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

2023/0272(COD) - 10/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 575 votes to 12, with 38 abstentions, a legislative resolution on 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 on mercury as regards dental amalgam and other mercury-added products subject to manufacturing, import and export restrictions.

The position adopted by the European Parliament at first reading under the ordinary legislative procedure is as follows:

Dental amalgam

The Regulation proposed that from **1 January 2025**, dental amalgam should not be used for dental treatment in the Union, except when deemed strictly necessary by the dental practitioner based on the specific medical needs of the patient.

Dental amalgam may be used for dental treatment until **30 June 2026** in order to limit the socio-economic impact of the phase-out of dental amalgam, in particular on low-income patients. Member States in which dental amalgam is the only publicly reimbursed material at a rate of at least 90 % under national law, and in which such reimbursement is not yet possible for mercury-free alternatives as of 1 January 2025. Member States should provide reasoned explanations for making use of the derogation.

From 1 January 2025, the export of dental amalgam should be prohibited. From **1 July 2026**, the import and manufacturing of dental amalgam should be prohibited. By way of derogation, the import and manufacturing of dental amalgam should be allowed for specific medical needs.

By 31 May of a given calendar year, importers and manufacturers of dental amalgam should report to their competent authority for the preceding calendar year the amount of dental amalgam they imported or manufactured.

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 **31.12.2026**.

Review

By 31 December **2029**, the Commission should report to the European Parliament and to the Council on:

- the implementation and impact of the guidance, developed by the Commission by 31 December 2025, on abatement technologies for emissions of mercury and mercury compounds from **crematoria** applied in Member States;

- the need to maintain the **exemption** from the prohibition on the use of dental amalgam;

- the developments under the Convention as regards the phase-out of illegal mercury use in **cosmetics**;

- the need to phase out remaining mercury uses;

- the need to expand the list of **mercury waste** sources;

- the need to expand the list of mercury compounds set out in Annex I, by adding, for example, mercuric azanide chloride (HgNH2Cl).