

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 IV

DISPOSAL OF WASTE AND MERCURY WASTE

Article 11

Waste

Without prejudice to point (5) of Article 2 of this Regulation, mercury and mercury compounds, whether in pure form or in mixtures, from any of the following large sources shall be considered to be waste within the meaning of Directive 2008/98/EC and be disposed of without endangering human health or harming the environment, in accordance with that Directive:

- (a) the chlor-alkali industry;
- (b) the cleaning of natural gas;
- (c) non-ferrous mining and smelting operations;
- (d) extraction from cinnabar ore in the Union.

Such disposal shall not lead to any form of reclamation of mercury.

Article 12

Reporting on large sources

1 Economic operators within the industry sectors referred to in points (a), (b) and (c) of Article 11 shall send, each year by 31 May, the following to the competent authorities of the Member States concerned:

- a data on the total amount of mercury waste stored in each of their installations;
- b data on the total amount of mercury waste sent to individual facilities undertaking the temporary storage, the conversion and, if applicable, solidification of mercury waste, or the permanent storage of mercury waste that underwent conversion and, if applicable, solidification;
- c the location and contact details of each facility referred to in point (b);
- d a copy of the certificate provided by the operator of the facility undertaking the temporary storage of mercury waste, in accordance with Article 14(1);
- e a copy of the certificate provided by the operator of the facility undertaking the conversion and, if applicable, the solidification of mercury waste, in accordance with Article 14(2);
- f a copy of the certificate provided by the operator of the facility undertaking the permanent storage of mercury waste that underwent conversion and, if applicable, solidification, in accordance with Article 14(3).

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Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2017/852 of the European Parliament and of the Council, CHAPTER IV. (See end of Document for details)

2 The data referred to in points (a) and (b) of paragraph 1 shall be expressed using the codes laid down in Regulation (EC) No 2150/2002 of the European Parliament and of the Council⁽¹⁾.

3 The obligations laid down in paragraphs 1 and 2 shall cease to apply to an economic operator of chlor-alkali installations from one year after the date that all mercury cells operated by the economic operator have been decommissioned in accordance with Implementing Decision 2013/732/EU and all mercury has been handed over to waste management facilities.

Article 13

Storage of mercury waste

1 By way of derogation from point (a) of Article 5(3) of Directive 1999/31/EC, mercury waste may be temporarily stored in liquid form provided that the specific requirements for the temporary storage of mercury waste as laid down in Annexes I, II and III to that Directive are complied with and that such storage occurs in above-ground facilities dedicated to and equipped for the temporary storage of mercury waste.

The derogation set out in the first subparagraph shall cease to apply as from 1 January 2023.

2 The Commission is empowered to adopt delegated acts in accordance with Article 21 in order to amend this Regulation by extending the period allowed for temporary storage of mercury waste referred to in paragraph 1 of this Article by up to three years.

3 Prior to being permanently disposed of, mercury waste shall undergo conversion and, where intended to be disposed of in above-ground facilities, conversion and solidification.

Mercury waste that underwent conversion and, if applicable, solidification shall only be permanently disposed of in the following permanent storage facilities licensed for disposal of hazardous waste:

- a salt mines that are adapted for the permanent storage of mercury waste that underwent conversion, or deep underground hard rock formations providing a level of safety and confinement equivalent to or higher than that of such salt mines; or
- b above-ground facilities dedicated to and equipped for the permanent storage of mercury waste that underwent conversion and solidification and that provide a level of safety and confinement equivalent to or higher than that of the facilities referred to in point (a).

Operators of permanent storage facilities shall ensure that mercury waste that underwent conversion and, if applicable, solidification is stored separately from other waste and in disposal batches in a storage chamber that is sealed. Those operators shall further ensure that the requirements set out in Directive 1999/31/EC, including the specific requirements for the temporary storage of mercury waste established in the third and fifth indents of Section 8 of Annex I and in Annex II to that Directive, are complied with in relation to the permanent storage facilities.

Article 14

Traceability

1 Operators of facilities undertaking the temporary storage of mercury waste shall establish a register including the following:

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- a for each shipment of mercury waste received:
 - (i) the origin and amount of that waste;
 - (ii) the name and contact details of the supplier and the owner of that waste;
- b for each shipment of mercury waste leaving the facility:
 - (i) the amount of that waste and its mercury content;
 - (ii) the destination and intended disposal operation of that waste;
 - (iii) a copy of the certificate provided by the operator of the facility undertaking the conversion and, if applicable, the solidification of that waste, as referred to in paragraph 2;
 - (iv) a copy of the certificate provided by the operator of the facility undertaking the permanent storage of the mercury waste that underwent conversion and, if applicable, solidification, as referred to in paragraph 3;
- c the amount of mercury waste stored at the facility at the end of each month.

Operators of facilities undertaking the temporary storage of mercury waste shall, as soon as the mercury waste is taken out of temporary storage, issue a certificate confirming that the mercury waste was sent to a facility undertaking disposal operations covered by this Article.

Once a certificate as referred to in the second subparagraph of this paragraph is issued, a copy thereof shall be transmitted without delay to the economic operators concerned referred to in Article 12.

2 Operators of facilities undertaking the conversion and, if applicable, the solidification of mercury waste shall establish a register including the following:

- a for each shipment of mercury waste received:
 - (i) the origin and amount of that waste;
 - (ii) the name and contact details of the supplier and the owner of that waste;
- b for each shipment of mercury waste that underwent conversion and, if applicable, solidification leaving the facility:
 - (i) the amount of that waste and its mercury content;
 - (ii) the destination and intended disposal operation of that waste;
 - (iii) a copy of the certificate provided by the operator of the facility undertaking the permanent storage of that waste, as referred to in paragraph 3;
- c the amount of mercury waste stored at the facility at the end of each month.

Operators of facilities undertaking the conversion and, if applicable, the solidification of mercury waste shall, as soon as the conversion and, if applicable, the solidification operation of the entire shipment is completed, issue a certificate confirming that the entire shipment of mercury waste has been converted and, if applicable, solidified.

Once a certificate as referred to in the second subparagraph of this paragraph is issued, a copy thereof shall be transmitted without delay to the operators of the facilities referred to in paragraph 1 of this Article and to the economic operators concerned referred to in Article 12.

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3 Operators of facilities undertaking the permanent storage of mercury waste that underwent conversion and, if applicable, solidification shall, as soon as the disposal operation of the entire shipment is completed, issue a certificate confirming that the entire shipment of mercury waste that underwent conversion and, if applicable, solidification has been placed into permanent storage in compliance with Directive 1999/31/EC, including information on the storage location.

Once a certificate as referred to in the first subparagraph of this paragraph is issued, a copy thereof shall be transmitted without delay to the operators of the facilities referred to in paragraphs 1 and 2 of this Article as well as to the economic operators concerned referred to in Article 12.

4 Each year by 31 January, the operators of the facilities referred to in paragraphs 1 and 2 shall transmit the register for the previous calendar year to the competent authorities of the Member States concerned. The competent authorities of the Member States concerned shall annually communicate each transmitted register to the Commission.

Article 15

Contaminated sites

1 The Commission shall organise an exchange of information with the Member States regarding the measures taken at national level to identify and assess sites contaminated by mercury and mercury compounds and to address the significant risks such contamination may pose to human health and the environment.

2 By 1 January 2021, the Commission shall make the information gathered pursuant to paragraph 1, including an inventory of sites contaminated by mercury and mercury compounds, publicly available on the internet.

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- (1) Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics ([OJ L 332, 9.12.2002, p. 1](#)).

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Changes to legislation:

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