

ANNEX I

LIST OF MEMBER STATES HAVING NOTIFIED THE EUROPEAN COMMISSION ON PROVISIONS ON PENALTIES REFERRED TO IN ARTICLE 16 OF REGULATION (EU) 2017/852 OF 17 MAY 2017 ON MERCURY

By 11 September 2018, the following Member States had notified the European Commission on national provisions setting penalties in accordance with Article 16 of Regulation 2017/852:

- Austria
- Bulgaria
- Croatia
- Czech Republic
- Denmark
- Finland
- Germany
- Latvia
- Lithuania
- Luxembourg
- Netherlands
- Slovakia
- Spain
- United Kingdom

Since then, the following Member States have notified the European Commission on national provisions setting penalties in accordance with Article 16 of Regulation 2017/852:

- Belgium
- France
- Ireland
- Poland
- Romania
- Sweden

ANNEX II

NOTIFIED INFORMATION AND NATIONAL ACTS AND PROVISIONS ON ARTICLE 16 OF REGULATION (EU) 2017/852 ON MERCURY

The competent authorities of Portugal informed the European Commission that the relevant draft national provisions were undergoing final procedural requirements in view of adoption.

BELGIUM

Article 16 (Penalties)

Legislation reference

Federal	Loi du 21 décembre 1998 relative aux normes de produits ayant pour but la promotion de modes de production et de consommation durables et la protection de l'environnement, de la santé et des travailleurs (art. 17, §1 ^{er} , 11° et §2, 9°) ¹
	Lois coordonnées du 14 juillet 1994 relative à l'assurance obligatoire soins de santé et indemnités (art. 73bis et art. 142, §1 ^{er}) ; arrêté royal du 14 septembre 1984 établissant la nomenclature des prestations de santé en matière d'assurance obligatoire soins de santé et indemnités (art. 6)
	Arrêté royal du 18 mars 1999 relatif aux dispositifs médicaux ²
Flemish Region	Decreet van 5 april 1995 houdende algemene bepalingen inzake milieubeleid ³
Walloon Region	Décret relatif à la délinquance environnementale ⁴
Brussels-Capital Region	Code du 25 mars 1999 de l'inspection, la prévention, la constatation et la répression des infractions en matière d'environnement et de la responsabilité environnementale (art. 2) ⁵

Web address

Federal	http://www.ejustice.just.fgov.be/cgi_loi/loi_a1.pl?language=fr&la=F&cn=1998122141&table_name=loi&&caller=list&fromtab=loi&tri=dd+AS+RANK#LNK0019
	https://www.riziv.fgov.be/SiteCollectionDocuments/nomenclatureart06_20180801_01.pdf (AR 27.6.2018, p. 5)
	http://www.ejustice.just.fgov.be/cgi_loi/loi_a1.pl?language=fr&la=F&cn=1999031834&table_name=loi&&caller=list&fromtab=loi&tri=dd+AS+RANK
Flemish Region	http://www.ejustice.just.fgov.be/cgi_loi/loi_a1.pl?language=nl&la=N&cn=1995040557&table_name=wet&&caller=list&fromtab=wet&tri=dd+AS+RANK#modification

¹ Under legislative process (expected completion by April 2019).

² Information to be confirmed by the competent authority relative to the placing on the market of medical devices: AFMPS (welcome@fagg-afmps.be).

³ Under legislative process (expected completion before end 2018), cf. : <https://www.vlaanderen.be/nl/vlaamse-regering/beslissingenvlaamseregering>

⁴ New legal framework under legislative process (expected completion by January 2019).

⁵ Under legislative process (expected completion by the end December 2018).

Walloon Region	See footnote 4
Brussels-Capital Region	http://www.ejustice.just.fgov.be/cgi_loi/loi_a1.pl?language=fr&la=F&cn=1999032553&table_name=loi&&caller=list&fromtab=loi&tri=dd+AS+RANK#LNK0001

FRANCE

Article 16 du règlement UE 2017/852 - Sanctions

Cet article prévoit que : « les États membres déterminent le régime des sanctions applicables aux violations du présent règlement et prennent toutes les mesures nécessaires pour assurer la mise en œuvre de ces sanctions. Ces sanctions doivent être effectives, proportionnées et dissuasives. Les États membres informent la Commission, au plus tard aux dates d'application respectives des dispositions pertinentes du présent règlement, du régime ainsi déterminé et des mesures ainsi prises, de même que, sans retard, de toute modification apportée ultérieurement à ce régime ou à ces mesures. »

Information des autorités françaises :

Les sanctions applicables pour le non-respect des dispositions du règlement cité en objet sont celles prévues :

- au chapitre IV du titre 1er du livre V du Code de l'environnement en ce qui concerne les installations classées pour l'environnement ;
- à la section 6 du chapitre 1er du titre IV du livre V du Code de l'environnement en ce qui concerne la gestion des déchets ;
- au chapitre VI du titre XII du Code des douanes en ce qui concerne les flux des marchandises.

Les textes sont disponibles sur le site www.legifrance.gouv.fr.

IRELAND

Article 16 (Penalties)

Legislation reference	Legislation providing for Article 16 and 17 is currently being finalised and is anticipated to be completed by year end. In this regard the Department is engaged with our Office of the Parliamentary Counsel and key stakeholders including The Department of Health, the Environmental Protection Agency, Local Authorities, Industry, The Revenue Commissioners, The Health Products Regulatory Authority with a view to finalising the draft Regulations as a matter of priority.
Web address	

POLAND – separate document attached

ROMANIA – separate document attached

SWEDEN

Article 16

Penalties

Legislation reference	Environmental Code (1998 :808), Chapter 29 Article 1 and Article 3 the first paragraph
Web adress	https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/miljobalk-1998808_sfs-1998-808

ANNEX III

COMMUNICATION FROM THE EUROPEAN COMMISSION TO MEMBER STATES REGARDING NATIONAL PROVISIONS ON PENALTIES REFERRED TO IN ARTICLE 16 OF REGULATION (EU) OF 17 MAY ON MERCURY

Communication of 11 July 2018 (separate document attached)

Reminder of 8 October 2018

Art 16 & 17 of Regulation (EU) 2017/852 of EP on mercury - reporting - Ares(2018)3690565

On behalf of [REDACTED]

Dear Environment Attachés,

I would like to draw your attention to my email/letter dated 11 July 2018 asking your Member State to provide information on the applicable penalties and designated competent authorities by 31 July 2018.

Articles 16 and 17 of Regulations (EU) 2017/852 of the European Parliament and of the Council on mercury, which require Member States to establish and notify to the Commission rules on penalties applicable to cases of non-compliance with this Regulation and to designate competent authorities.

As we have still not received this information, I urge your Member State to provide it as soon as possible and no later than 19 October 2018.

I would appreciate receiving the above-mentioned information on the applicable penalties and designated competent authorities by email to ENV-MERCURY@ec.europa.eu.

In case you have any problems, please contact [REDACTED] [REDACTED]

Yours sincerely,

[REDACTED]

[REDACTED]