



STATUTORY INSTRUMENTS.

S.I. No. 754 of 2024

EUROPEAN UNION (MERCURY) (AMENDMENT) REGULATIONS 2024

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I, EAMON RYAN, Minister for the Environment, Climate and Communications, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Regulation (EU) 2024/1849 of the European Parliament and of the Council of 13 June 2024¹ amending Regulation (EU) 2017/852 on mercury as regards dental amalgam and other mercury-added products subject to export, import and manufacturing restrictions, hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Union (Mercury) (Amendment) Regulations 2024.

Commencement

2. These Regulations shall come into operation on 1 January 2025.

Interpretation

3. In these Regulations, the “Principal Regulations” means the European Union (Mercury) Regulation 2018 (S.I. No. 533 of 2018).

Amendment of Regulation 2 of the Principal Regulations

4. Regulation 2 of the Principal Regulations is amended in paragraph (1) by the insertion of the following definition:

““Health Service Executive” (HSE) means the Heath Service Executive, established under section 6 of the Health Act 2004 (No. 42 of 2004);”.

Amendment of Regulation 5 of the Principal Regulations

5. The Principal Regulations are amended by substituting for Regulation 5 the following:

“Competent Authority for monitoring compliance with Article 10(1), 10(2) and 10 2a

5. The Dental Council shall, in its Code of Practice, provide—

- (a) for the use of dental amalgam in pre-dosed encapsulated form only,
 - (b) that 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

¹ OJ L 10.7.2024, p.1.

- strictly necessary by the dental practitioner based on the specific medical needs of the patient,
- (c) that from the 1 January 2025 dental amalgam shall not be used for dental treatment in the State, except when deemed strictly necessary by the dental practitioner based on the specific medical needs of the patient,
 - (d) that a breach of paragraphs (a), (b) or (c) by a dental practitioner shall constitute a ground for a fitness to practice inquiry under section 38(1)(a) of the Dentists Act 1985.”.

Insertion of new Regulations 5A into the Principal Regulations

6. The Principal Regulations are amended by inserting after Regulation 5 the following:

“5A. Competent Authority for requirements in Article 18 1a

The HSE is the competent authority in the State for the purposes of monitoring compliance with Article 18 1a of the EU Regulation.”.

Amendment of Regulation 9 of the Principal Regulations

7. Regulation 9 of the Principal Regulations is amended by substituting for paragraph (2) the following:

“(2) A person who breaches Article 7(1), (2) or (3), Article 8(1) or (2) or Article 18 1a commits an offence and is liable—

- (a) on summary conviction to a class A fine or imprisonment for a term not exceeding 6 months, or both, or
- (b) on conviction on indictment to a fine not exceeding €250,000 or imprisonment for a term not exceeding 3 years, or both.”.

Amendment of Regulation 10 of the Principal Regulations

8. The Principal Regulations are amended by substituting for Regulation 10 the following:

“Application of Customs Act 2015 to import and export prohibitions in EU Regulation

10. (a) A person who breaches Article 3(1), (2), (3) or (4), Article 4(1), (2), or (3) or Article 5(1) (insofar as that provision relates to the import and export of certain mercury-added products in the circumstances referred to therein) commits an offence and shall in accordance with section 50 of the Customs Act 2015 (No. 18 of 2015), be subject to the provisions of that Act,
- (b) A person who breaches Article 10(7) (insofar as that provision relates to the export of dental amalgam in the

circumstances referred to therein) commits an offence and shall, in accordance with section 50 of the Customs Act 2015 (No. 18 of 2015) (as amended), be subject to the provisions of that Act.”.



GIVEN under my Official Seal.
19 December, 2024.

EAMON RYAN,
Minister for the Environment, Climate and
Communications.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations lay down the rules and penalties applicable to infringements of 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 and designate competent authorities to implement the EU Regulation.

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