5 September 2017

Dear Graeme,

I am writing to inform the Committee that, in conjunction with other Devolved Administrations, I have agreed to the principal of UK Regulations to implement the import and export requirements of recent EU legislation on mercury. The Scottish Government has therefore consented to the UK Government implementing EU Regulation 2017/852 on behalf of Scotland under section 57(1) of the Scotland Act 1998. Defra is therefore drafting new regulations which are due to come into force by December 2017.

Mercury is a very toxic substance which constitutes a serious global risk to human health and the environment, including through the presence of its compound methylmercury in fish, seafood, ecosystems and wildlife. The new regulation will provide a high level of protection and limit the pollution generated by activities and processes related to mercury. To this end, the regulation establishes measures and conditions at an EU level to control and restrict:

- the use and storage of and trade in mercury, mercury compounds and mixtures of mercury;
- the manufacture and use of and trade in mercury-added products;
- the use of mercury in dental amalgam;
- and to ensure the appropriate management of mercury waste.

The Minamata Convention, adopted in Kumamoto (Japan) on 10 October 2013, is a legally binding treaty providing a regulatory framework for the reduction of mercury pollution globally. The EU and its member states are committed to ratification. On 25 April 2017, the Council adopted a regulation on the anthropogenic emissions and releases of mercury and mercury compounds into the air, water and land.

The new rules provide greater legal clarity and transparency and will apply from 1 January 2018 replacing Regulation (EC) No 1102/2008.

I have agreed to this approach to help support a consistent message to producers and that key enforcement bodies such as the Health and Safety Executive and Borders Agency operate across the UK. I believe that this approach is the most appropriate way to deliver this instrument; other aspects such as waste aspects will be delivered on a Scotland basis.
My officials will work closely with their counterparts in other UK administrations to ensure that Scotland’s interests are maintained and that the transposition is successful.

I am copying this letter to the Convenor of the Culture, Tourism, Europe and External Relations Committee.

Yours,

Roseanna Cunningham