

COMMISSION DELEGATED REGULATION (EU) 2023/2049**of 14 July 2023****amending Regulation (EU) 2017/852 of the European Parliament and of the Council as regards mercury-added products subject to manufacturing, import and export prohibitions****(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 20 thereof,

Whereas:

- (1) In accordance with Article 5 of Regulation (EU) 2017/852, the export, import and manufacturing in the Union of the mercury-added products set out in Annex II to that Regulation is to be prohibited as from the dates set out in that Annex, except those products that are essential for civil protection and military uses and those products for research, calibration of instrumentation, or for use as a reference standard.
- (2) The Minamata Convention on Mercury ('the Convention') was concluded by the Union by means of Council Decision (EU) 2017/939 ⁽²⁾ and entered into force on 16 August 2017. Article 4(1) of the Convention prohibits the export, import and manufacturing of mercury-added products listed in Part I of Annex A to that Convention after the phase-out date specified for those products. Article 4(8) of the Convention requires the Conference of the Parties to the Convention ('COP') to review Annex A to the Convention no later than five years after the date of its entry into force.
- (3) The Union submitted proposals to amend Annexes A and B to the Convention by means of Council Decision (EU) 2021/727 ⁽³⁾. The COP, at its fourth meeting, held from 21 to 25 March 2022, adopted Decision MC-4/3 amending Part I of Annex A to the Convention by including eight mercury-added products in that Annex. That Decision was supported by the Union by means of Council Decision (EU) 2022/549 ⁽⁴⁾.
- (4) Part A of Annex II to Regulation (EU) 2017/852 already lists strain gauges to be used in plethysmographs as one of the mercury-added products included in Part I of Annex A to the Convention by Decision MC-4/3 as well as compact fluorescent lamps with an integrated ballast (CFL.i) for general lighting purposes that are ≤ 30 watts with a mercury content exceeding 2,5 mg per lamp burner. As a result and in order to align Regulation (EU) 2017/852 with Decision MC-4/3, it is necessary to include seven mercury-added products in Part A of Annex II to that Regulation: (i) compact fluorescent lamps with an integrated ballast (CFL.i) for general lighting purposes that are ≤ 30 watts with a mercury content not exceeding 2,5 mg per lamp burner, (ii) cold cathode fluorescent lamps (CCFL) and external electrode fluorescent lamps (EEFL) of all lengths for electronic displays, (iii) melt pressure transducers, melt pressure transmitters and melt pressure sensors, (iv) mercury vacuum pumps, (v) tyre balancers and wheel weights, (vi) photographic film and paper, and (vii) propellant for satellites and spacecraft.
- (5) Regulation (EU) 2017/852 should therefore be amended accordingly,

⁽¹⁾ OJ L 137, 24.5.2017, p. 1.

⁽²⁾ 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).

⁽³⁾ 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 (OJ L 155, 5.5.2021, p. 23).

⁽⁴⁾ 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).

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EU) 2017/852 is amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth 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, 14 July 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Part A of Annex II to Regulation (EU) 2017/852 is amended as follows:

(1) the following entry 3a is inserted:

Mercury-added products	Date from which the export, import and manufacturing of the mercury-added products are prohibited
'3a. Compact fluorescent lamps with an integrated ballast (CFL.i) for general lighting purposes that are ≤ 30 watts with a mercury content not exceeding 2,5 mg per lamp burner.	31.12.2025'

(2) the following entry 6a is inserted:

Mercury-added products	Date from which the export, import and manufacturing of the mercury-added products are prohibited
'6a. Cold cathode fluorescent lamps (CCFL) and external electrode fluorescent lamps (EEFL) of all lengths for electronic displays, that are not included in entry 6.	31.12.2025'

(3) the following entries 10 and 11 are added:

Mercury-added products	Date from which the export, import and manufacturing of the mercury-added products are prohibited
'10. The following electrical and electronic measuring devices except those installed in large-scale equipment or those used for high precision measurement where no suitable mercury-free alternative is available: (a) melt pressure transducers; (b) melt pressure transmitters; (c) melt pressure sensors.	31.12.2025
11. Other mercury-added products: (a) Mercury vacuum pumps; (b) Tyre balancers and wheel weights; (c) Photographic film and paper; (d) Propellant for satellites and spacecraft.	31.12.2025'