

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 (Text with EEA relevance)

CHAPTER III

**RESTRICTIONS ON USE AND STORAGE OF MERCURY,
MERCURY COMPOUNDS AND MIXTURES OF MERCURY**

Article 10

Dental amalgam

1 From 1 January 2019, dental amalgam shall only be used in pre-dosed encapsulated form. The use of mercury in bulk form by dental practitioners shall be prohibited.

2 From 1 July 2018, dental amalgam shall not be used for 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.

3 By 1 July 2019, each Member State shall set out a national plan concerning the measures it intends to implement to phase down the use of dental amalgam.

Member States shall make their national plans publicly available on the internet and shall transmit them to the Commission within one month of their adoption.

4 From 1 January 2019, operators of dental facilities in which dental amalgam is used or dental amalgam fillings or teeth containing such fillings are removed, shall ensure that their facilities are equipped with amalgam separators for the retention and collection of amalgam particles, including those contained in used water.

Such operators shall ensure that:

- a amalgam separators put into service from 1 January 2018 provide a retention level of at least 95 % of amalgam particles;
- b from 1 January 2021, all amalgam separators in use provide the retention level specified in point (a).

Amalgam separators shall be maintained in accordance with the manufacturer's instructions to ensure the highest practicable level of retention.

5 Capsules and amalgam separators complying with European standards, or with other national or international standards that provide an equivalent level of quality and retention, shall be presumed to satisfy the requirements set out in paragraphs 1 and 4.

6 Dental practitioners shall ensure that their amalgam waste, including amalgam residues, particles and fillings, and teeth, or parts thereof, contaminated by dental amalgam, is handled and collected by an authorised waste management establishment or undertaking.

Dental practitioners shall not release directly or indirectly such amalgam waste into the environment under any circumstances.

Changes to legislation:

There are outstanding changes not yet made to Regulation (EU) 2017/852 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Art. 10(3) omitted by [S.I. 2020/1620 reg. 21\(2\)](#)
- Art. 10(3) substituted by [S.I. 2019/96 reg. 14\(2\)](#) (This amendment not applied to legislation.gov.uk. Regulations revoked (31.12.2020 immediately before IP completion day) by The Control of Mercury (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1620), regs. 2(1), 38)
- Art. 10(5) words substituted by [S.I. 2019/96 reg. 14\(3\)](#) (This amendment not applied to legislation.gov.uk. Regulations revoked (31.12.2020 immediately before IP completion day) by The Control of Mercury (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1620), regs. 2(1), 38)
- Art. 10(5) words substituted by [S.I. 2020/1620 reg. 21\(3\)](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by [S.I. 2019/96 reg. 23](#) (This amendment not applied to legislation.gov.uk. Regulations revoked (31.12.2020 immediately before IP completion day) by The Control of Mercury (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1620), regs. 2(1), 38)
- Signature words omitted by [S.I. 2020/1620 reg. 31](#)
- Annex 2 Pt. B words substituted by [S.I. 2019/96 reg. 25\(a\)](#) (This amendment not applied to legislation.gov.uk. Regulations revoked (31.12.2020 immediately before IP completion day) by The Control of Mercury (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1620), regs. 2(1), 38)
- Annex 2 Pt. B words substituted by [S.I. 2019/96 reg. 25\(b\)](#) (This amendment not applied to legislation.gov.uk. Regulations revoked (31.12.2020 immediately before IP completion day) by The Control of Mercury (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1620), regs. 2(1), 38)
- Annex 2 Pt. B words substituted by [S.I. 2020/1620 reg. 32\(a\)](#)
- Annex 2 Pt. B words substituted by [S.I. 2020/1620 reg. 32\(b\)](#)
- Art. 2.1 Art. 2 renumbered as Art. 2.1 by [S.I. 2020/1620 reg. 13\(2\)](#)
- Art. 2.2-2.4 inserted by [S.I. 2020/1620 reg. 13\(4\)](#)
- Art. 2(1) Art. 2 renumbered as Art. 2(1) by [S.I. 2019/96 reg. 8\(2\)](#) (This amendment not applied to legislation.gov.uk. Regulations revoked (31.12.2020 immediately before IP completion day) by The Control of Mercury (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1620), regs. 2(1), 38)
- Art. 2(2)-(4) inserted by [S.I. 2019/96 reg. 8\(4\)](#) (This amendment not applied to legislation.gov.uk. Regulations revoked (31.12.2020 immediately before IP completion day) by The Control of Mercury (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1620), regs. 2(1), 38)
- Art. 2.1(6) words inserted by [S.I. 2019/96 reg. 8\(3\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Regulations revoked (31.12.2020 immediately before IP completion day) by The Control of Mercury (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1620), regs. 2(1), 38)
- Art. 2.1(6) words inserted by [S.I. 2020/1620 reg. 13\(3\)\(a\)\(i\)](#)
- Art. 2.1(6)(a) words inserted by [S.I. 2019/96 reg. 8\(3\)\(a\)\(ii\)\(aa\)](#) (This amendment not applied to legislation.gov.uk. Regulations revoked (31.12.2020 immediately before IP completion day) by The Control of Mercury (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1620), regs. 2(1), 38)
- Art. 2.1(6)(a) words inserted by [S.I. 2020/1620 reg. 13\(3\)\(a\)\(ii\)\(aa\)](#)

- Art. 2.1(6)(a) words omitted by [S.I. 2019/96 reg. 8\(3\)\(a\)\(ii\)\(bb\)](#) (This amendment not applied to legislation.gov.uk. Regulations revoked (31.12.2020 immediately before IP completion day) by The Control of Mercury (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1620), regs. 2(1), 38)
- Art. 2.1(6)(a) words omitted by [S.I. 2020/1620 reg. 13\(3\)\(a\)\(ii\)\(bb\)](#)
- Art. 2.1(6)(b) omitted by [S.I. 2019/96 reg. 8\(3\)\(a\)\(iii\)](#) (This amendment not applied to legislation.gov.uk. Regulations revoked (31.12.2020 immediately before IP completion day) by The Control of Mercury (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1620), regs. 2(1), 38)
- Art. 2.1(6)(b) omitted by [S.I. 2020/1620 reg. 13\(3\)\(a\)\(iii\)](#)
- Art. 2.1(7) words omitted by [S.I. 2019/96 reg. 8\(3\)\(b\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Regulations revoked (31.12.2020 immediately before IP completion day) by The Control of Mercury (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1620), regs. 2(1), 38)
- Art. 2.1(7) words omitted by [S.I. 2020/1620 reg. 13\(3\)\(b\)\(ii\)](#)
- Art. 2.1(7) words substituted by [S.I. 2019/96 reg. 8\(3\)\(b\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Regulations revoked (31.12.2020 immediately before IP completion day) by The Control of Mercury (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1620), regs. 2(1), 38)
- Art. 2.1(7) words substituted by [S.I. 2020/1620 reg. 13\(3\)\(b\)\(i\)](#)
- Art. 2.1(11) words inserted by [S.I. 2019/96 reg. 8\(3\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Regulations revoked (31.12.2020 immediately before IP completion day) by The Control of Mercury (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1620), regs. 2(1), 38)
- Art. 2.1(11) words inserted by [S.I. 2020/1620 reg. 13\(3\)\(c\)](#)
- Art. 2.1(12) inserted by [S.I. 2019/96 reg. 8\(3\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Regulations revoked (31.12.2020 immediately before IP completion day) by The Control of Mercury (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1620), regs. 2(1), 38)
- Art. 2.1(12)(13) inserted by [S.I. 2020/1620 reg. 13\(3\)\(d\)](#)
- Art. 2(13) inserted by [S.I. 2019/473 reg. 8\(2\)](#)
- Art. 4(5)-(12) inserted by [S.I. 2020/1620 reg. 15\(7\)](#)
- Art. 5(3)(4) inserted by [S.I. 2020/1620 reg. 16\(3\)](#)
- Art. 6(1) Art. 6 renumbered as Art. 6(1) by [S.I. 2019/473 reg. 8\(3\)\(a\)](#)
- Art. 6(1) words omitted by [S.I. 2019/473 reg. 8\(3\)\(b\)\(ii\)](#)
- Art. 6(1) words substituted by [S.I. 2019/473 reg. 8\(3\)\(b\)\(i\)](#)
- Art. 6(2)(3) inserted by [S.I. 2019/473 reg. 8\(3\)\(c\)](#)
- Art. 8(1)(a) words substituted by [S.I. 2019/96 reg. 12\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Regulations revoked (31.12.2020 immediately before IP completion day) by The Control of Mercury (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1620), regs. 2(1), 38)
- Art. 8(1)(a) words substituted by [S.I. 2020/1620 reg. 19\(2\)\(b\)](#)
- Art. 11(d) words omitted by [S.I. 2019/96 reg. 15\(b\)](#) (This amendment not applied to legislation.gov.uk. Regulations revoked (31.12.2020 immediately before IP completion day) by The Control of Mercury (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1620), regs. 2(1), 38)
- Art. 11(d) words omitted by [S.I. 2020/1620 reg. 22\(b\)](#)
- Art. 14(3A) inserted by [S.I. 2019/96 reg. 18\(3\)](#) (This amendment not applied to legislation.gov.uk. Regulations revoked (31.12.2020 immediately before IP completion day) by The Control of Mercury (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1620), regs. 2(1), 38)
- Art. 14(3A) inserted by [S.I. 2020/1620 reg. 25\(3\)](#)
- Art. 14(5) inserted by [S.I. 2019/96 reg. 18\(5\)](#) (This amendment not applied to legislation.gov.uk. Regulations revoked (31.12.2020 immediately before IP completion day) by The Control of Mercury (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1620), regs. 2(1), 38)
- Art. 14(5) inserted by [S.I. 2020/1620 reg. 25\(5\)](#)

- Art. 15(2)(3) substituted for Art. 15(2) by [S.I. 2019/96 reg. 19\(3\)](#) (This amendment not applied to legislation.gov.uk. Regulations revoked (31.12.2020 immediately before IP completion day) by The Control of Mercury (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1620), regs. 2(1), 38)
- Art. 15(2)(3) substituted for Art. 15(2) by [S.I. 2020/1620 reg. 26\(3\)](#)
- Art. 18(1)(b) words substituted by [S.I. 2019/96 reg. 21\(2\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Regulations revoked (31.12.2020 immediately before IP completion day) by The Control of Mercury (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1620), regs. 2(1), 38)
- Art. 18(1)(b) words substituted by [S.I. 2020/1620 reg. 28\(2\)\(a\)\(ii\)](#)
- Art. 18(1)(d) words substituted by [S.I. 2019/96 reg. 21\(2\)\(a\)\(iii\)](#) (This amendment not applied to legislation.gov.uk. Regulations revoked (31.12.2020 immediately before IP completion day) by The Control of Mercury (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1620), regs. 2(1), 38)
- Art. 18(1)(d) words substituted by [S.I. 2020/1620 reg. 28\(2\)\(a\)\(iii\)](#)
- Art. 18(1)(e) words substituted by [S.I. 2019/96 reg. 21\(2\)\(a\)\(iv\)](#) (This amendment not applied to legislation.gov.uk. Regulations revoked (31.12.2020 immediately before IP completion day) by The Control of Mercury (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1620), regs. 2(1), 38)
- Art. 18(1)(e) words substituted by [S.I. 2020/1620 reg. 28\(2\)\(a\)\(iv\)](#)