



**COUNCIL OF  
THE EUROPEAN UNION**



**Council Conclusions on addressing global mercury challenges:  
Preparation of the 25th Session of the  
UNEP Governing Council  
(Nairobi, 16-20 February 2009)**

*2912th ENVIRONMENT Council meeting  
Brussels, 4 December 2008*

The Council adopted the following conclusions:

"THE COUNCIL OF THE EUROPEAN UNION:

1. REITERATES that mercury is recognised as being persistent, toxic, bioaccumulative and having long-range transport properties; AFFIRMS its commitment to the overall objective of protecting human health and the environment from the release of mercury and its compounds by minimising and, where feasible, ultimately eliminating global anthropogenic mercury releases to air, water and land.
2. RECALLS that the Council conclusions of 24 June 2005 regarded it as essential to continue and intensify international efforts to reduce mercury emissions and exposure on a global scale with a view to achieving a global phase-out of primary production, preventing surpluses from re-entering the market, as well as phasing out its use and trade, taking into account the availability of alternatives.

**P R E S S**

3. UNDERLINES the progress made in implementing the Community Strategy Concerning Mercury since 2005, in particular the adoption of legislative acts exclusively dedicated to mercury: the 2007 Directive relating to restrictions on the marketing of certain measuring devices containing mercury and the Regulation on the banning of exports from the European Union and the safe storage of mercury as from March 2011, which was adopted this year . Under this Regulation, metallic mercury has to be safely stored within the EU in facilities guaranteeing a high level of safety.
4. SUPPORTS UNEP GC Decisions 22/4, 23/9 and 24/3 and confirms that further long-term international action is required to reduce risks to human health and the environment caused by mercury.
5. WELCOMES the work of the UNEP Ad hoc Open-Ended Working Group in reviewing and assessing options for enhanced voluntary measures and new or existing international legal instruments; and ENDORSES the outcome of the Working Group, which proposes a comprehensive framework for addressing the global challenges posed by mercury.
6. CONSIDERS that a multilateral environmental agreement is the most appropriate instrument which would, *inter alia*, demonstrate widespread ownership of the overall objective, cover long-term political commitments and actions that need to be tackled in multiple ways to ensure successful implementation involving governments, regional economic integration organisations, intergovernmental and non-governmental organisations and other stakeholders; provide legislative authority; flexibly cover all phases of the mercury life cycle from production and uses to releases (intentional and unintentional), stockpiles and wastes; create a level playing field for all stakeholders and thereby establish incentives for environmentally friendly solutions; enable countries to implement trade-related measures on mercury in a transparent multilaterally agreed, non-discriminatory way; finally, experience with past MEAs shows that MEAs provide long-lasting financial and technical support to developing countries based on a commonly agreed approach.
7. CONSIDERS that a new mercury instrument should be included in the cooperation and coordination process between the Basel Convention on the Transboundary Movement of Hazardous Wastes and their Disposal, the Stockholm Convention on Persistent Organic Pollutants (POPs) and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (PIC), in order to contribute to long-lasting synergies in the chemicals and waste cluster.

8. AGREES that the European Community and its Member States should strive for a substantive decision at the UNEP GC 25 launching the expeditious development of a free-standing, global multilateral environmental agreement that covers mercury.
9. AGREES that, in the process leading to such a multilateral environmental agreement, a mechanism should be elaborated that would allow the agreement to cover additional substances, such as for instance inorganic substances, once they have been recognised as being of global concern.
10. EMPHASISES that such a comprehensive multilateral environmental agreement should consider the whole life cycle of mercury and include a broad range of elements representing specific commitments and actions to accomplish the overall objective. AFFIRMS its support for a multilateral environmental agreement structure that could include actions to:
  - reduce the supply of mercury;
  - reduce the demand for mercury in products and processes;
  - reduce international trade in mercury;
  - reduce atmospheric emissions of mercury;
  - achieve environmentally sound management of mercury-containing wastes;
  - find environmentally sound storage solutions for mercury;
  - address remediation of existing contaminated sites;
  - increase knowledge.
11. CONSIDERS that such a multilateral environmental agreement would contain different degrees of obligation with regard to the specific actions to address the global challenges posed by mercury.
12. ACKNOWLEDGES that legal obligations require capacity-building, technical and financial assistance to be successfully implemented by all Parties, and CONSIDERS that the Global Environment Facility (GEF) should be used to finance capacity-building and projects relating to mercury, subject to GEF's mandate.

13. UNDERSTANDS the specific challenges and needs of countries, such as the importance of meeting their growing energy needs, the challenge in medium and long-term environmentally sound storage of mercury, and the importance of knowledge and information gathering in the implementation of a multilateral environmental agreement.
  14. WELCOMES the work undertaken and URGES the strengthening of the UNEP Mercury Programme and the Global Mercury Partnership as means for immediate action and ways to usefully complement, prepare for or contribute to the implementation of a multilateral environmental agreement."
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