Draft Regulations laid before Parliament under paragraph 8F(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2025 No.

ENVIRONMENTAL PROTECTION

The Control of Mercury (Enforcement) (Amendment) Regulations 2025

Made - - - - ***

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8C(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(**a**).

In accordance with paragraph 8F(1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

In making these Regulations, the Secretary of State has had special regard to the matters listed in section 46 of the United Kingdom Internal Market Act 2020(**b**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Control of Mercury (Enforcement) (Amendment) Regulations 2025 and come into force on the 21st day after the day on which they are made.

(2) An amendment made by these Regulations has the same extent as the provision amended.

Amendments to the Control of Mercury (Enforcement) Regulations 2017

2. The Control of Mercury (Enforcement) Regulations 2017(**c**) are amended in accordance with regulations 3 and 4.

(**a**) 2018 c. 16. Section 8C was inserted by section 21 of the European Union (Withdrawal Agreement) Act 2020 (c. 1) ("the 2020 Act") and amended by section 55(3) of the United Kingdom Internal Market Act 2020 (c. 27). Paragraph 21 of Schedule 7 was amended by paragraph 53(2) of Schedule 5 to the 2020 Act and by paragraph 8(14)(b) of Schedule 2 to the Retained EU Law (Revocation and Reform) Act 2023 (c.28). Further to the Joint Declaration No. 1/2023 of the EU and the United Kingdom in the Joint Committee established by the Withdrawal Agreement of 24 March 2023, the Protocol (as amended by Joint Committee Decision No. 1/2023) is now known as the "Windsor Framework".

(**b**) 2020 c. 27.

(**c**) S.I. 2017/1200, amended by S.I. 2020/1620. A reference to the EU Mercury Regulations in the 2017 Regulations, with respect to Northern Ireland, is to be read as an ambulatory reference pursuant to paragraph 2A(1) and (2) of Schedule 8 to the European Union (Withdrawal) Act 2018.

Amendment to regulation 33 (Imports and exports: assistance by customs officials)

3. In regulation 33(2)—

(a) in paragraph (h), for "." substitute ";";

(b) after paragraph (h), insert—

"(i) with respect to Northern Ireland, Article 10(7) first subparagraph (which prohibits the export of dental amalgam);

(j) with respect to Northern Ireland, after 31st December 2034, Article 10(7) second subparagraph in so far as it prohibits the import of dental amalgam.".

Amendments to Schedule 1 (Laws relating to mercury)

4.—(1) In Schedule 1, in paragraph 1, in the table—

(a) after the entry relating to Article 9(1) insert—

"With respect to Northern Ireland, Article 10(2a), subject to paragraph 3 of this Schedule	Prohibits the use of dental amalgam for dental treatment, except when deemed necessary";

(b) after the entry relating to Article 10(6) second subparagraph insert—

"With respect to Northern Ireland, Article 10(7) first subparagraph	Prohibits the export of dental amalgam
With respect to Northern Ireland, Article 10(7) second subparagraph, subject to paragraph 3 of this Schedule	Prohibits the import and manufacturing of dental amalgam";

(c) after the entry relating to Article 14(3) second subparagraph insert—

"With respect to Northern Ireland, Article 18(1a)	Requires importers and manufacturers of dental amalgam to report amounts of dental amalgam imported or manufactured".

(2) In Schedule 1, after paragraph 2, insert—

"3 For the purposes of this Schedule, with respect to Northern Ireland, before the end of 31st December 2034—

(a) Article 10(2a) of the Mercury Regulation(**a**) is to be read as not applying to the use of dental amalgam, by a registered dentist or registered dental care professional, in dental treatment in Northern Ireland of a person residing in the United Kingdom;

(b) Article 10(7) second subparagraph of the Mercury Regulation is to be read as not applying to the import of dental amalgam into Northern Ireland for use by a registered dentist or registered dental care professional, in dental treatment in Northern Ireland of a person residing in the United Kingdom.

4 In paragraph 3—

(**a**) "the Mercury Regulation" is defined in regulation 3 of the Control of Mercury (Enforcement) Regulations 2017.

"registered dental care professional" has the same meaning as in section 53(1) of the Dentists Act 1984(**a**);

"registered dentist" has the same meaning as in section 53(1) of the Dentists Act 1984.".

Name
Parliamentary Under Secretary of State
Date Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Control of Mercury (Enforcement) Regulations 2017 (S.I. 2017/1200, "the 2017 Regulations") for the purpose of implementing, with respect to Northern Ireland, 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 (EUR 2024/1849, "the 2024 amendment regulation").

Regulation 3 amends the 2017 Regulations to ensure that customs officials may assist with enforcement of new prohibitions on import and export of dental amalgam.

Regulation 4 amends the 2017 Regulations to ensure that each new measure introduced by the 2024 amendment regulation is listed as a 'relevant provision' for the purpose of enforcement. The listing of new measures relating to use and import of dental amalgam is modified to give effect to Commission Notice, Application of Regulation (EU) 2024/1849 of the European Parliament and of the Council amending Regulation (EU) 2017/852 on mercury as regards dental amalgam and other mercury-added products subject to export, import and manufacturing restrictions to and in the United Kingdom in respect of Northern Ireland, (C/2024/4675)(**b**).

A full impact assessment has not been prepared for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. A de minimis assessment of the effect that this instrument will have on the cost of business has been prepared and is available from the Department for Environment, Food and Rural Affairs, 2 Marsham Street, London, SW1P 4DF.

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(**a**) 1984 c. 24; inserted by S.I. 2005/2011, Article 46(2)(b).
(**b**) A physical copy of this Commission Notice can be ordered from the Publications Office of the European Union.

£5.78

http://www.legislation.gov.uk/id/ukdsi/2025/9780348274257

ISBN 978-0-34-827425-7

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