

Submission from the EU and its Member States on the revised draft guidance on the management of sites contaminated with mercury or mercury compounds

1. The EU and its Member States welcome the efforts made by the group of experts and the Secretariat to improve the draft Guidance on the management on contaminated sites, and acknowledge that reconciling and integrating comments from various sources and sometimes of conflicting nature can be challenging.
 2. The EU and its Member States welcome the development of the framework and the flowchart (“decision tree”) for the management of contaminated sites, and ask for it to be moved from the Annex to the body of the text. It provides a good schematic overview how procedures can be organized in a modern and integrated approach to manage (potentially) contaminated sites. The sections and structure of the draft Guidance could be further aligned with the steps of the decision tree, instead of reflecting only the methods and approaches mentioned in Article 12(3) of the Convention.
 3. This draft Guidance should support and help countries to deal with sites contaminated by mercury or mercury compounds. However, the principles for the management of sites contaminated by mercury or mercury compounds are the same as for other types of pollution. The Guidance should build on these generally accepted principles that are mentioned in the decision tree/flowchart. The particularity of mercury is the complexity of its behaviour and its toxicity.
 4. An integrated policy for contaminated sites management should follow these steps: historical study, characterization, risk assessment and prioritisation, remediation based on risk-based approach. The trigger to start this process may be twofold:
 - systematic screening and/or
 - targeting identified/known priority sites.The flow chart (“decision tree”) must be modified accordingly.
 5. We strongly favour a risk-based approach over the application of uniform threshold levels to prioritise sites and to decide where further action should be undertaken. To allow for risk-informed and sustainable remediation, consideration of regional background concentrations is key.
 6. The sections on the establishment of inventories of (potentially) contaminated sites, the investigation and characterization of sites, the risk assessment and the financial options are better elaborated compared to the previous draft. However, all the other parts of the text have only been superficially modified or improved. In particular, section E seems hardly reworked, and is too detailed for a generic guidance document (in particular regarding soil treatment) but not specific enough for a technical guidance. Additionally, important aspects to consider in a national or regional context like availability and suitability of technologies associated with practical skills, are not addressed at all. Unfortunately, a lot of additional information sources, reports and comments provided by experts seem not to have yet been used and valorised in the new draft.
 7. The readability and coherence of the text could benefit from adding more structure and subtitles, a glossary with definitions, text boxes with examples, or additional illustrations. For example, to avoid crucial misunderstandings, terms and concepts like the difference between pollution and contamination, the source/pathway(transfer)/receptor(target) paradigm or the definition of a site (cf. §3) could be better explained, e.g. in a glossary, a footnote or by other editorial tools.
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