



Philip McGuigan MLA

Chairperson, Windsor Framework Democratic
Scrutiny Committee

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By email:

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DENTAL AMALGAM: NORTHERN IRELAND NOTICE

24 July 2024

Dear Philip,

Thank you for your letter of 19 July.

On Wednesday 10 July, the EU published Regulation (EU) 2024/1849 which amends Regulation (EU) 2017/852 ('the Mercury Regulation'). The amendments introduce a dental amalgam phase out, with use only allowed in medically necessary circumstances, in EU Member States from 1 January 2025 and applying in Northern Ireland under Article 13(3) of the Windsor Framework, subject to processes set out in Article 13(3a).

On 19 July, the EU announced a Commission Notice on the application of the above regulation in Northern Ireland, setting out a specific set of arrangements for Northern Ireland, providing an additional ten years (until 31 December 2034) to implement the phase out of dental amalgam, or until an earlier time is agreed by the Minamata Convention, to which the UK is a Party.

It is welcome that the notice recognises the specific circumstances of Northern Ireland, reflecting the representations made by the UK Government, and the Northern Ireland Executive. To this end we also recognise the work of your Committee on these issues. We consider that this also demonstrates the determination on all sides, across the UK and the EU, to work constructively together to address real issues affecting everyday life in Northern Ireland.

While we recognise that this still constitutes a change in dentistry practice in Northern Ireland, the ten year phase out period is consistent with the calls from stakeholders such as the British Dental Association for a further period of adaptation to avoid undue disruption to the dentistry sector in Northern Ireland.

From the work undertaken with the Executive and within the UK Government, we would assess that the 10-year period, and its associated conditions, provide the basis to enable a managed and considered phase out of the use of mercury in dental amalgam - allowing for developments to enable amalgam alternatives to become more affordable, and new alternatives to become available. That is in line with the expert advice provided to your Committee by the British Dental Association, who expressed a view that the need for dental amalgam will likely be much reduced in ten years' time, and with global trends such as proposals in the Minamata Convention on mercury to phase out amalgam due to be discussed in 2025. Finally, the arrangements provide for due certainty for the dentistry sector, as has also been consistently called for.

We will take forward work with the Northern Ireland Executive in considering further the arrangements set out in the notice and their implications. At this stage, though, I wanted to put on record my gratitude to you and your Committee for your work on this issue, and also to the stakeholders and those from across Northern Ireland political parties who have underscored the importance of finding an appropriate solution for Northern Ireland.

I hope the previous information note sent on 17 July, and this letter, sufficiently address the points raised in your letter of 19 July.

Yours sincerely,



**RT HON NICK THOMAS-SYMONDS MP
MINISTER FOR THE CABINET OFFICE
HM PAYMASTER GENERAL**



**RT HON HILARY BENN MP
SECRETARY OF STATE FOR
NORTHERN IRELAND**

Mr Philip McGuigan MLA, Chairperson
Windsor Framework Democratic Scrutiny
Committee (DSC)

REF: DSC 171/24

19 July 2024

Rt Hon Nick Thomas-Symonds MP
Minister of State

Issued via email to: wftf-sg@cabinetoffice.gov.uk

Nick, a chara,

At its meeting on 18 July 2024, the Windsor Framework Democratic Scrutiny Committee (DSC) considered [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](#). This act was notified to the DSC on 11 July 2024.

The DSC decided to hold an inquiry into the replacement EU act, pursuant to paragraph 8(1) of Schedule 6B to the Northern Ireland Act 1998.

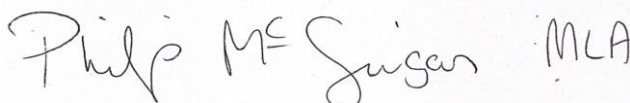
Under paragraph 9(2)(a), the DSC must seek substantive discussion and engagement with the British Government. Therefore, the Committee is requesting your assessment of:

- Whether it appears likely that the application of the replacement EU act would have a significant impact specific to everyday life of communities here in a way that is liable to persist; and
- Whether it appears likely that not applying the replacement EU act would have a significant impact specific to everyday life of communities here in a way that is liable to persist.

In considering the potential for divergence, the Committee also requests details of the position in England, Scotland and Wales.

I would appreciate a response **by Monday 29 July 2024 at 11.00am**.

Le meas,



Philip McGuigan, MLA

Chairperson, Windsor Framework Democratic Scrutiny Committee