Mercury: dental amalgam and other mercury-added products subject to manufacturing, import and export restrictions

2023/0272(COD) - 14/07/2023 - Legislative proposal

PURPOSE: to phase out the use of dental amalgam and to restrict the manufacture and export of certain mercury-containing lamps.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: mercury is a highly toxic element and a major risk to the environment and human health. Dental amalgam is the largest remaining intentional use of mercury in the Union estimated at around 40 t in 2019. Considering the risk posed by mercury to both human health and the environment, the Commission developed in 2005 a dedicated **Mercury Strategy** as reviewed in 20103 inviting the Union to address all facets of mercury, including its use in products.

According to the review clause established in Regulation (EU) 2017/852 (the Mercury Regulation), the Commission is asked to report to the European Parliament and to the Council on the outcome of its assessment regarding:

- the feasibility of a total phase-out of the use of dental amalgam preferably by 2030 and the need for the EU to regulate associated mercury emissions from crematoria;

- the environmental benefits and the feasibility of prohibiting the manufacturing, import and export of other remaining mercury-added products, which are already or will soon be banned from being placed on the market in accordance with other Union instruments.

The Commission adopted in August 2020 its Review Report on the feasibility of phasing out the use of mercury in dental amalgam and other products. Both this report and the subsequent Commission's impact assessment pointed to the appropriateness of presenting a legislative proposal to **phase out the use of dental amalgam and to restrict the manufacture and export of certain mercury-containing lamps**.

This initiative contributes to implementing the 2020 EU Chemicals Strategy for Sustainability and 2021 EU Zero Pollution Action Plan adopted under the European Green Deal.

CONTENT: the objectives of this proposal amending Regulation (EU) 2017/852 on mercury are as follows:

(a) **extend the prohibition to use dental amalgam to include all members of the population in the Union as from 1 January 2025** (total phase-out), whilst safeguarding the right of the dental practitioners to still use it when deemed strictly necessary for addressing specific medical needs of the patient (e.g., allergies, moisture control issues etc.);

(b) set a prohibition on the **manufacturing in the Union and export of dental amalgam** as from 1 January 2025;

(c) make the following **six additional** mercury-added products subject to a manufacturing, import and export prohibition by adding them to Annex II:

- compact fluorescent lamps (CFLs) for general lighting purposes, not yet covered by Annex II nor by the concomitant amendment to Annex II resulting from above-cited Delegated Act;

- triband phosphor linear fluorescent lamps (LFLs) for general lighting purposes not yet covered by Annex II;

- halophosphate phosphor LFLs for general lighting purposes not yet covered by Annex II;

- non-linear triband phosphor lamps for general lighting purposes;

- non-linear halophosphate phosphor lamps;

- high pressure sodium (vapour) lamps for general lighting purpose.

It should be noted that this proposal does not introduce an EU-wide obligation for Member States and operators to equip crematoria with mercury emissions abatement technology.