

Mercury

2016/0023(COD) - 17/05/2017 - Final act

PURPOSE: to ensure a high level of protection of human health and the environment from mercury and of mercury compounds into air, water and land.

LEGISLATIVE ACT: Regulation (EU) 2017/852 of the European Parliament and of the Council on mercury, and repealing Regulation (EC) No 1102/2008.

CONTENT: mercury is a very toxic substance which represents a global and major threat to human health, including in the form of methylmercury in fish and seafood resources, ecosystems and wildlife.

The Regulation lays down the measures and conditions concerning:

- 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 management of mercury waste, in order to ensure a high level of protection of human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds.

Member States may, where appropriate, apply **stricter requirements** than those laid down in this Regulation.

The Regulation contains provisions that will enable the Union and its Member States to approve, ratify and implement the 2013 **Minamata Convention** on mercury, signed by the Union And 26 Member States, and will ensure that EU legislation is in line with the Convention.

Restrictions on trade, manufacture, use and storage of mercury: the Regulation lays down measures and conditions at EU level to prohibit:

- **the export** of the mercury compounds and of the mixtures of mercury listed in Annex I shall be prohibited as from January 1 2018 or January 1 2020, depending on the compounds;
- **the import** of mercury and mixtures of mercurys from sources such as the chlor-alkali industry or the cleaning of natural gas for purposes other than their disposal as waste;
- **the use of mercury and mercury compounds** in manufacturing processes in which (i) mercury or mercury compounds are used as catalysts (from 1 January 2018); (ii) mercury is used as an electrode (from 1 January 2022).
- the export, import and manufacture in the Union of **mercury-added products** from 31 December 2018 or 31 December 2020 depending on the products;
- **artisanal and small-scale gold mining** and processing in which mercury amalgamation is used to extract gold from ore.

Dental amalgam: from 1 July 2018, dental amalgam shall not be used for dental treatment of deciduous teeth, of children under 15 years and of pregnant or breastfeeding women.

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.

Mercury waste management: mercury waste may be **temporarily stored** in liquid form provided that the specific requirements for the temporary storage of mercury waste and that such storage occurs in above-ground facilities dedicated to and equipped for the temporary 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.

Traceability: the Regulation establishes a traceability system throughout the mercury waste management chain. Mercury waste producers and operators of waste treatment facilities that store and treat such waste are required to maintain an **information register**.

Review: by 30 June 2020, the Commission shall report on the outcome of its assessment regarding, inter alia, the feasibility of a phase out of the use of dental amalgam in the long term, and preferably by 2030. By 31 December 2024, the Commission shall report on the implementation and the review of this Regulation.

ENTRY INTO FORCE: 13.6.2017.

APPLICATION: from 1.1.2018.

DELEGATED ACTS: the Commission may adopt delegated acts as regards the amendment of the Annexes to the Regulation and the extension of the period allowed for the temporary storage of mercury waste. The power to adopt such acts shall be conferred on the Commission for a period of **five years** (renewable) from 13 June 2017. The European Parliament or the Council shall have the right to object to a delegated act within a period of two months (extendable for two months) from the date of notification of the act.