Mercury

2016/0023(COD) - 14/03/2017 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 663 votes to 8, with 28 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on mercury, and repealing Regulation (EC) No 1102/2008.

Parliament's position adopted at first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Objective: this Regulation shall ensure a **high level of protection of human health and the environment** from anthropogenic emissions and releases of mercury and mercury compounds. It shall not prevent Member States from maintaining or introducing more stringent protective measures.

The use of mercury and mercury compounds in manufacturing processes should be phased out and, to that end, incentives should be provided for research into alternative substances.

Restrictions on imports and exports: the amended text prohibits the import of mercury and the import of the mixtures of mercury listed in Annex I from 1 January 2018 or from 1 January 2020 according to the compositions. The import of mercury and the import of the mixtures of mercury, including mercury waste from any of the large sources (for instance, the chlor-alkali industry and the cleaning of natural gas), **for purposes other than disposal as waste** shall be prohibited.

Such import for disposal as waste shall only be allowed where the exporting country has no access to available conversion capacity within its own territory

By way of derogation, the import of mercury for a use allowed in a Member State shall be allowed where the importing Member State has granted written consent to such import in either of the following circumstances: the exporting country is a Party to the Minamata Convention or that the exporting country not being a Party to the Convention has provided certification that the mercury is not from primary mercury mining.

Mercury-related requirements applicable to manufacturing processes: the use of mercury or mercury compounds, whether in pure form or in mixtures, in manufacturing processes shall be prohibited: (i) from 1 January 2018: manufacturing processes in which mercury or mercury compounds are used as a **catalyst**; (ii) 1 January 2022: manufacturing processes in which mercury is used as an **electrode**.

Mercury-added products: the amended text stipulated that the export, import and manufacturing in the Union of the mercury-added products set out in Annex II shall be prohibited from 31 December 2018 or from 31 December 2020 according to the products.

The prohibition shall not apply to any of the following mercury-added products: (i) products that are essential for civil protection and military uses; (ii) products for research, for calibration of instrumentation, or for use as a reference standard.

Economic operators shall not manufacture or place on the market **new mercury-added products** that were not being manufactured prior to 1 January 2018 unless authorised to do so by means of a Commission decision.

Artisanal and small-scale gold mining: artisanal and small-scale gold mining and processing in which mercury amalgamation is used to extract gold from ore shall be prohibited.

Dental amalgam: the amended text proposed phasing-out mercury use in dentistry, initially by prohibiting its use for pregnant women and children patients from 1 July 2018, except when deemed strictly necessary by the dental practitioner based on the specific medical needs of the patient. The use of mercury in bulk form by dental practitioners shall be prohibited.

By 1 July 2019, each Member State shall set out a **national plan** concerning the measures it intends to implement to phase down the use of dental amalgam.

Amalgam separators put into service from 1 January 2018 should provide a retention level of at least 95 % of amalgam particles. Dental practitioners shall not release directly or indirectly such amalgam waste into the environment under any circumstances.

The Commission shall evaluate the feasibility of a phase out of the use of dental amalgam in the long term, and preferably **by 2030.**

Storage of mercury waste: the maximum period authorised for the temporary storage of mercury waste shall be **limited to five years** (until 1 January 2023), with a possible extension of three years.

Prior to being permanently disposed of, mercury waste shall undergo **conversion** and, where intended to be disposed of in above-ground facilities, conversion and solidification.

Traceability: measures should be taken to ensure an effective traceability system throughout the whole mercury waste management chain. Producers of mercury waste and the operators of waste management facilities that store and treat such waste are required to establish an **information register,** as part of the record-keeping required under Directive 2008/98/EC of the European Parliament and of the Council on waste.

Contaminated sites: by 1 January 2021, the Commission shall produce and publish an **inventory** of sites contaminated by mercury and mercury compounds, on the basis of information gathered by the Member States.