

COMMISSION DELEGATED REGULATION (EU) 2022/2526**of 23 September 2022****amending Regulation (EU) 2017/852 of the European Parliament and of the Council as regards the temporary storage of mercury waste in liquid form****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 ⁽¹⁾, and in particular Article 13(2) thereof,

Whereas:

- (1) Article 11 of Regulation (EU) 2017/852 establishes that mercury and mercury compounds, whether in pure form or in mixtures and originating from four large sources specified in that Article are to be considered as waste within the meaning of Directive 2008/98/EC of the European Parliament and of the Council ⁽²⁾, which are destined for final disposal.
- (2) Article 13(3) of Regulation (EU) 2017/852 requires that mercury waste, including waste produced by the four concerned large sources, is to undergo, prior to final disposal, specific treatment operations, i.e. conversion and, where intended to be permanently disposed of in above-ground facilities, conversion and solidification.
- (3) Article 13(1) of Regulation (EU) 2017/852 allows, by way of derogation from Article 5(3), point (a), of Council Directive 1999/31/EC ⁽³⁾, that mercury waste in liquid form pending conversion and solidification is temporarily stored in dedicated and equipped landfills until 31 December 2022, in accordance with the requirements on environmental and human health protection set out in Directive 1999/31/EC.
- (4) Information reported by Member States in May 2022 indicated that over 2 000 tonnes of liquid mercury waste remained in temporary storage in the Union and that the conversion and solidification of that waste required more time. The extension of the period allowed for such a storage until 31 December 2025 is considered necessary to ensure that the temporary storage in landfills continues to take place in accordance with the applicable requirements set out in Directive 1999/31/EC.
- (5) Regulation (EU) 2017/852 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 13(1) of Regulation (EU) 2017/852, the second subparagraph is replaced by the following:

‘The derogation set out in the first subparagraph shall cease to apply as from 1 January 2026.’

⁽¹⁾ OJ L 137, 24.5.2017, p. 1.

⁽²⁾ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

⁽³⁾ Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1).

Article 2

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 23 September 2022.

For the Commission
The President
Ursula VON DER LEYEN
