Basic information

2023/0272(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Mercury: dental amalgam and other mercury-added products subject to manufacturing, import and export restrictions Amending Regulation 2017/852 2016/0023(COD) **Subject** 3.60.01 Solid fuels, coal mining, mining industry 3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport) 6.20.02 Export/import control, trade defence, trade barriers	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	ENVI Environment, Public Health and Food Safety	MORTLER Marlene (EPP)	23/08/2023
		Shadow rapporteur FRITZON Heléne (S&D) AMALRIC Catherine (Renew) METZ Tilly (Greens/EFA) VONDRA Alexandr (ECR) VILLUMSEN Nikolaj (The Left)	
Council of the European Union			
European Commission	**Commission DG**	**Commissioner**	
	Environment	SINKEVIČIUS Virginijus	
European Economic and Social Committee			
European Committee of the Regions			

Key events

Date	Event	Reference	Summary
14/07/2023	Legislative proposal published	COM(2023)0395	Summary

11/09/2023	Committee referral announced in Parliament, 1st reading		
11/01/2024	Vote in committee, 1st reading		
12/01/2024	Committee report tabled for plenary, 1st reading	A9-0002/2024	Summary
17/01/2024	Decision by Parliament, 1st reading	T9-0019/2024	Summary
17/01/2024	Results of vote in Parliament		
17/01/2024	Matter referred back to the committee responsible for interinstitutional negotiations		
11/03/2024	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2024)001159	
10/04/2024	Decision by Parliament, 1st reading	T9-0191/2024	Summary
10/04/2024	Results of vote in Parliament		
30/05/2024	Act adopted by Council after Parliament's 1st reading		
13/06/2024	Final act signed		
10/07/2024	Final act published in Official Journal		

Technical information

Procedure reference	2023/0272(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation 2017/852 2016/0023(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 192-p1
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/9/12728

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE753.554	24/10/2023	
Amendments tabled in committee		PE756.167	28/11/2023	
Amendments tabled in committee		PE756.274	28/11/2023	
Amendments tabled in committee		PE757.033	19/12/2023	
Committee report tabled for plenary, 1st reading/single reading		A9-0002/2024	12/01/2024	Summary
Text adopted by Parliament, partial vote at 1st reading				

/single reading		T9-0019/2024	17/01/2024	Summary
Text adopted by Parliament, 1st reading/single reading		T9-0191/2024	10/04/2024	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2024)001159	21/02/2024	
Draft final act	00053/2024/LEX	13/06/2024	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2023)0395	14/07/2023	Summary
Document attached to the procedure	SEC(2023)0395	14/07/2023	
Document attached to the procedure	SWD(2023)0395	14/07/2023	
Document attached to the procedure	SWD(2023)0396	14/07/2023	
Document attached to the procedure	SWD(2023)0397	14/07/2023	
Commission response to text adopted in plenary	SP(2024)377	29/07/2024	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	CZ_CHAMBER	COM(2023)0395	14/11/2023	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES3740/2023	25/10/2023	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Meetings with interest representatives published in line with the Rules of Procedure

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency				
Name	**Role**	**Committee**	**Date**	**Interest representatives**
VONDRA Alexandr	Shadow rapporteur	ENVI	10/01/2024	Arnika, z.s.
METZ Tilly	Shadow rapporteur	ENVI	10/01/2024	European Network for Environmental Medicine gUG
MORTLER Marlene	Rapporteur	ENVI	11/10/2023	European Network for Environmental Medicine gUG
MORTLER Marlene	Rapporteur	ENVI	12/09/2023	Bundeszahnärztekammer

Final act	
Regulation 2024/1849 OJ OJ L 10.07.2024	Summary

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.

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.

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

2023/0272(COD) - 12/01/2024 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Environment, Public Health and Food Safety adopted the report by Marlene MORTLER (EPP, DE) 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 committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Dental amalgam

The report stated that considering the availability of mercury-free alternatives, the affordability of alternative materials and the current transition to mercury-free fillings in many Member States, it is appropriate to prohibit the use of dental amalgam for dental treatment of all members of the population, whilst maintaining the possibility of using dental amalgam for patients with specific medical needs.

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).

The report stated that significant co-benefits can be achieved by phasing out the export of mercury-added lamps as soon as possible, given that mercury-free alternatives are more energy-efficient and would therefore prevent tonnes of CO2 emissions from being released.

Report and review

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.

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).

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).