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

2023/0272(COD) - 17/01/2024 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted by 550 votes to 14, with 64 abstentions, amendments to the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury as regards dental amalgam and other mercury-added products subject to manufacturing, import and export restrictions.

The matter was referred back to the committee responsible for inter-institutional negotiations.

The main amendments adopted in plenary relate to the following:

Dental amalgam

From **1 January 2025**, dental amalgam should not be used for dental treatment of any member of the population, except when deemed strictly necessary by the dental practitioner based on duly justified specific medical needs of the patient.

Waste

Mercury-added products that are still in circulation and that can no longer be used should be considered waste and should be collected separately and in an environmentally sound manner.

Restriction on the manufacture and export of certain mercury-added lamps

Mercury-added products such as linear triband phosphor lamps for general lighting purposes that are not already covered by Annex II, as well as non-linear triband phosphor lamps, should be subject to a ban on manufacture, import and export from **31.12.2025** (instead of 31.12.2027).

Report and review

Crematoria are a significant source of releases of mercury into the atmosphere and even with a phase-out of dental amalgam, crematoria will continue to contribute to mercury pollution of air, water, and soil.

Members suggested that by 30 June 2024, and every two years thereafter, Member States should report to the Commission on planned and implemented measures to reduce mercury emissions and releases from crematoria. By 31 December 2025, the Commission should report to the European Parliament and to the Council on the reduction of mercury emissions and releases from crematoria on the basis of the reporting and, where appropriate, draft **guidelines** on the abatement technologies to control and reduce mercury emissions and releases from crematoria.

By 30 June 2026, the Commission should submit a report **assessing the feasibility of withdrawing the exemptions for the use of dental amalgam**, by 2030. That report should also outline the impact on the health of patients generally and patients dependent on amalgam fillings.

At the latest by 31 December 2026, the Commission should report to the European Parliament and to the Council on:

- the implementation and enforcement of the Convention including as regards the phase-out of mercury in cosmetics by 2025 by the Parties to the Convention and controlling and eliminating the manufacturing, import and export of mercury compounds for illegal practices within the Union and globally;

- the need to phase out remaining mercury uses, such as in lighthouses and porosimetry;

- the necessity to expand the list of mercury waste sources.

In parallel, the Commission should, where appropriate, propose measures, such as a review of Regulation (EU) No 649/2012 of the European Parliament and of the Council concerning the export and import of hazardous chemicals and restrictions of exports of mercuric azanide chloride (HgNH2Cl).