the Environment
Environmental Protection Agency

RISK MANAGEMENT OPTIONS ANALYSIS

CONCLUSION DOCUMENT

for

Mercury and mercury compounds

EC number: 231-106-7 (elemental mercury) + mercury compounds

CAS number: Group of substances (elemental mercury 7439-97-6)

Member State: Denmark

Dated: August 2014, Final version

Disclaimer: Please note that this RMOA conclusion was compiled on the basis of available information and may change in the light of new information or further assessment.

1. OVERVIEW OF OTHER REGULATORY PROCESSES / EU LEGISLATION

The Danish EPA has conducted a survey of all substances listed on the Danish List of Undesirable Substances (LOUS). Access to the surveys carried out so far can be found at the following link:
http://www.mst.dk/English/Chemicals/assessment_of_chemicals/LOUS_2012_2015/

The survey carried out for mercury provides an overview of the use and the environmental and human health aspects of the substance. The results of the survey have been used as the main background information for this RMO.

Existing legislation

Due to its well documented adverse environmental characteristics, mercury and its compounds are among the most regulated hazardous substances both nationally in Denmark, in the EU and in international conventions.

Mercury pollution to all environmental media is targeted by legislation, yet with most emphasis on the atmospheric releases due to mercury's ability for long-range transport. In the EU context, mercury is also restricted, as the Commission had adopted a Community Strategy Concerning Mercury in 2005. The EU and the majority of the Member States have as of today signed the Minamata Convention in October 2013 and the Commission is currently assessing the need for regulatory measures in order to ratify it.

Mercury releases are regulated to a varying extent.

Under the Industrial Emissions Directive 2010/75/EU, Best Available Techniques (BAT) to reduce mercury emissions, as well as the associated emission levels, are set out in BAT conclusions recently adopted by Commission Implementing Decisions (e.g. cement production, iron/steel manufacturing) or currently under development (e.g. large combustion plants, non-ferrous metals production).

Waste incineration and co-incineration are regulated with an air and waste water emission limit in the Industrial Emissions Directive, and otherwise indirectly via facility-specific environmental permits which may also target releases to other media. Mercury releases to the atmosphere from coal combustion is addressed in Danish regulation indirectly only, in the form of a guideline on air emissions in environmental permits, which is to be considered in facility-specific environmental permits. Based on available emission estimates, atmospheric emissions from these major sources have been reduced heavily over the last decades. Mercury- specific filter types which have the capacity to reduce air emissions further do however exist. These are applied in many (but not all) of the Danish waste incineration plants, but not on any Danish coal fired power plants. This is probably also true for many other MS.

The negotiation of a global treaty - the Minamata Convention - on mercury was finalised in January 2013 with its signature of many countries in the world in October 2013. Mercury is also addressed by several existing international agreements addressing atmospheric emissions (CLRTAP), the marine environment (OSPAR, HELCOM), waste (Basel Convention), and export of chemicals (Rotterdam Convention).

2. CONCLUSION OF RMOA

Conclusions	**Tick box**
Need for follow up regulatory action at EU level *[if a specific regulatory action is already identified then, please, select one or more of the specific follow up actions mentioned below]*	
Harmonised classification and labelling	
Identification as SVHC (authorisation)	?
Restrictions	?
Other EU-wide measures	?
National initiatives	X
No need for regulatory follow-up action	

The effects on human health and environment as well as the possibilities for long distance transportation are well known. The EU Mercury Strategy and the REACH Annex XVII restrictions on measuring devices and 5 phenylmercury compounds are based on the overall load of mercury to the environment taking into account that mercury compounds will eventually release mercury and thereby be available to man and the environment through the methyl-mercury route; it is therefore considered reasonable to treat mercury compounds the same way as (elemental) mercury.

The RMO proposed are basically awaiting the outcome of the analysis made by Commission on the legislative needs in order to meet the requirements of the Minamata Convention that are due to be discussed during autumn/winter 2014.

The conclusions are listed here:

- Consider inclusion of mercury and mercury compounds in the Candidate List respecting the outcome of the analysis made by Commission on the legislative needs in order to meet the requirements of the Minamata Convention in order to assess if there is a need to increase the pressure for substitution
- Await the outcome of the analysis made by Commission on the legislative needs in order to meet the requirements of the Minamata Convention in order to assess if any additional restrictions are necessary
- National awareness raising and information programs concerning mercury in lamps (collection schemes etc.)
- Promoting the use of LED lamps
- Improvement of collection rate of waste containing mercury

Since the Commission in July 2014 presented a draft study on how EU can implement the conditions laid out in the Minamata Convention it seems appropriate to wait for outcome of the discussions on this study before developing a SVHC Annex XV dossier in order to avoid any issues relating to sunset date and specific uses and before taking a final decision on whether or not the SVHC route is the best way of dealing with the remaining uses of mercury.