C/2024/5753

17.10.2024

P9_TA(2024)0019

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

Amendments adopted by the European Parliament on 17 January 2024 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 of 17 May 2017 on mercury as regards dental amalgam and other mercury-added products subject to manufacturing, import and export restrictions (COM(2023)0395 – C9-0309/2023 – 2023/0272(COD)) [1]

(Ordinary legislative procedure: first reading)

(C/2024/5753)

Amendment 1

Proposal for a regulation

Recital 1 a (new)

Text proposed by the Commission	*Amendment*
	(1a) Mercury is a chemical of global concern for the environment, owing to its long-range atmospheric transport, its persistence following its anthropogenic introduction into the environment and its ability to bioaccumulate in ecosystems. Mercury also has significant negative effects on human health and is passed from mothers to children via the placenta or through breastfeeding. Mercury pollution of the environment can result from anthropogenic activities, including insufficient management of mercury waste, cremation or improper implementation of mandatory separators in dental practices.

Amendment 2

Proposal for a regulation

Recital 4

Text proposed by the Commission	*Amendment*
(4) Considering the availability of mercury-free alternatives, 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. In order to prevent dental amalgam, which is prohibited on the Union market, being manufactured for export from the Union, it is necessary to prohibit the manufacture and export of dental amalgam. Article 10 of Regulation (EU) 2017/852 should therefore be amended accordingly.	(4) 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. ***The transition to mercury-free alternatives for dental fillings has already advanced in many Member States, thus highlighting the feasibility of and need for that prohibition as a cost-effective way of preventing***

[1] The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A9-0002/2024).

Text proposed by the Commission	*Amendment*
	additional mercury pollution. In order to prevent dental amalgam, which is prohibited on the Union market, being manufactured for export from the Union, it is necessary to prohibit the manufacture and export of dental amalgam. Article 10 of Regulation (EU) 2017/852 should therefore be amended accordingly.

Amendment 3

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission	*Amendment*
	(4a) 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. It is necessary to collect information on measures implemented in Member States, and to develop guidelines for crematoria, in order to achieve appropriate pollution prevention and to mitigate the impact on the environment and human health.

Amendment 4

Proposal for a regulation

Recital 4 b (new)

Text proposed by the Commission	*Amendment*
	(4b) To limit the socio-economic impact of a shift to mercury-free fillings on the costs of dental care for patients and dentists, Member States should endeavour to ensure appropriate reimbursement is made available for mercury-free alternatives. The phase-out of dental amalgam should be accompanied by professional training for dentists, where appropriate, in order to adjust to new techniques.

Amendment 5

Proposal for a regulation

Recital 5

Text proposed by the Commission	*Amendment*
(5) Article 4(1) of Directive 2011/65/EU of the European Parliament and of the Council ([44]) prohibits the placing on the Union market and import into the Union of certain electrical and electronic equipment containing mercury. Annex III to that Directive lists, among other items, certain mercury-added lamps exempted from the said prohibition until the dates specified therein. That exemption already expired on 13 April 2016 for non-linear halophosphate lamps, ***and it will expire*** on 24 February 2023 ***or on 24 February 2027*** for certain compact fluorescent lamps, linear fluorescent lamps ***and*** high pressure sodium (vapour) lamps for general lighting purposes, as well as for ***non-linear tri-band phosphor fluorescent*** lamps. In addition, certain linear fluorescent lamps for general lighting purposes are listed for a future prohibition in Decision MC-4/3 adopted at the fourth meeting, held from 21 to 25 March 2022, of the Conference of the Parties to the Minamata Convention on Mercury ([45]) . That Decision was supported by the Union by means of Council Decision (EU) 2022/549 ([46]). As some of those lamps are currently not covered by Part A of Annex II to Regulation (EU) 2017/852, they should, for the sake of coherence, be included therein to prohibit their manufacturing and export from the dates in ***line with*** Annex III of Directive 2011/65/EU and the most ambitious dates included in Decision MC-4/3.	(5) Article 4(1) of Directive 2011/65/EU of the European Parliament and of the Council ([44]) prohibits the placing on the Union market and import into the Union of certain electrical and electronic equipment containing mercury. Annex III to that Directive lists, among other items, certain mercury-added lamps exempted from the said prohibition until the dates specified therein. That exemption already expired on 13 April 2016 for non-linear halophosphate lamps, on 24 February 2023 for certain compact fluorescent lamps***, and on 24 August 2023 for*** linear fluorescent lamps ***for general lighting purposes. For non-linear triband phosphor fluorescent lamps, the exemption expires on 24 February 2025. The exemption for most*** high pressure sodium (vapour) lamps for general lighting purposes ***with an improved colouring index expired on 24 February 2023, whereas for the remaining ones*** as well as for ***other high pressure sodium (vapour)*** lamps ***for general lighting purposes, the exemption will expire on 24 February 2025***. In addition, certain linear fluorescent lamps for general lighting purposes are listed for a future prohibition in Decision MC-4/3 adopted at the fourth meeting, held from 21 to 25 March 2022, of the Conference of the Parties to the Minamata Convention on Mercury ([45]) . That Decision was supported by the Union by means of Council Decision (EU) 2022/549 ([46]). As ***it is appropriate to prohibit the export from the Union of the remaining mercury-added lamps as soon as possible, and*** some of those lamps are currently not covered by Part A of Annex II to Regulation (EU) 2017/852, they should, for the sake of coherence, be included therein to prohibit their manufacturing and export from the dates ***specified*** in Annex III of Directive 2011/65/EU and the most ambitious dates included in Decision MC-4/3. ***Moreover, 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 CO_2 emissions from being released.***
([44]) Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJ L 174, 1.7.2011).	([44]) Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJ L 174, 1.7.2011).
([45]) Council Decision (EU) 2022/549 of 17 March 2022 on the position to be taken on behalf of the European Union at the second segment of the fourth meeting of the Conference of the Parties to the Minamata Convention on Mercury as regards the adoption of a Decision to amend Annexes A and B to that Convention (OJ L 107, 6.4.2022, p. 78).	([45]) Council Decision (EU) 2022/549 of 17 March 2022 on the position to be taken on behalf of the European Union at the second segment of the fourth meeting of the Conference of the Parties to the Minamata Convention on Mercury as regards the adoption of a Decision to amend Annexes A and B to that Convention (OJ L 107, 6.4.2022, p. 78).

Text proposed by the Commission	*Amendment*
([46]) Council Decision (EU) 2022/549 of 17 March 2022 on the position to be taken on behalf of the European Union at the second segment of the fourth meeting of the Conference of the Parties to the Minamata	([46]) Council Decision (EU) 2022/549 of 17 March 2022 on the position to be taken on behalf of the European Union at the second segment of the fourth meeting of the Conference of the Parties to the Minamata ***Convention on Mercury as regards the adoption of a Decision to amend Annexes A and B to that Convention (OJ L 107, 6.4.2022, p. 78).***

Amendment 6

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission	*Amendment*
	(5a) In light of the detrimental effects of mercury and mercury compounds on human health and the environment, exposure and emissions should be further minimised as much as possible. Recent reports show that European companies are manufacturing and exporting mercury compounds which are used for non-allowed uses, particularly in cosmetics. Therefore, the Commission should report on the implementation and enforcement of the Minamata Convention, in particular with regard to the use of mercury and mercury compounds in cosmetics and to the manufacturing, import and export of mercury and mercury compounds for non-allowed uses. The Commission should further assess the remaining uses of mercury, for example in porosimetry, lighthouses and vaccines, as well as the need to amend the list of large waste sources, and, where appropriate, suggest measures to phase out such uses and regulate manufacture, import and export for such purposes.

Amendment 7

Proposal for a regulation

Recital 5 b (new)

Text proposed by the Commission	*Amendment*
	(5b) Considering the lack of proper collection systems for mercury-added products in non-electronic and electronic waste, secondary mercury emissions from landfills and waste incinerators continue to occur, which points to the need to collect such products separately and in an environmentally sound manner.

Amendment 8

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EU) 2017/852

Article 10 – paragraph 2a

Text proposed by the Commission	*Amendment*
2a. From 1 January 2025, dental amalgam shall not be used for dental treatment of any member of the population, except when deemed strictly necessary by the dental practitioner based on ***the*** specific medical needs of the patient.;	2a. From 1 January 2025, dental amalgam shall 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.;

Amendment 9

Proposal for a regulation

Article 1 – paragraph 1 – point 1 a (new)

Regulation (EU) 2017/852

Article 11 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	(1a) In Article 11, the following paragraph is added: ***'Mercury-added products that are still in circulation and that can no longer be used shall be considered waste and shall be collected separately and in an environmentally sound manner.'***

Amendment 10

Proposal for a regulation

Article 1 – paragraph 1 – point 1 b (new)

Regulation (EU) 2017/852

Article 18 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	(1b) In Article 18, the following paragraph is added: ***'3a. By 30 June 2024, and every two years thereafter, Member States shall report to the Commission on planned and implemented measures to reduce mercury emissions and releases from crematoria.***

Text proposed by the Commission	*Amendment*
	The Commission shall make the data on measures reported by Member States in accordance with the first subparagraph publicly available.'

Amendment 11

Proposal for a regulation

Article 1 – paragraph 1 – point 1 c (new)

Regulation (EU) 2017/852

Article 19 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	(1c) In Article 19, the following paragraph is inserted: ***'1a. By 31 December 2025, the Commission shall 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 referred to in Article 18(3a) and, where appropriate, draft guidelines on the abatement technologies to control and reduce mercury emissions and releases from crematoria, taking into account existing guidelines.'***

Amendment 12

Proposal for a regulation

Article 1 – paragraph 1 – point 1 d (new)

Regulation (EU) 2017/852

Article 19 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	(1d) In Article 19, the following paragraph is inserted: ***'2a. By 30 June 2026, the Commission shall submit a report to the European Parliament and to the Council assessing the feasibility of withdrawing the exemptions for the use of dental amalgam, referred to in Article 10, by 2030. That report shall also outline the impact on the health of patients generally and patients dependent on amalgam fillings.***

Text proposed by the Commission	*Amendment*
	The Commission shall, where appropriate, propose measures, together with its report referred to in the first subparagraph.
	At the latest by 31 December 2026, the Commission shall report to the European Parliament and to the Council on:
	(a) 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;
	(b) the need to phase out remaining mercury uses, such as in lighthouses and porosimetry;
	(c) the necessity to expand the list of mercury waste sources referred to in Article 11.
	Together with its report referred to in the third subparagraph of this paragraph, the Commission shall, where appropriate, propose measures, such as a review of Regulation (EU) No 649/2012 of the European Parliament and of the Council [1a] ***and restrictions of exports of mercuric azanide chloride (HgNH2Cl).***
	([1a]) Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals (OJ L 201 27.7.2012, p. 60).'

Amendment 13

Proposal for a regulation

Article 1 – paragraph 1 – point 1 e (new)

Regulation (EU) 2017/852

Article 19 – paragraph 3

Present text	*Amendment*
	(1e) In Article 19, paragraph 3 is replaced by the following:
3. The Commission shall, if appropriate, present a legislative proposal together with its reports referred to in ***paragraphs 1 and 2***.	'3. The Commission shall, if appropriate, present a legislative proposal together with its reports referred to in ***this Article***.'

Amendment 14

Proposal for a regulation

Annex – paragraph 1 – point 2

Regulation (EU) 2017/852

Annex II – part A – entry 4a

Text proposed by the Commission		
'4a.	Triband phosphor lamps for general lighting purposes that are not included in entry 4, point (a).	***31.12.2027***
Amendment		
'4a.	Triband phosphor lamps for general lighting purposes that are not included in entry 4, point (a).	***31.12.2025***

Amendment 15

Proposal for a regulation

Annex – paragraph 1 – point 2

Regulation (EU) 2017/852

Annex II – part A – entry 4c

Text proposed by the Commission		
4c.	Non-linear triband phosphor lamps.	***31.12.2027***
Amendment		
4c.	Non-linear triband phosphor lamps.	***31.12.2025***

Amendment 16

Proposal for a regulation

Annex – paragraph 1 – point 3

Regulation (EU) 2017/852

Annex II – part A – entry 5a

Text proposed by the Commission		
5a.	High pressure mercury sodium (vapour) lamps (HPS) for general lighting purposes	31.12.2025

		Amendment
5a.	High pressure mercury sodium (vapour) lamps (HPS) for general lighting purposes ***with:*** (a) ***P = 105 W exceeding 16 mg Hg;*** (b) ***105 W < P = 155 W exceeding 20 mg Hg;*** (c) ***P > 155 W exceeding 25 mg Hg.***	31.12.2025