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Committee
Scottish Parliament
Edinburgh
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Email: netzero.committee@parliament.scot

Copied to UKSIs@parliament.scot

29 October 2025

Dear Edward,

**THE CONTROL OF MERCURY (AMENDMENT) REGULATIONS 2025 - EU EXIT
LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT**

I am writing in relation to the protocol on obtaining the approval of the Scottish Parliament to proposals by the Scottish Ministers to consent to the making of UK secondary legislation affecting devolved areas arising from EU Exit.

That protocol, as agreed between the Scottish Government and the Parliament, accompanied the letter from the then Cabinet Secretary for Government Business and Constitutional Relations, Michael Russell MSP, to the Conveners of the Finance & Constitution and Delegated Powers and Law Reform Committees on 4 November 2020 and replaced the previous protocol that was put in place in 2018.

I attach a Type 1 notification which sets out the details of the SI which the UK Government propose to make and the reasons why I am content that Scottish devolved matters are to be included in this SI. Please note, we are yet to have sight of the final SI and it is not available in the public domain at this stage. We will, in accordance with the protocol, advise you when the final SI is laid and advise you as to whether the final SI is in keeping with the terms of this notification.

The purpose of this instrument is to amend Regulation (EU) 2017/852 of the European Parliament and of the Council on mercury, which is now assimilated law, to add several mercury added products to Annex II in accordance with changes to the Minamata Convention which were adopted by the Conference of the Parties in 2022 and 2023.

The UK Government has set a provisional laying date for this SI of 2 December 2025 with a coming into force date of 23 December 2025, and therefore if possible, consent from

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

Scottish Ministers and agreement from Scottish Parliament is required by 28 November 2025.

I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee.

I look forward to hearing from you by the 28 November 2025.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Gillian Martin', with a stylized, flowing script.

GILLIAN MARTIN

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SI NOTIFICATION: SUMMARY

Title of Instrument The Control of Mercury (Amendment) Regulations 2025
Proposed laying date at Westminster 2 December 2025
Date by which Committee has been asked to respond 28 November 2025
Power(s) under which SI is to be made This SI is subject to negative procedure and is made in exercise of powers in Article 20(1) of assimilated law Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury.
Categorisation under SI Protocol Type 1
Purpose The purpose of this instrument is to amend Regulation (EU) 2017/852 of the European Parliament and of the Council on Mercury ("the UK Mercury Regulation" which is now assimilated law) to add several identified mercury added products (MAPs) for prohibition to domestic legislation as stipulated by the Minamata Convention on Mercury, to which the UK is a signatory. The SI will enact the prohibition of a number of MAPs that either have low use or for which use has already ceased in the UK. These amendments will also bring the UK into closer alignment with the EU, where these changes have already been adopted.
Other information These changes to the Minamata Convention on Mercury were adopted at Conference of the Parties 4 and 5 in 2022 and 2023 respectively.
SG Policy contact:

NOTIFICATION TO THE SCOTTISH PARLIAMENT

Name of the SI(s)

The Control of Mercury (Amendment) Regulations 2025

Is the notification Type 1 or Type 2

Type 1

Brief overview of the SI (including reserved provision)

The Control of Mercury (Amendment) Regulations 2025 (“the 2025 Amendment Regulations”) will amend Regulation (EU) 2017/852 of the European Parliament and of the Council on Mercury (“the UK Mercury Regulation”), which is assimilated law, to add a number of mercury added products (MAPs) to the list of those which are prohibited for manufacture, import, and export, fulfilling the UK’s commitments under an international Convention.

The Minamata Convention on Mercury is an international treaty, to which the UK is a signatory, which aims to reduce adverse human health and environmental effects of the metal mercury. The 2025 Amendment Regulation enables the UK to fulfil its responsibility to phase out several MAPs which were agreed at the Convention’s Conference of the Parties (COP) 4 and 5 in 2022 and 2023. Annex II of the UK Mercury Regulation outlines the MAPs and date for which the export, import and manufacture of these products should be prohibited. The decision made at COP 4 of the Minamata Convention requires several MAPs to be phased out by 31st December 2025. The decision made at COP 5 requires the phase out of certain further MAPs with phase out dates of 2025, 2026 or 2027.

Details of the provisions that Scottish Ministers are being asked to consent to.

Regulation (EU) 2017/852 of the European Parliament and of the Council on Mercury (“the EU Mercury Regulation”) is the mechanism by which the EU and its member states, including the UK while it was a member state, implemented the provisions of the Minamata Convention on Mercury through the prohibition of the manufacture, supply and trade of mercury and certain products containing mercury. The negative effects of mercury on human health and the environment are well recognised and understood. On IP completion day, the EU Mercury Regulation was converted into retained EU law and became the UK Mercury Regulation. The UK Mercury Regulation is now assimilated law.

Specific changes the Instrument makes

Products that contain intentionally added mercury (Mercury Added Products) listed in Annex II of the UK Mercury Regulation are prohibited from being manufactured, imported or exported after a phase out date listed within the regulation and in the Protocol to it that are subject to elimination (Part A), alongside specific exemptions on continuing necessary uses of those substances (Part B). The 2025 Amendment

Regulations will result in several mercury added products being added to Annex II. Listing of these MAPs is required under the Minamata Convention and means that the MAPs' manufacture, import and export must cease unless specific time-limited exemptions, agreed at Convention level, are included for necessary uses.

The mercury added products which will be added to the Annex II list by the 2025 Amendment Regulations are:

- Very high accuracy capacitance and loss measurement bridges and high frequency radio frequency switches and relays in monitoring and control instruments with a maximum mercury content of up to 20 mg except those used for research and development purposes.
- Several compact fluorescent lights (CFLs)
- Several linear fluorescent lights (LFLs)
- Several non-linear fluorescent lamps (NFLs)
- Cold cathode fluorescent lamps (CCFL) and external electrode fluorescent lamps (EEFL) for electronic displays
- Strain gauges to be used in or with plethysmographs
- Melt pressure transducers, melt pressure transmitters and melt pressure sensors
- Mercury vacuum pumps
- Tyre balancers and wheel weights
- Photographic film and paper
- Propellant for satellites and spacecraft

For most of these the phase-out date is 31 December 2025, except for some of the CFLs and LFLs for which the phase-out dates are either 31 December 2026 or 31 December 2027.

Summary of the proposals

The United Kingdom is a party to the Minamata Convention. The UK Mercury Regulation implements the UK's obligations under the Minamata Convention in Great Britain, while the EU Mercury Regulation continues to apply in Northern Ireland. Annex II to the UK Mercury Regulation contains the substances listed in the Minamata Convention.

The objective of the Convention is to protect human health and the environment from the well documented harmful effects of mercury by phasing out or phasing down mercury use in products and industrial processes.

The purpose of the 2025 Amendment Regulations is to update the UK Mercury Regulation to include the prohibition of manufacture, import and export of further MAPs which were agreed at COP 4 and COP 5.

EU Alignment

The EU has already implemented its legislation to prohibit the additional MAPs as stipulated by the Minamata Convention, therefore this UK SI will bring us into closer alignment with the EU. The EU has also implemented a ban on the manufacture, use and trade of dental amalgam (which contains mercury). Under the Windsor Framework, NI implements the EU's mercury regulations. However, the UK Government is laying an SI which allow for the continued use and import of dental amalgam in NI, as separate arrangements have been granted in Northern Ireland as per European Commission Notice C/2024/4675. Currently, the Minamata convention encourages the phase-down of the use of dental amalgam, and Scottish Ministers support this, as dental amalgam can still be used where necessary in particular cases as dictated by clinical need. The EU has also implemented a phase-out of an additional MAP not agreed at Convention level. Additionally, the phase-out of both of these MAPS could not be included in regulations made under article 20(1) of the UK Mercury Regulation as it provides powers only to amend Annex II to align with decisions adopted by the Conference of the Parties to the Minamata Convention.

Does the SI relate to a common framework or other scheme?

Yes. The UK Mercury Regulation forms part of the relevant regulations set out within the scope of the provisional Chemicals and Pesticides Common Framework.

Summary of stakeholder engagement/consultation

A full consultation for the 2025 Amendment Regulations was not carried out as the UK Government is required to implement the decisions of the Minamata Convention on Mercury. The Scottish Government understands that the UK Government has undertaken engagement with relevant stakeholders, both before and after COP 4 and COP 5. It is understood that no concerns were raised around the phase out of the MAPs, and they have limited to no use in Great Britain.

A note of other impact assessments, (if available)

No Scottish impact assessment has been prepared. Engagement that UK Government has had with relevant industries have not highlighted that there may be any impacts from the 2025 Amendment Regulations, as the majority of MAPs listed within them have little to no use across the UK at present.

Summary of reasons for Scottish Ministers' proposing to consent to UK Ministers legislation

Scottish Ministers consider that consenting to the 2025 Amendment Regulations is necessary to implement the UK's responsibilities under the Minamata Convention to phase out the outlined MAPs. It has been agreed that the UK Mercury Regulation will operate consistently across Great Britain in line with the common frameworks approach. Officials have worked with DEFRA to ensure the drafting

delivers for our interests and respects devolved competence in Scotland, and so the Scottish Ministers propose to agree to a GB-wide approach.

Intended laying date (if known) of instruments likely to arise

This instrument is subject to the negative procedure and is expected to be laid at Westminster on 2 December 2025.

If the Scottish Parliament does not have 28 days to scrutinise Scottish Ministers' proposal to consent, why not?

N/A

Information about any time dependency associated with the proposal

Change to the Minamata Convention on Mercury was adopted at the Conference of the Parties 4 and 5 in 2022 and 2023. The UK Government is required to implement the phase out of the identified MAPs by 31 December 2025.

Are there any broader governance issues in relation to this proposal, and how will these be regulated and monitored post-withdrawal?

None.

Any significant financial implications?

None.

Lead Official: Lucy Smythe
Environmental Quality & Resilience

SGLD lawyer: Rebecca Wallace