

Commission Implementing Decision (EU) 2019/1752 of 25 February 2019 establishing questionnaires, as well as the format and frequency of reports to be prepared by the Member States in accordance with Regulation (EU) 2017/852 of the European Parliament and of the Council (notified under document C(2019) 1423) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2019/1752

of 25 February 2019

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*(notified under document C(2019) 1423)*

(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<sup>(1)</sup>, and in particular the second subparagraph of Article 18(2) thereof,

Whereas:

- (1) Article 18(1) of Regulation (EU) 2017/852 requires Member States to provide to the Commission and make publicly available on the internet, by 1 January 2020 and at appropriate intervals thereafter, a report with information concerning the implementation of that Regulation, as well as certain other types of information listed in that provision.
- (2) The questionnaires to be used by the Member States for reporting in accordance with Article 18(1) of Regulation (EU) 2017/852 should be drawn up in a way that helps the Commission report to the European Parliament and to the Council on the implementation and review of that Regulation pursuant to its Article 19(2). They should also allow the Union to fulfil its reporting obligation under Article 21 of the Minamata Convention on Mercury adopted in Kumamoto, Japan, on 10 October 2013 ('the Convention').
- (3) Even though reporting questionnaires under Regulation (EU) 2017/852 must, in accordance with the second subparagraph of Article 18(2) of that Regulation, not duplicate reporting obligations of the Parties to the Convention as laid down in Decision MC-1/8 adopted by the Conference of the Parties to the Convention at its first meeting<sup>(2)</sup>, it is appropriate that they address certain reporting items covered by Decision MC-1/8 in order to specify in more detail the information required so as to enable an effective assessment of the implementation of Regulation (EU) 2017/852.

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**Changes to legislation:** There are currently no known outstanding effects for the Commission  
Implementing Decision (EU) 2019/1752, Introductory Text. (See end of Document for details)

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- (4) Information on import of mercury and of mixtures of mercury with a mercury concentration of at least 95 % by weight should be reported annually given the high potential impact upon the environment and public health of mismanagement of mercury. However, in order to alleviate administrative burden, the obligation to provide such information should be waived where a Member State provides the Commission with a copy of the form(s) used to grant or deny written consent on import pursuant to the second subparagraph of Article 4(1) of Regulation (EU) 2017/852.
- (5) Where information to be reported is related to geographically located entities, such as industrial installations and sites, the information should be reported in accordance with Directive 2007/2/EC of the European Parliament and of the Council<sup>(3)</sup>.
- (6) The questionnaires should address key provisions of Regulation (EU) 2017/852, including on the phasing-out of manufacturing processes involving the use of mercury or mercury compounds, artisanal and small-scale gold mining and processing activities and dental amalgam and should also require information on significant difficulties in implementing other provisions of that Regulation. Furthermore, they should require the provision of information on key performance indicators, including data on trade of mercury and on amounts of mercury stored or disposed.
- (7) The measures provided for in this Decision are in accordance with the opinion of the committee established by Article 22(1) of Regulation (EU) 2017/852,

HAS ADOPTED THIS DECISION:

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- (1) [OJ L 137, 24.5.2017, p. 1.](#)
- (2) Decision MC-1/8 Timing and format of reporting by the parties, Report of the Conference of the Parties to the Minamata Convention on Mercury on the work of its first meeting (<http://www.mercuryconvention.org>).
- (3) Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) ([OJ L 108, 25.4.2007, p. 1.](#)).

**Changes to legislation:**

There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2019/1752, Introductory Text.