CRC-19/4: Mercury

The Chemical Review Committee,

Recalling Article 5 of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade,

1. *Concludes* that the notifications of final regulatory action for mercury submitted by Colombia and the European Union[1] meet the criteria set out in Annex II to the Convention;

2. *Adopts* the rationale for the Committee's conclusion set out in the annex to the present decision;

3. *Recommends*, in accordance with paragraph 6 of Article 5 of the Convention, that the Conference of the Parties list mercury in Annex III to the Convention as an industrial chemical;

4. *Decides*, in accordance with paragraph 1 of Article 7 of the Convention, to prepare a draft decision guidance document for mercury;

5. *Also decides*, in accordance with the process for drafting decision guidance documents set out in decision RC-2/2 and amended by decision RC-6/3, that the composition of the intersessional drafting group to prepare the draft decision guidance document for mercury and the workplan of the group shall be as set out in annexes II and III, respectively, to the report of the Committee on the work of its nineteenth meeting.

[1] See UNEP/FAO/RC/CRC.19/11.

Annex to decision CRC-19/4

Rationale for the conclusion by the Chemical Review Committee that the notifications of final regulatory action submitted by Colombia and the European Union in respect of mercury in the industrial category meet the criteria of Annex II to the Rotterdam Convention

1. The notifications on mercury from Colombia and the European Union have been verified by the Secretariat as containing the information required by Annex I to the Rotterdam Convention. These notifications underwent a preliminary review by the Secretariat and the Bureau, which evaluated whether the notifications appeared to meet the requirements of the Convention.

2. The notifications and supporting documentation were made available to the Chemical Review Committee for its consideration in documents UNEP/FAO/RC/CRC.19/11 and UNEP/FAO/RC/CRC.19/INF/22 and UNEP/FAO/RC/CRC.19/INF/24. Information on trade was made available in document UNEP/FAO/RC/CRC.19/INF/6.

I. Colombia

A. Scope of the regulatory action notified by Colombia

3. The regulatory action notified by Colombia relates to mercury (CAS No. 7439-97-6) in the industrial category.

4. The regulatory action is notified as a ban.

5. Based on Law 1658 of 15 July 2013, the government of Colombia prohibited the marketing and use of mercury. The regulation eradicates the use of mercury in the national territory in: (1) all industrial and production processes within a period not exceeding 10 years (till 15 July 2023), and (2) for mining within a maximum period of five years (till 15 July 2018). Currently the deadline for industrial uses other than mining has not been met; this is the reason why the use of mercury in the production of dental amalgam will continue until 15 July 2023.

B. Annex II paragraph (a) criterion

(a) Confirm that the final regulatory action has been taken in order to protect human health or the environment;

6. The government of Colombia prohibited the marketing and use of mercury under Law 1658 of 15 July 2013. It was determined that in order to protect and safeguard the human health and preserve renewable natural resources and the environment, the use, import, production, marketing, handling, transportation, storage, final disposal and release into the environment of mercury in industrial activities, whatever they may be, must be regulated throughout the national territory.

7. Specifically, Article 3 of the law establishes the measures to reduce and eliminate the use of mercury in the country as follows: “Article 3. Reduction and elimination of the use of mercury. The Ministries of Environment and Sustainable Development; Mines and Energy; Health and Social Protection and Work, will establish the necessary regulatory measures that will allow to reduce and eliminate, in a safe and sustainable way, the use of mercury in the different industrial activities of the country. Eradicate the use of mercury throughout the national territory, in all industrial and productive processes within a period not exceeding ten (10) years and for mining within a maximum period of five (5) years …”.

8. Therefore, the Committee concludes that the final regulatory action was taken in order to protect human health and the environment; accordingly, the criterion in paragraph (a) of Annex II is met.

C. Annex II paragraph (b) criteria

(b) Establish that the final regulatory action has been taken as a consequence of a risk evaluation. This evaluation shall be based on a review of scientific data in the context of the conditions prevailing in the Party in question. For this purpose, the documentation provided shall demonstrate that:

(i) Data have been generated according to scientifically recognized methods;

(ii) Data reviews have been performed and documented according to generally recognized scientific principles and procedures;

(iii) The final regulatory action was based on a risk evaluation involving prevailing conditions within the Party taking the action;

9. The risk evaluation on human health and the environment conducted by Colombia is presented in section 2.4.1 of the notification and provides evidence for unacceptable level of risk for the human health and the environment from the use of mercury. The notification and its supporting documents in UNEP/FAO/RC/CRC.19/INF/24 include several human health and environmental studies/investigations/measurements, as well as relevant evaluations that have been carried out in different regions of Colombia over a period of 20 years (1991–2011), notably:

(a) Mercury report. Eng. Manuel Salgado Alba, Reference intoxication by Heavy Metals, Environmental Risk Factors, National Institute of Health. UNEP/FAO/RC/CRC.19/INF/24, annex, document 2, p. 12;

(b) Protocol for Surveillance and Control of Acute Mercury Poisoning, September 25 2010. National Institute of Health. UNEP/FAO/RC/CRC.19/INF/24, annex, document 3, p. 21;

(c) Scientific, Regulatory and Technical Evidence on the Mercury Problem at the Level National and International Health Sector and Other Related Sectors. Revision Systematics of Literature. October 2012. Association agreement no. 447 of 2012 signed between the Ministry of Health and Social Protection and the Foundation for Education and Social development. UNEP/FAO/RC/CRC.19/INF/24, annex, document 4, p. 50;

(d) Quantification of Anthropogenic Releases of Mercury in Colombia: calculations and quantifications for the year 2009. Version 1.0. Ministry of Environment, Housing and Development Territory, Columbia. University of Antioquia, Diagnosis and Control Group of Pollution. December 2010. UNEP/FAO/RC/CRC.19/INF/24, annex, document 5, p. 197;

(e) National Diagnosis of Environmental Health. Ministry of Environment and Sustainable Development, Colombia. December 2012. UNEP/FAO/RC/CRC.19/INF/24, annex, document 6, p. 280.

10. The information obtained in these studies and evaluations was taken into account in the discussions held in the Congress of the Republic of Colombia for the development of Law 1658 of 2013. The reference to part of this information is evidenced in the congressional gazettes mentioned below:

(a) Congress Gazette no. 156 of 2011. UNEP/FAO/RC/CRC.19/INF/24, annex, document 7;

(b) Congress Gazette no. 473 of 2012. UNEP/FAO/RC/CRC.19/INF/24, annex, document 8;

(c) Congress Gazette no. 937 of 2012. UNEP/FAO/RC/CRC.19/INF/24, annex, document 9;

(d) Congress Gazette no. 613 of 2013. UNEP/FAO/RC/CRC.19/INF/24, annex, document 10;

(e) Congress Gazette no. 430 of 2013. UNEP/FAO/RC/CRC.19/INF/24, annex, document 11.

11. The data includes extensive neuro-epidemiological studies in exposed populations (occupational and general) and studies in different environmental compartments (freshwater, soil, sediment, biota, etc.), as well as food (fish), with a view to establishing the levels of mercury and the

perception of risk, and generating scientific, regulatory and technical evidence on the mercury problem both at the national and international levels of the health sector and other related sectors. Mercury measurements have been made in humans, mainly in workers and communities surrounding mining activities or adjacent to riverine areas.

12. The evaluation conducted established that mercury is a toxic substance, that when entering the human body produces disorders, mainly at the central nervous system level. The presence of mercury in the air, water, soil and food (mainly fish) in concentrations above the allowed limit has caused a serious public health problem in Colombia. Regions such as the northeast of Antioquia, the south of Bolívar, Chocó, Santander, Nariño, Caldas and Vaupés, among others, carry out artisanal gold mining and mercury is used for the final extraction of this precious metal. Its use occurs in an indiscriminate and poorly controlled way, a situation that has caused environmental contamination and has affected people's health. Exposure to mercury is also increased in industrial areas that use this substance (Protocol for Surveillance and Control of Acute Mercury Poisoning, UNEP/FAO/RC/CRC.19/INF/24, annex, document 3).

13. Studies conducted by the government of Antioquia in the municipalities of Segovia and Remedios, in the northeast of the department, found a concentration of mercury of approximately 340 μg/m³ in the air (300 times higher than the World Health Organization guidelines for public maximum exposure to mercury vapour). Approximately 26 to 6,118 ppm of Hg is discharged into rivers by miners in the region. Additionally, the main food of these communities is fish, which has been shown to be affected by the emission of mercury. Studies completed by Corantioquia, the University of Antioquia, and the University of Cartagena have revealed a concentration above 1.06 μg Hg/g in most of the species found in the rivers of the surrounding area (Congress Gazette no. 156 of 2011, UNEP/FAO/RC/CRC.19/INF/24, annex, document 7).

14. Mercury contamination in Colombia originated from the gold exploitation processes in which the mineral containing the precious metal is extracted by joining it with mercury to form an amalgam. During the process, mercury spills into water bodies and the environment. Subsequently, the amalgam obtained is burned in the open air, leaving the gold and releasing the toxic mercury vapours into the atmosphere. All these activities are performed very close to miners' households, in such a way that families breathe a large part of the volatilized mercury vapour. Even remote populations can be affected by the mobilization of this substance (Protocol for Surveillance and Control of Acute Mercury Poisoning, UNEP/FAO/RC/CRC.19/INF/24, annex, document 3).

15. Studies carried out in populations (occupational and general) exposed to mercury have made it possible to establish its relationship to the development of the observed manifestations (Fawer and others, 1983; Piikivi, 1989; Marh and others, 1987). The neuroepidemiological and toxicological study of the Suratá river pollutants carried out in the mining population of that region (Santander, 1992) raised the possible relationship between chronic exposure to mercury and the presence of neurological diseases. Tirado and others (2000) suggest that this form of exposure can cause neuropsychological and behavioural deficits in the population. In 1995, Olivero and others reported that the inhabitants of southern Bolívar presented signs of mercury intoxication such as hand tremors, neurological disorders and visual problems, among others. In this region, frequent cases of congenital malformations have also been reported, although without evidence of association with mercury exposure (Protocol for Surveillance and Control of Acute Mercury Poisoning, UNEP/FAO/RC/CRC.19/INF/24, annex III).

16. According to the National Public Health Surveillance System (SIVIGILA), during 2010 and in the first half of 2011, 201 cases of mercury poisoning were reported in Colombia, and 96 per cent of the cases were of occupational or accidental origin, as follows: 85 per cent (n = 171) occupational, 11 per cent (n = 22) accidental (Mercury Report, UNEP/FAO/RC/CRC.19/INF/24, annex, document 2).

17. Occupational exposure is most frequent in the reported cases, with mining and quarrying occupations associated with the highest number of cases, given the use of mercury as an input for gold mining. The most significant conclusions indicate that the most frequent notifiers during the period were Antioquia, followed by Bogotá, Bolívar, Risaralda, Santander and Valle del Cauca. The highest percentage of intoxications reported were occupational, with respiratory the most frequent

route of exposure and, according to the analysis by occupation, the highest number of intoxicated were miners or stonemasons (Scientific, Regulatory and Technical Evidence on the Mercury Problem at the Level National and International Health Sector and Other Related Sectors. Revision Systematics of Literature, UNEP/FAO/RC/CRC.19/INF/24, annex, document 4).

18. It was identified that some population groups deserve special attention in relation to exposure to mercury, since they have a greater probability of exposure to dangerous levels, or because as carriers of disease, the intoxication effects can be exacerbated:

(a) Workers exposed to mercury;

(b) General population next to sources of mercury contamination (mines, industries);

(c) Populations in areas contaminated by mercury, especially indigenous and riverine, whose main source of proteins is fish;

(d) People using mercury-containing medications for a long time;

(e) People with central nervous system diseases, patients with chronic kidney and broncopulmonary failure;

(f) Pregnant women and toddlers

(Scientific, Regulatory and Technical Evidence on the Mercury Problem at the Level National and International Health Sector and Other Related Sectors. Revision Systematics of Literature, UNEP/FAO/RC/CRC.19/INF/24, annex, document 4).

19. The Committee confirms that the criteria in paragraphs (b) (i), (ii) and (iii) of Annex II are met.

20. Therefore, the Committee concludes that the criteria in paragraph (b) of Annex II as a whole are met.

D. Annex II paragraph (c) criteria

(c) Consider whether the final regulatory action provides a sufficiently broad basis to merit listing of the chemical in Annex III, by taking into account:

(i) Whether the final regulatory action led, or would be expected to lead, to a significant decrease in the quantity of the chemical used or the number of its uses;

21. Prior to the final regulatory action, mercury was used in mining, chlor-alkali industry, production of energy-saving lamps and manufacture of dental amalgams (UNEP/FAO/RC/CRC.19/11, annex, sect. 2.3.1 of the Colombia notification). The final regulatory action prohibited the use of mercury in mining activities on 15 July 2018, and will prohibit all other industrial activities except the manufacture of dental amalgams on 15 July 2023. Therefore, the final regulatory action is expected to lead to a significant decrease in the quantity of the chemical used and the number of its uses in Colombia.

22. Hence, the Committee concludes that the criterion in paragraph (c) (i) is met.

(ii) Whether the final regulatory action led to an actual reduction of risk or would be expected to result in a significant reduction of risk for human health or the environment of the Party that submitted the notification;

23. According to sections 2.4.2.1 and 2.4.2.2 of the Colombia notification, it is expected that the regulatory action taken by Colombia would reduce occupation and environmental exposure to mercury in humans and reduce the anthropogenic releases and emissions of mercury to the environment.

24. Since Colombia’s final regulatory action prohibits the use of mercury in all industrial and production processes (till 15 July 2023), and for mining (till 15 July 2018), it is expected that it will result in a significant reduction of risk for human health and the environment since these uses were

reported to occur in Colombia prior to the final regulatory action, and evidence provided suggested that they presented an unacceptable level of risk for the human health and the environment.

25. Hence, the Committee concludes that the criterion in paragraph (c) (ii) is met.

(iii) Whether the considerations that led to the final regulatory action being taken are applicable only in a limited geographical area or in other limited circumstances;

26. Section 2.5.2 of the notification states that mercury can be used in other countries for the manufacture of products with added mercury and in gold extraction, mainly in countries in development; therefore, the considerations leading to the final regulatory action being taken are expected to be applicable to other geographical areas where mercury is used in similar conditions.

27. Therefore, the Committee concludes that the criterion in paragraph (c) (iii) is met.

(iv) Whether there is evidence of ongoing international trade in the chemical;

28. According to section 2.5.1 of the notification, Colombia reported imported quantities of mercury between 2006 and 2013, as well imports of 3.5 metric tons for 2020, which is the quota allowed under Decree 1041 of 2018 for exclusive use in the manufacture of dental amalgam. This suggests ongoing international trade of mercury, since Colombia's exemption for the manufacture of dental amalgam is in place until 15 July 2023.

29. Therefore, the Committee concludes that the criterion in paragraph (c) (iv) is met.

E. Annex II paragraph (d) criterion

(d) Take into account that intentional misuse is not in itself an adequate reason to list a chemical in Annex III.

30. There is no indication in the notification that consideration related to intentional misuse prompted the final regulatory action.

31. Therefore, the Committee concludes that the criterion in paragraph (d) is met.

F. Conclusion

32. The Committee concludes that the notification of final regulatory action by Colombia meets the criteria set out in Annex II to the Convention.

II. European Union

A. Scope of the regulatory action notified by the European Union

33. The regulatory action notified by the European Union relates to mercury (CAS No. 7439-97-6) in the industrial category.

34. The use of mercury as an industrial chemical is severely restricted in the European Union pursuant to regulation (EU) 2017/852 on mercury, regulation (EC) 1907/2006 (REACH), directive 2011/65/EU (RoHS) and directive 2006/66/EC (batteries and accumulators). More specifically:

(a) In 2006, directive 2006/66/EC introduced a prohibition on the placing on the market of batteries and accumulators containing mercury;

(b) In 2007, directive 2007/51/EC introduced a restriction under directive 76/769/EEC on the placing on the market of mercury in fever thermometers and in other measuring devices intended for sale to the general public;

(c) Regulation (EC) No. 1907/2006 (REACH) repealed directive 76/769/EEC. Commission regulation (EC) No. 552/2009 amended annex XVII to REACH by incorporating in entry 18.a the restrictions on certain measuring devices containing mercury that was adopted under directive 2007/51/EC;

(d) In 2011, directive 2011/65/EU (RoHS) established a restriction on the placing on the market of electric and electronic equipment to a maximum concentration value of 0.1 per cent of mercury, allowing exemptions for certain applications for a limited time period;

(e) Commission regulation (EU) No. 847/2012 amended annex XVII to REACH by incorporating in entry 18.a a restriction on the placing on the market of mercury-containing and mercury-using measuring devices intended for industrial and professional uses. The restriction started to apply from 10 April 2014;

(f) Regulation (EU) 2017/852 on mercury was adopted in May 2017. This regulation complements the European Union acquis and lays down the provisions that are needed to ensure the complete alignment of the European Union acquis with the Minamata Convention on Mercury establishing measures and conditions concerning the use and storage of and trade in mercury, mercury compounds and mixtures of mercury, and the manufacture and use of and trade in mercury-added products, and the management of mercury waste.

B. Annex II paragraph (a) criterion

(a) Confirm that the final regulatory action has been taken in order to protect human health or the environment;

35. Sections 2.4.2.1 and 2.4.2.2 of the notification state that the final regulatory action has been taken in order to protect human health and the environment and further explain that mercury is a chemical of global concern owing to its long-range atmospheric transport, its persistence in the environment once anthropogenically introduced, its ability to bioaccumulate in ecosystems and its significant negative effects on the environment and on human health, which include significant adverse neurological and other health effects, with particular concerns expressed about its harmful effects on infants and unborn children. Mercury can be transformed to methylmercury, the most toxic form, which biomagnifies especially in the aquatic food chain, making populations and wildlife with a high intake of fish and seafood particularly vulnerable.

36. Therefore, the Committee concludes that the final regulatory action was taken in order to protect human health and the environment; accordingly, the criterion in paragraph (a) of Annex II is met.

C. Annex II paragraph (b) criteria

(b) Establish that the final regulatory action has been taken as a consequence of a risk evaluation. This evaluation shall be based on a review of scientific data in the context of the conditions prevailing in the Party in question. For this purpose, the documentation provided shall demonstrate that:

(i) Data have been generated according to scientifically recognized methods;

(ii) Data reviews have been performed and documented according to generally recognized scientific principles and procedures;

(iii) The final regulatory action was based on a risk evaluation involving prevailing conditions within the Party taking the action;

37. According to section 2.4.1 of the notification, a risk assessment was conducted in the European Union in the context of the restriction under REACH on mercury-containing measuring devices intended for industrial and professional uses. The following documents supporting this risk assessment are provided in UNEP/FAO/RC/CRC.19/INF/22:

(a) Committee for Risk Assessment (RAC), Committee for Socio-economic Analysis (SEAC). “Opinion on an Annex XV dossier proposing restrictions on mercury in measuring devices. ECHA/RAC/RES-O-0000001363-81-02/F”. ECHA/SEAC/ RES-O-0000001363-81-03/F. Compiled version prepared by the ECHA Secretariat of RAC’s opinion (adopted on 8 June 2011) and SEAC’s opinion (adopted on 15 September 2011) European Chemicals Agency;

(b) Committee for Risk Assessment (RAC), Committee for Socio-economic Analysis (SEAC). “Background document to the opinions on the Annex XV dossier proposing restrictions on mercury in measuring devices”. ECHA/RAC/RES-O-0000001363-81-02/F. ECHA/SEAC/RES-O-0000001363-81-03/S1. 15 September 2011. European Chemicals Agency.

38. While this risk assessment was conducted in the context of the restriction on mercury-containing measuring devices intended for industrial and professional uses, it includes information on the risks associated with mercury that is not limited to those measuring devices and that could support the other directives and regulations that comprise the final regulatory action notified by the European Union.

39. According to the RAC opinion and its background document, mercury and its compounds are highly toxic to humans, ecosystems and wildlife, with amongst others serious chronic irreversible adverse neurotoxic and neurodevelopmental effects. The RAC opinion includes a persistent, bioaccumulative and toxic (PBT) assessment for mercury-methylmercury concluding that there is an equivalent level of concern in terms of persistency, due to mercury cycling and methylation versus demethylation rates under anaerobic conditions, as well as the clear potential for bioaccumulation and toxicity identified for methylmercury (UNEP/FAO/RC/CRC.19/INF/22, p. 31).

40. The hazard and fate of mercury and its compounds are described in numerous peer-reviewed reports, which were referenced in the Background Document (UNEP/FAO/RC/CRC.19/INF/22, p. 42):

(a) United Nations Environment Programme, *Global Mercury Assessment* (2002; see also UNEP, 2008a and b);

(b) United Nations Environment Programme, World Health Organization, & International Labour Organization, *Methylmercury - Environmental Health Criteria 101* (1990);

(c) Risk and Policy Analysts Limited, “Risks to Health and the Environment Related to the Use of Mercury Products”, prepared for the European Commission (Norfolk: 2002).

41. It is estimated that 3.5–7.6 tons of mercury are placed on the market in mercury-containing measuring devices in 2010. These amounts are used to estimate the maximum potential for mercury emissions to the environment that might ultimately occur. This assumption is considered appropriate because of an estimated low separate collection rate of mercury waste and resulting inadequate waste treatment of a substantial part of the devices. This inappropriate waste collection leads in the long term to a relatively high share of mercury used in these devices being released to the environment. For measuring equipment using mercury (porosimeters, mercury probes used for capacitance-voltage determinations and mercury electrodes used in voltammeters) the total use is 5–15 metric tons per year (mostly porosimeters: 5–14 metric tons per year). It should be noted that these figures are the amount of mercury the laboratories purchase and cannot be used to estimate maximum potential for emission, as is the case for the measuring equipment containing mercury. To estimate emissions several additional factors need to be considered. These include number of measurements carried out, practices to purify and regenerate used mercury and the risk management measures and operational conditions applied to control the emissions and exposures (UNEP/FAO/RC/CRC.19/INF/22, p. 10).

42. The total mercury consumption in Europe was in 2007 estimated to be 320–530 metric tons: 160–190 metric tons of the total amount were used in chlor-alkali production and 90–110 were used in dental amalgams. The amount used in mercury measuring devices thus equals about 4 per cent of the total, while the restricted devices will be lower due to the large use in porosimeters (UNEP/FAO/RC/CRC.19/INF/22, p. 10).

43. Once released to the environment, mercury persists in the environment, where it circulates between air, water, sediments, soil and biota in various forms. Mercury can be transformed to methylmercury, the most toxic form, which biomagnifies, especially in the aquatic food chain, making populations and wildlife with a high intake of fish and seafood particularly vulnerable (UNEP/FAO/RC/CRC.19/INF/22, p. 32).

44. Several existing pieces of legislation in the European Union abate the risks arising from mercury in different stages of the life cycle of measuring devices. However, none of the measures currently in place is sufficient to remove the concern fully, although there is a difference between their observed effectiveness with regard to measuring devices containing mercury and measuring devices using mercury (UNEP/FAO/RC/CRC.19/INF/22, p. 32).

45. The emissions from mercury measuring devices, although relatively small, contribute to the overall emissions of mercury to the environment and thereby also to the exposure of species and of humans via the environment. Therefore, measuring devices containing or using mercury are of concern (UNEP/FAO/RC/CRC.19/INF/22, p.32).

46. The Committee confirms that the criteria in paragraphs (b) (i), (ii) and (iii) of Annex II are met.

47. Therefore, the Committee concludes that the criteria in paragraph (b) of Annex II as a whole are met.

D. Annex II paragraph (c) criteria

(c) Consider whether the final regulatory action provides a sufficiently broad basis to merit listing of the chemical in Annex III, by taking into account:

(i) Whether the final regulatory action led, or would be expected to lead, to a significant decrease in the quantity of the chemical used or the number of its uses;

48. The European Union notification includes several directives and regulations that apply to mercury. It is expected that these measures would lead to a significant decrease in the quantity of the chemical used and the number of its uses.

49. Hence, the Committee concludes that the criterion in paragraph (c) (i) is met.

(ii) Whether the final regulatory action led to an actual reduction of risk or would be expected to result in a significant reduction of risk for human health or the environment of the Party that submitted the notification;

50. The final regulatory action notified by the European Union severely restricts the industrial use of mercury in several sectors through different directives and regulations. It is expected that these measures would result in a significant reduction of risk for human health and the environment in the European Union.

51. Hence, the Committee concludes that the criterion in paragraph (c) (ii) is met.

(iii) Whether the considerations that led to the final regulatory action being taken are applicable only in a limited geographical area or in other limited circumstances;

52. Section 2.5.2 of the notification states that similar human health and environmental problems are likely to be encountered in other regions where the substance is used, particularly in developing countries and especially for women and children, and, through them, future generations.

53. Therefore, the Committee concludes that the criterion in paragraph (c) (iii) is met.

(iv) Whether there is evidence of ongoing international trade in the chemical;

54. According to section 2.3.2 of the notification, certain uses of mercury remain allowed in the European Union, which suggests that international trade of this chemical may be ongoing.

55. Therefore, the Committee concludes that the criterion in paragraph (c) (iv) is met.

E. Annex II paragraph (d) criterion

(d) Take into account that intentional misuse is not in itself an adequate reason to list a chemical in Annex III.

56. There is no indication in the notification that consideration related to intentional misuse prompted the final regulatory action.

57. Therefore, the Committee concludes that the criterion in paragraph (d) is met.

F. Conclusion

58. The Committee concludes that the notification of final regulatory action by the European Union meets the criteria set out in Annex II to the Convention.

III. Conclusion

59. The Committee concludes that notifications of final regulatory action submitted by Colombia and the European Union fulfil the criteria set out in Annex II to the Convention.