EXPLANATORY MEMORANDUM TO

THE CONTROL OF MERCURY (AMENDMENT) REGULATIONS 2025

2025 No. 1255

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments and the Secondary Legislation Scrutiny Committee.

2. Declaration

2.1 Minister Emma Hardy, Parliamentary Under Secretary of State at the Department for Environment, Food, and Rural Affairs confirms that this Explanatory Memorandum meets the required standard.

2.2 Marc Casale, Deputy Director for Chemicals, Pesticides, and Hazardous Waste at the Department for Environment, Food, and Rural Affairs confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Jess Evans at the Department for Environment, Food & Rural Affairs can be contacted by email at jess.evans@defra.gov.uk or at chemicalsengagement@defra.gov.uk with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This legislation will add to the list of mercury added products whose export, import and manufacture is already prohibited in Great Britain. These additional products will be phased out over the period 31 December 2025 to 31 December 2027.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales, and Scotland.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales, and Scotland.

5. Policy Context

What is being done and why?

5.1 The Minamata Convention on Mercury is a global treaty whose purpose is to protect human health and the environment from the adverse effects of mercury, including by phasing out of products that contain mercury or a mercury compound that was intentionally added, known as mercury added products (MAPs). The UK is one of 153 Parties (members) of the Convention and has agreed to implement the decisions made by the Conference of the Parties (COPs).

5.2 Annex A of the Convention already contains several previously banned MAPs. At COP 4 and 5 other MAPs were identified for phase-out. Some of the MAPs identified had already been phased out in GB so no further action was needed. Fourteen phase outs were required in Great Britain.

5.3 The MAPs being phased out are:

- Very high accuracy capacitance and loss measurement bridges and high frequency radio frequency switches and relays in monitoring and control instruments with a maximum mercury content of 20 mg per bridge, switch or relay, except those used for research and development purposes.
- Several compact fluorescent lights (CFLs)
- Several linear fluorescent lights (LFLs)
- Several non-linear fluorescent lamps (NFLs)
- Cold cathode fluorescent lamps (CCFL) and external electrode fluorescent lamps (EEFL)
- Strain gauges to be used in or with plethysmographs
- Melt pressure transducers, melt pressure transmitters and melt pressure sensors
- Mercury vacuum pumps
- Tyre balancers and wheel weights
- Photographic film and paper
- Propellant for satellites and spacecraft

5.4 The MAPs being phased out have little to no use in Great Britain and have largely already phased out voluntarily or partially via other regulatory regimes. These additions only impact on the import, export and manufacture of the MAPs, not the use or sale of existing products within Great Britain.

5.5 The legislation is being taken forward to ensure that the remaining import, export and manufacture is prohibited so that there is no return to their use and the environment is protected.

5.6 The MAPs have different phase out dates of 31 December 2025, 31 December 2026, and 31 December 2027.

What was the previous policy, how is this different?

5.7 Previously the import, export and manufacture of these MAPs was not completely phased out in Great Britain under the Mercury Regulations. These MAPs may have been partially restricted by other legislation or included in the previous Mercury Regulations with exclusions.

5.8 These updates to the Mercury Regulations are required to protect human health and the environment from releases of mercury and mercury compounds, and to ensure compliance with our international obligations by implementing decisions taken under the Minamata Convention.

6. Legislative and Legal Context

How has the law changed?

6.1 The export, import and manufacture of MAPs in Great Britain is restricted by the assimilated Regulation (EU) 2017/852 of the European Parliament and of the Council

of 17 May 2017 on mercury (the Mercury Regulations), which implement our international obligations under the Minamata Convention in relation to England, Scotland and Wales.

6.2 This instrument implements changes to the Minamata Convention, by adding further MAPs to the list in Annex 2 of the Mercury Regulations (Mercury added products referred to in Article 5).

6.3 Under the Windsor Framework, Regulation (EU) 2024/1849 of the European Parliament and of the Council of 13 June 2024, amending Regulation (EU) 2017/852 on mercury as regards dental amalgam and other mercury-added products subject to export, import and manufacturing restrictions (the EU Mercury Regulation) applies in Northern Ireland.

Why was this approach taken to change the law?

6.4 Under Article 20(1) of the Mercury Regulations, the Secretary of State may by regulations amend Annex 2 to align it with a decision adopted by the COP to the Minamata Convention. This is the only possible approach to make the necessary legal changes under the Convention.

7. Consultation

Summary of consultation outcome and methodology

7.1 A public consultation was not undertaken on this policy. The UK government is required to implement the decisions of the Minamata Convention on Mercury. The UK attended both COPs and undertook targeted stakeholder engagement with the relevant industries, both before and after the COPs. Industry stakeholders did not raise any concerns around the phase out of the MAPs, with limited to no use of the MAPs in Great Britain.

7.2 Defra consulted with the Welsh Government, the Scottish Government and their competent authorities in the drafting of the instrument.

7.3 The Scottish Ministers and Welsh Ministers have consented to the Secretary of State making these Regulations, in accordance with Article 21(8) of the Mercury Regulations.

8. Applicable Guidance

8.1 Guidance around the controls on mercury added products is available on gov.uk.[1] The page will be updated to reflect the changes that have occurred as a result of this legislation.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because of the low impact on business of this measure. A De Minimis Assessment has been produced and has been published alongside this explanatory memorandum.

[1] https://www.gov.uk/guidance/controls-on-mercury

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because evidence collected on the amendments indicates that the MAPs being phased out have little to no use in Great Britain and have largely already phased out voluntarily or partially via other regulatory regimes.

9.3 There is no, or no significant, impact on small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because the regulations apply to the import, export or manufacture of MAPs and these products have limited to no use in Great Britain.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015 Minister Emma Hardy, Parliamentary Under Secretary of State at the Department for Environment, Food and Rural Affairs has made the following statement:

"The Government has considered the need for a review of the Regulations in accordance with sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015. The economic impact of this instrument has been assessed to be below £5million and therefore a statutory review clause would not be proportionate."

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None

12. European Convention on Human Rights

12.1 Minister Emma Hardy, Parliamentary Under Secretary of State at the Department for Environment, Food and Rural Affairs has made the following statement regarding Human Rights:

"In my view the provisions of The Control of Mercury (Amendment) Regulations 2025 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").