
Consultation period: 28 April 2006 – 21 July 2006

1. Introduction

1.1 On 28\textsuperscript{th} April, 2006, the Department for Environment, Food and Rural Affairs (Defra) published a consultation seeking views on a proposal by the European Commission for restrictions on the marketing of mercury in certain measuring devices. This paper summarises and responds to the findings of the consultation.

1.2 The aim of the proposal is to amend the existing Marketing and Use Directive (76/769/EEC) to restrict the marketing of fever (clinical) thermometers and other measuring devices intended for consumer use - e.g. manometers, barometers, sphygmomanometers (blood pressure meters) - which contain mercury. Mercury is highly toxic, especially to developing nervous systems. It is persistent in the environment and can accumulate along food chains. Although its use has greatly declined in recent decades, it still has applications, including in measuring and control equipment. The proposal therefore seeks to contribute to a high level of protection of the environment and human health by preventing considerable amounts of mercury entering the waste stream.

1.3 A partial Regulatory Impact Assessment (RIA) was subsequently prepared, to consider the potential impact of the proposals. Four options were identified:

i. Business as usual;

ii. Voluntary agreements with industry;

iii. Establishment of targets to be implemented by Member States;


1.4 The consultation invited views on all aspects of the proposal, especially in terms of possible impacts, monetary and otherwise, on consumers, industry and the environment. In addition, consultees were asked to consider the following points:

- Do you have any comments on the broad content of the proposal?
- Do you agree that industrial sectors affected by the proposal will be able to offset economic impact by continued production of specialist equipment, trade in second-hand goods and repair of existing devices, plus opportunities to expand market share in non-mercury products?
Do you have any comments on the broad content of the partial RIA? The Government would welcome suggestions for any changes into the level of impact of the proposals not taken into account in the RIA.

Are there any possible unintended consequences or other implications arising from the proposed regulations not covered in the specific questions above?

1.5 The next section provides a summary of statements provided by respondents in response to the issues raised in the consultation document.

2. Consultation Response and Views Expressed

2.1 The consultation document was sent to over 690 relevant stakeholders, as well as being made available on the Defra web-site. Fourteen replies were received during the 12 week consultation period. Table 1 gives a breakdown of respondents by category and a full list is at Annex 1. All respondents were asked if they were content for their views to be made public and non-confidential responses are available from the contact point listed above.

<table>
<thead>
<tr>
<th>Category</th>
<th>Number of Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chartered Institutes</td>
<td>2</td>
</tr>
<tr>
<td>Civil Society Organisations</td>
<td>3</td>
</tr>
<tr>
<td>Fire and Rescue/Emergency Planning</td>
<td>3</td>
</tr>
<tr>
<td>Industry and Trade Associations</td>
<td>5</td>
</tr>
<tr>
<td>Responses to be kept confidential</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>14</strong></td>
</tr>
</tbody>
</table>

2.2 No views against the proposal were received, although 8 of the responses did not make any specific comment.

2.3 All of the responses from the Fire and Rescue/Emergency Planning sector expressed concern about hazardous situations arising from breakages or spillages of domestic instruments containing mercury. All welcomed measures that would reduce the likelihood of such events and two expressly supported restricting the sale of mercury devices.

2.4 The 3 other responses all supported the Commission’s proposal; one expressed its agreement that option iv in the partial RIA has benefits which justify the cost.

3. Summary and Conclusions

3.1 Only a very limited number of responses were received.

3.2 It is unfortunate that no responses expressed views on the possible impacts of the proposal on industry, despite this being specifically identified in the consultation documents. This makes it unlikely that any
further information in this issue will be obtainable in time to influence the negotiations of the proposal.

3.3 Of the 6 responses that provided comments, only positive and no negative, views were expressed.

3.4 All 3 responses from the Fire and Rescue/Emergency Planning sector drew attention to the potential hazards that domestic mercury-instruments may pose, especially during a household fire.

3.5 It is intended that this Directive be taken forward.