

DECISIONS

COUNCIL DECISION (EU) 2021/727

of 29 April 2021

on the submission, on behalf of the European Union, of proposals to amend Annexes A and B to the Minamata Convention on Mercury, regarding mercury-added products and manufacturing processes in which mercury or mercury compounds are used

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Minamata Convention on Mercury (the 'Convention') was concluded by the Union by Council Decision (EU) 2017/939 ⁽¹⁾ and entered into force on 16 August 2017.
- (2) Pursuant to Decision MC-1/1 on Rules of Procedure, adopted by the Conference of the Parties to the Convention ('COP') at its first meeting, the Parties to the Convention (the 'Parties') should make every effort to reach agreement on all matters of substance by consensus.
- (3) Pursuant to Articles 4(8) and 5(10) of the Convention, the COP should, by 16 August 2022, review Annexes A and B to the Convention, taking into account proposals submitted by the Parties pursuant to Articles 4(7) and 5(9) of the Convention, information made available by the Secretariat of the Convention (the 'Secretariat') pursuant to Articles 4(4) and 5(4) of the Convention and the availability to the Parties of technically and economically feasible mercury-free alternatives, while considering the environmental and human health risks and benefits.
- (4) The Union contributed significantly to developing provisions of the Convention regarding mercury-added products and manufacturing processes in which mercury or mercury compounds are used ('mercury processes') and to the relevant intersessional expert work launched by Decision MC-3/1, which was adopted by the COP at its third meeting.
- (5) Annex II to Regulation (EU) 2017/852 of the European Parliament and of the Council ⁽²⁾, which transposes Annex A to the Convention into Union law, covers additional mercury-added products, and other mercury-added products are subject to a prohibition on the placing on the internal market under Union legislation.
- (6) The proposals to amend Annex A to the Convention aim to extend its scope of application to additional mercury-added products with associated phase-out dates or mercury-regulating measures.
- (7) Annex III to Regulation (EU) 2017/852, which transposes Annex B to the Convention into Union law, covers additional mercury processes and sets phase-out dates for all the concerned processes.
- (8) The proposal to amend Annex B to the Convention aims to broaden its scope of application by introducing a phase-out date for a mercury process covered by that Annex.

⁽¹⁾ Council Decision (EU) 2017/939 of 11 May 2017 on the conclusion on behalf of the European Union of the Minamata Convention on Mercury (OJ L 142, 2.6.2017, p. 4).

⁽²⁾ Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury, and repealing Regulation (EC) No 1102/2008 (OJ L 137, 24.5.2017, p. 1).

- (9) In line with Article 26(2) and Article 27 of the Convention, the text of any proposed amendment should be communicated to the Parties by the Secretariat at least six months before the meeting of the COP at which it is proposed for adoption. The Secretariat should also communicate the proposed amendment to the signatories to this Convention and, for information, to the Depositary of the Convention. As the fourth meeting of the COP is scheduled to take place on 1-5 November 2021, the Union should submit its proposals to amend Annexes A and B to the Convention to the Secretariat by 30 April 2021,

HAS ADOPTED THIS DECISION:

Article 1

The Union shall submit proposals to amend Annexes A and B to the Convention, as set out in the Annex to this Decision.

The Commission shall communicate those proposals on behalf of the Union to the Secretariat.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 29 April 2021.

For the Council
The President
A. P. ZACARIAS

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ANNEX

I. PROPOSED AMENDMENTS TO PART I OF ANNEX A TO THE CONVENTION

The Union proposes adding the following entries to Part I of Annex A:

Mercury-added products	Date after which the manufacture, import or export of the product shall not be allowed (phase-out date)
'Button zinc silver oxide batteries with a mercury content < 2 % and button zinc air batteries with a mercury content < 2 %	2023
Halophosphate phosphor linear fluorescent lamps (LFLs) for general lighting purposes	2023
The following non-electronic measuring devices: (a) strain gauges to be used in plethysmographs; (b) tensiometers	2023
The following electrical and electronic measuring devices: (a) melt pressure transducers, transmitters and sensors; (b) mercury vacuum pumps	2023
Polyurethane, including canisters for the application of polyurethane	2023'

II. PROPOSED AMENDMENTS TO PART II OF ANNEX A TO THE CONVENTION

The Union proposes adding the following text to Part II of Annex A:

'By 1 January 2024, the Parties shall:

- (i) provide that dental amalgam is only used in pre-dosed encapsulated form ⁽¹⁾;
- (ii) prohibit the use of mercury in bulk form by dental practitioners;
- (iii) ensure that operators of dental facilities in which dental amalgam is used or dental amalgam fillings or teeth containing such fillings are removed equip their facilities with amalgam separators with a retention efficiency level of 95 % ⁽²⁾, for the retention and collection of amalgam particles, including those contained in used water;
- (iv) no longer allow the use of dental amalgam for the dental treatment of deciduous teeth, of children under 15 years and of pregnant or breastfeeding women, except when deemed strictly necessary by the dental practitioner based on the specific medical needs of the patient.

⁽¹⁾ Amalgam capsules such as those described in international standards ISO 13897:2018 and 24234:2015 are considered suitable for use by dental practitioners.

⁽²⁾ Compliance of amalgam separators shall be based on relevant international standards, including ISO 11143:2008.'

III. PROPOSED AMENDMENT TO ANNEX B TO THE CONVENTION

The Union proposes adding the following entry to Part I of Annex B:

Manufacturing processes using mercury or mercury compounds	Phase-out date
'Production of polyurethane using mercury-containing catalysts	2023'