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

2023/0272(COD) - 10/07/2024 - Final act

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

LEGISLATIVE ACT: Regulation (EU) 2024/1849 of the European Parliament and of the Council amending Regulation (EU) 2017/852 on mercury as regards dental amalgam and other mercury-added products subject to export, import and manufacturing restrictions.

CONTENT: the regulation aims to completely ban the use of dental amalgams and to prohibit manufacturing, import and export of other mercury-added products.

The new rules provide 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 will provide reasoned explanations for making use of the derogation.

Exporting dental amalgam will be prohibited from **1 January 2025**; the ban on manufacturing and import in the EU will apply from **1 July 2026**.

Six additional mercury-containing lamps will also be made subject to a manufacturing, import and export ban as from 31 December 2025 and 31 December 2026.

The Commission will review the exemptions on the use of dental amalgam by **31 December 2029**, taking into account the availability of mercury-free alternatives.

By the same date, the Commission will also: (i) review measures taken by member states on mercury emissions from **crematoria** and the impact of the Commission’s guidance on relevant abatement technologies; (ii) developments under the Minamata Convention regarding the phasing out of the illegal use of mercury in **cosmetic products** and (iii) the need to expand the list of **sources of mercury waste**.

ENTRY INTO FORCE: 30.7.2024.