

## **Submission from the EU on manufacturing processes using mercury or mercury compounds**

In accordance with Decision MC-4/3: *Review and amendment of Annexes A and B to the Minamata Convention*, the fourth Conference of the Parties to the Convention (COP4) requested Parties to submit information to the Secretariat of the Convention by 31 December 2022 on two manufacturing processes using mercury or mercury compounds, i.e. Vinyl Chloride Monomer (VCM) and Sodium or Potassium Methylate or Ethylate. Specifically, the COP requested information on the following:

- a) whether Parties continue to use the two above-mentioned manufacturing processes and whether they are scheduled to be phased out nationally, and
- b) to what extent mercury-free alternatives are technically and economically feasible.

### **I. RELEVANT LEGAL PROVISIONS OF EU LAW**

The use of mercury or mercury compounds by manufacturing processes is addressed under European Union law in Article 7(1) and (2) and Annex III to Regulation (EU) 2017/852 on mercury.

#### **Article 7: Industrial activities**

1. The use of mercury and mercury compounds in the manufacturing processes listed in Part I of Annex III shall be prohibited as from the dates set out therein.
2. The use of mercury and mercury compounds in the manufacturing processes listed in Part II of Annex III shall only be allowed subject to the conditions set out therein.

#### **ANNEX III: Mercury-related requirements applicable to manufacturing processes referred to in Article 7(1) and (2)**

##### ***Part I: Prohibited use of mercury or mercury compounds, whether in pure form or in mixtures, in manufacturing processes***

- (a) from 1 January 2018: manufacturing processes in which mercury or mercury compounds are used as a catalyst;
- (b) by way of derogation from point (a), the production of vinyl chloride monomer shall be prohibited from 1 January 2022;
- (c) from 1 January 2022: manufacturing processes in which mercury is used as an electrode;
- (d) by way of derogation from point (c), from 11 December 2017: chlor-alkali production in which mercury is used as an electrode;

- (e) by way of derogation from point (c), the production of sodium or potassium methylate or ethylate shall be prohibited from 1 January 2028;
- (f) from 1 January 2018: the production of polyurethane, to the extent not already restricted or prohibited in accordance with entry 62 of Annex XVII to Regulation (EC) No 1907/2006.

***Part II: Manufacturing processes subject to restrictions on use and releases of mercury and mercury compounds***

**Production of sodium or potassium methylate or ethylate**

The production of sodium or potassium methylate or ethylate shall be carried out in accordance with point (e) of Part I and subject to the following conditions:

- (a) no use of mercury from primary mercury mining;
- (b) reduction of direct and indirect release of mercury and of mercury compounds into air, water and land in terms of per unit production by 50 % by 2020 as compared to 2010;
- (c) supporting research and development in respect of mercury-free manufacturing processes; and
- (d) as from 13 June 2017, the capacity of installations using mercury and mercury compounds for the production of sodium or potassium methylate or ethylate that were in operation before that date shall not be increased and no new installations shall be allowed.

**II. TECHNICAL, ECONOMIC AND ENVIRONMENTAL INFORMATION ON MERCURY-FREE ALTERNATIVES**

The EU would like to refer to the information submitted by the EU to the Minamata Secretariat on 31 March 2020 (available on the Minamata Convention website) concerning information on manufacturing processes.

Note that the EU submission was based on the European Commission study on the "[Collection of information on mercury-added products and their alternatives](#)". The final report has a wider scope than the EU submission and has been published and made available on [CIRCABC](#).