

Y Pwyllgor Amgylchedd a Chynaliadwyedd

Environment and Sustainability Committee

Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales



Carl Sargeant AM
Minister for Natural Resources
Welsh Government

CC: David Melding AM, Chair of the
Constitutional and Legislative Affairs
Committee

13 October 2014

Annwyl Carl

European Commission reasoned opinion on metallic mercury waste

The Assembly's officials have drawn to my attention the recent decision by the European Commission to send a reasoned opinion to the UK Government over failure to fully transpose and comply with Directive 2011/97/EU with regard to the storage of metallic mercury waste.

This was announced as part of the infringement package published by the European Commission at the end of September, where the following information was made with regard to the UK:

Environment: Commission asks United Kingdom to update mercury legislation

The European Commission is urging **the United Kingdom** to complete the enactment of an amendment to EU legislation on the storage of metallic mercury considered as waste in its domestic law ([Directive 2011/97/EU](#)). After examining amendments to the UK's Environmental Permitting regulations, and to Scotland's Landfill Regulations, the Commission is not convinced that this amendment to mercury storage legislation has been clearly and sufficiently enacted. The amendment concerns technical requirements for the temporary storage of metallic mercury, an element that is highly toxic to humans, ecosystems and wildlife element. A reasoned opinion is therefore being sent, and if the UK fails to act within two months, the case may be referred to the EU Court of Justice [http://europa.eu/rapid/press-release_MEMO-14-537_en.htm?locale=en]

Assembly officials subsequently followed up with the European Commission to clarify if the failure applied exclusively to Scotland or whether it extended to England and Wales. It was confirmed by EU Environment Commissioner Janez

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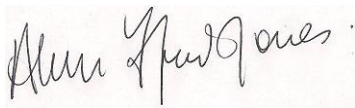
Ffôn / Tel: 029 2089 8639
E-bost / Email: es.comm@wales.gov.uk

Potočník's cabinet that their concerns over failure to fully transpose the Directive do apply to England and Wales.

Failure to comply with EU legislation is clearly a serious matter. Therefore, the Committee requests a full update on how the Welsh Government is involved in responding to the Reasoned Opinion, and whether or not you are satisfied that Directive 2011/97/EU has been fully transposed in Wales, and whether any further actions are proposed in response to the concerns that have been raised.

I am copying David Melding AM, Chair of the Constitutional and Legislative Affairs Committee, as this issue is of interest to both our Committees.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alun Ffred Jones', written on a light-colored rectangular background.

Alun Ffred Jones AM
Chair of the Environment and Sustainability Committee