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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 2244 **6 July 2022**

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)

CONSULTATION ON THE DRAFT NATIONAL REGULATIONS FOR THE MANAGEMENT OF MERCURY IN SOUTH AFRICA

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby give notice of my intention to publish the draft Regulations for the Management of Mercury in South Africa, developed in terms of section 25(3), read with section 47(1) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as set out in the Schedule hereto.

The draft Regulations are intended to domesticate the Minamata Convention on Mercury (the Convention), of which South Africa is a party and ratified in 2019. The objectives of the draft Regulations are in line with the objectives of the Convention. The purpose of the draft Regulations is to eliminate the anthropogenic emissions and releases of mercury, to limit processes emitting and releasing mercury into the environment, to phase out mercury added products, to phase down dental amalgam and to regulate mercury storage facilities and trade.

Members of the public are invited to submit, within thirty (30) days of publication of this Notice in the Government *Gazette* or in the national newspaper, whichever comes last, written representations or objections to the proposed draft Regulations to the following addresses:

By post to: The Director-General: Department of Forestry, Fisheries, and the Environment
Attention: Ms Noluzuko Gwayi
Private Bag X447
PRETORIA
0001

By email to: tsebego@dffe.gov.za
By hand at: Environment House, 473 Steve Biko Road, Arcadia, 0083

Any enquiries in connection with the draft Notice can be directed to Ms Noluzuko Gwayi at (012) 399 9854 or by email at NGwayi@dffe.gov.za

Comments received after the closing date may not be considered.

Government Notice No. R.2234 published in Government *Gazette* 46654 on 04 July 2022, is hereby withdrawn, because due to an administrative error, only every second page of the draft Regulations appeared in the published document.

BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

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CHAPTER 1

DEFINITIONS AND PURPOSE

1. Definitions

In these Regulations, any word or expression to which a meaning has been assigned in the Act, has that meaning, and unless the context indicates otherwise—

"**association**" means a group of persons importing, exporting, manufacturing or distributing the same or substantially similar identified products;

"**consent**" means a permission issued by the Designated National Authority to import, or export mercury, mercury-added products and mercury waste in terms of these Regulations;

"**conversion**" means the chemical immobilization or stabilization of mercury to the extent that it is non-reactive;

"**Designated National Authority (DNA)**" means an official granted responsibility by their national Department to authorise and carry out the functions of a DNA in terms of these Regulations;

"**export**" means to take out, send or transfer goods, or to cause them to be taken out, sent or transferred, from the Republic to a country or territory outside the Republic;

"**import**" means to land on, bring into or introduce goods, or cause them to be landed on, brought into or introduced, from outside the Republic into the Republic;

"**mercury**" means metallic mercury (Hg, CAS RN 7439-97-6). It also includes mixtures of mercury with other substances, including alloys of mercury, with a mercury concentration of at least 95 per cent by weight;

"**mercury-added product**" means a product or product component that contains mercury or a mercury compound that was intentionally added;

"**mercury compound**" means any substance consisting of atoms of mercury, and one or more atoms of other chemical elements that can be separated into different components only by chemical reactions. This includes mercury (I) chloride (known also as calomel), mercury (II) oxide, mercury (II) sulphate, mercury (II) nitrate, cinnabar and mercury sulphide;

"**Mercury Management Plan"** means the plan referred to in regulation 13 of these Regulations;

"**Mercury Phase-down Plan**" means the plan referred to in regulation 12 of these Regulations;

"**Mercury Phase-out Plan**" means the plan referred to in regulation 11 of these Regulations;

"**Minamata Convention on mercury**" means the multilateral environmental agreement that South Africa is a party to, and whose objective is to protect human health and the environment from the anthropogenic emissions and releases of mercury and mercury compounds;

"**mixture**" means a mix or a solution composed of two or more substances;

"**National Focal Point (NFP)"** means an official granted responsibility by their national Department to carry out the international cooperation required, including receipt and response to notifications to import or export through the Prior Informed Procedure (PIC) in terms of these Regulations;

"**new manufacturing processes**" means manufacturing processes involving the use of mercury or mercury compounds that were not used in such processes prior to 1 April 2023;

"**new mercury-added products**" means mercury-added products that were not in the process of being manufactured, imported or exported prior to 1 April 2023;

"**party**" means a State or a regional economic integration organization, that has consented to be bound by the Minamata Convention and for which the Convention is in force;

"**person**" means a natural person and includes a juristic person;

"**solidification of mercury**" means the treatment of mercury with suitable metals so that it forms a solid alloy;

"these Regulations" means the draft Regulations for the Management of Mercury in South Africa, developed in terms of section 25(3) of the National Environmental Management Act, 1998 (Act No. 107 of 1998);

"**trade**" means the action of buying and selling goods and services and including for making financial or other forms of gain;

"the Act" means the National Environmental Management Act, 1998 (Act No. 107 of 1998); and

"**value chain**" means the full lifecycle of a product or process, including material sourcing, production, consumption and disposal/recycling processes.

2. Purpose

(1) The purpose of these Regulations is to regulate mercury throughout its life cycle and value chain, in order to protect the environment and human health from the anthropogenic releases of mercury and mercury compounds. In particular, the purpose of these Regulations is to—
   (a) ensure the environmentally sound management of mercury;
   (b) establish measures for the phase-out of mercury added products;
   (c) regulate the manufacturing processes in which mercury is used;
   (d) regulate trade in mercury, and
   (e) regulate the management of mercury stocks.

CHAPTER 2

MERCURY-ADDED PRODUCTS

3. Phasing out mercury-added products

(1) No person may—

(a) manufacture, import or export the mercury-added products listed in Part I of Annexure 1 to these Regulations;
(b) manufacture or distribute mercury-added products not covered by any known use of mercury-added products, prior to 1 April 2023, unless an assessment of the risks and benefits of the product demonstrates environmental and human health benefits significantly above the risks;
(c) manufacture, import or export, the mercury-added products as set out in Annexure 2 to these Regulations, except for the following mercury-added products:
  (i) products that are essential for military use and for the protection of the local population and;
  (ii) products for research, for calibration of instrumentation, or for use as a reference standard;
(d) manufacture, import or export, or sell, new mercury-added products; and
(e) undertake new manufacturing processes involving the use of mercury or mercury compounds that were not used prior to 1 April 2023, unless granted written authorisation by the Minister.

CHAPTER 3

DENTAL AMALGAM

4. Phasing-down dental amalgam

(1) Measures to be taken to phase-down the use of dental amalgam may take relevant international guidance into consideration, but must take into account domestic circumstances and include the required measures from Part II of Annexure 1 to these Regulations.

(2) Dental amalgam may only be used in pre-dosed encapsulated form.

(3) The use of mercury in bulk form by dental practitioners is prohibited.

(4) Dental amalgam may not be used for dental treatment of deciduous teeth, of children under 15 years, and of pregnant or breastfeeding or child-bearing age women, except when deemed strictly necessary by the dental practitioner based on the specific medical needs of the patient that significantly outweigh the risks.

(5) Dental facilities in which dental amalgam is used, or dental amalgam fillings or teeth containing such fillings are removed, must ensure that their facilities are equipped with

amalgam separators for the retention and collection of amalgam particles, including those contained in used water.

(6) The dental facilities mentioned in subregulation (5) must ensure that amalgam separators in use from 1 April 2023, provide a retention level of at least 95% of amalgam particles.

(7) Amalgam separators must be maintained in accordance with the manufacturer's instructions to ensure the highest practicable level of retention.

(8) Dental practitioners must ensure that their amalgam waste, including amalgam residues, particles and fillings, and teeth, or parts thereof contaminated by dental amalgam, are handled and collected by an authorised hazardous waste management establishment or undertaking, in line with the Act and specific environmental management Acts.

(9) Dental practitioners may not release amalgam waste directly or indirectly into the environment under any circumstances.

(10) Dental associations must submit their national Phase-down Plans to the Director General within one month of their adoption and make them publicly available on the internet.

CHAPTER 4

MERCURY SUPPLY SOURCES AND TRADE

5. Export restrictions

(1) No person may—

(a) export mercury or mercury compounds or the mixtures of mercury listed in Annexure 1 to these Regulations; except for its disposal, environmentally sound interim storage, research or laboratory analysis use.
(b) export, for the purpose of reclaiming mercury, mercury compounds or mixtures of mercury not listed in Annexure 1, to these Regulations,

(2) The Prior Informed Consent Procedure in Annexure 4 to these Regulations must be implemented for the export of mercury, mercury added products or mercury waste through the South African Focal Point of the Minamata Convention on mercury.

6. Import restrictions

(1) No person may—

(a) import mercury or mercury compounds or the mixtures of mercury listed in Annexure 1 to these Regulations; or
(b) import mercury for use in artisanal and small-scale gold mining and processing.

(2) Import restrictions in terms of these Regulations do not apply to—

(a) the importation of 250g of mercury or mercury compounds annually, per research institution, to be used for laboratory-scale research;
(b) the importation of naturally occurring trace quantities of mercury or mercury compounds present in such products as non-mercury metals, ores, or mineral products, including coal, or products derived from these materials, and unintentional trace quantities in chemical products; or
(c) mercury-added products.

(3) The Prior Informed Consent Procedure in Annexure 4 to these Regulations must be implemented for the import of mercury, mercury added products or mercury waste through the National Focal Point of the Minamata Convention on mercury.

CHAPTER 5

MANUFACTURING PROCESSES IN WHICH MERCURY OR MERCURY COMPOUNDS ARE USED

7. Restriction of mercury in manufacturing processes

(1) No person may use mercury or mercury compounds listed in Part I of Annexure 2 to these regulations in their manufacturing processes after the phase-out date specified in that Annexure, for a process.

(2) Persons must take measures to restrict the use of mercury or mercury compounds in the processes listed in Part II of Annexure 2 to these Regulations in accordance with the provisions set out therein.

(3) Persons with one or more facilities that use mercury or mercury compounds listed in Annexure 2 to these Regulations in their manufacturing processes, must take measures to address releases of mercury or mercury compounds from those facilities.

(4) No person may use mercury or mercury compounds in a facility that did not exist prior to 1 April 2023 and that uses the manufacturing processes listed in Annexure 2 to these Regulations.

(5) No person may develop any facility using any other manufacturing process in which mercury or mercury compounds are intentionally used that did not exist prior to 01 April 2023, except where the person can demonstrate by submitting an application to the satisfaction and

possible approval of the Minister that the manufacturing process provides significant environmental and health benefits above the associated risks, and that there are no other technically and economically feasible mercury-free alternatives available providing such benefits.

(6) No person may use mercury and mercury compounds in the manufacturing processes listed in Part I of Annexure 2 to these Regulations.

(7) The use of mercury and mercury compounds in the manufacturing processes listed in Part II of Annexure 2 to these Regulations, may only be allowed by submitting an application to the satisfaction and possible approval of the Minister.

CHAPTER 6

STORAGE OF MERCURY, MERCURY COMPOUNDS AND MIXTURES OF MERCURY

8. Environmentally sound interim storage of mercury stocks

(1) This regulation applies to the interim storage of mercury and mercury compounds for not more than 3 months.

(2) Persons must take measures to ensure that the interim storage of mercury and mercury compounds is undertaken in an environmentally sound manner.

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

(4) Mercury waste that underwent conversion and, if applicable, solidification may 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 paragraph (a).

(5) Operators of permanent storage facilities must 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.

(6) Operators of facilities undertaking the temporary storage of mercury waste must establish a register containing the following:

(a) for each shipment of mercury waste received:
(i) the origin and amount of that waste; and

(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 subregulation (3);
   (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 subregulation (3);

(c) the amount of mercury waste stored at the facility at the end of each month.

(7) Operators of facilities undertaking the temporary storage of mercury waste must, as soon as the mercury waste is taken out of temporary storage, issue a certificate confirming that the mercury waste was sent to an authorized facility undertaking disposal operations.

CHAPTER 7

REGISTRATION AND REPORTING

9. Registration

(1) A person who undertakes or intends to undertake an activity as contemplated in regulations 3, 5, 6 and/or 7 of these Regulations, must register the activity with the Minister through the application form contained in Annexure 3 to these Regulations, within 120 days of the commencement of these Regulations

(2) The Minister will issue the applicant with a registration number within 120 days of registration.

(3) The registered person must display the registration number on all trading documentation.

(4) The Minister must be notified within 14 days of any change to the information provided in terms of this regulation.

10. Reporting

(1) A person referred to in regulation 9(1), must before 31 March of every year, submit through an e-mail (DG@dffe.gov.za), an annual report to the Director-General, from an external independent auditor commissioned at own expense to audit at least the following:

(a) The correctness of the information supplied on the registration form;
(b) In the case of identified products, progress made in terms of the Mercury Phase-out Plan provided in terms of these Regulations;
(c) In the case of dental amalgam, progress made in terms of the Mercury Phase-down Plan, and the provisions set out in Part II of Annexure 1 to these Regulations;
(d) The person's extent of compliance with these Regulations and other relevant legislation;
(e) In the case of the transport of mercury, the amount of mercury transported through the country; and
(f) In the case of a research project, how much mercury or mercury added products were used in the research project and the outcome of that research.

(2) A person or Association undertaking activities referred to in Part II of Annexure 1 to these regulations, must, before 31 March of every year, submit to the Director-General, through an e-mail (DG@dffe.gov.za), an annual report on the implementation of any additional measures taken related to the phase-down of the use of dental amalgam.

CHAPTER 8

MERCURY PHASE-OUT, PHASE-DOWN, AND MANAGEMENT PLANS

11. Mercury Phase-out Plan

(1) A person or an Association contemplated in regulations 4, 5 and 6 of these Regulations must submit, through an e-mail (DG@dffe.gov.za), a Mercury Phase-out Plan to the Minister for approval within one year of the commencement of these Regulations.

(2) An Association may submit a joint Mercury Phase-out Plan for the purposes of complying with these Regulations.

(3) A Mercury Phase-out Plan must at least contain the following information:
(a) proposed alternatives to the use of mercury or mercury added products in the manufacture of the identified products;
(b) where such alternatives do not exist, reasons why such alternatives do not exist and the steps that will be taken to develop such alternatives; and
(c) the time periods within which the manufacturer intends replacing the use of mercury with alternatives to mercury or mercury containing materials.

(4) The Minister may require a person, who has submitted a Mercury Phase-out Plan, to provide additional information and to submit a revised Mercury Phase-out Plan within a time period indicated by the Minister, or to furnish the Minister with a written independent review of the

Mercury Phase-out Plan by an independent expert within a time period indicated by the Minister.

(5) The Minister may, on written application by a person who is required to submit a Mercury Phase-out Plan, grant an extension upon request in respect of the period within which the plan must be submitted, on good cause shown, with or without conditions attached to such an extension.

(6) After considering any Mercury Phase-out Plan that has been submitted in terms of these regulations and other relevant information at his or her disposal , the Minister may—

(a) accept the plan and set conditions for the implementation of such a plan; or
(b) reject the plan with reasons provided.

12. Mercury Phase-down Plan

(1) A person or an Association contemplated in regulations 4, 5 and 6 of these Regulations must submit, through an email (DG@dffe.gov.za), a Mercury Phase-down Plan to the Minister for approval within one year of the commencement of these Regulations.

(2) An Association may submit a joint Mercury Phase-down Plan for the purposes of complying with these Regulations.

(3) A Mercury Phase-down Plan must at least contain the following information:
(a) Proposed alternatives to the use of mercury or mercury added products in the manufacture of the identified products;
(b) Where such alternatives do not exist, reasons why such alternatives do not exist and the steps that will be taken to develop such alternatives; and
(c) The time periods within which the manufacturer intends replacing the use of mercury with alternatives to mercury or mercury containing materials.

(4) The Minister may require a person who has submitted a Mercury Phase-down Plan to provide additional information and to submit a revised Mercury Phase-down Plan within a time period indicated by the Minister, or to furnish the Minister with a written review of the Mercury Phase down Plan by an independent expert within a time period indicated by the Minister.

(5) The Minister may, on written application by a person who is required to submit a Mercury Phase-down Plan, grant an extension in respect of the period within which the plan must be submitted, on good cause shown, with or without conditions attached to such an extension.

(6) After considering any Mercury Phase-down Plan that has been submitted in terms of these regulations, the Minister may:

(a) accept the plan and set conditions for the implementation of such a plan; or
(b) reject the plan with reasons provided.

(7) In the event that the date for the submission of a Mercury Phase-down Plan, revised Mercury Phase-down Plan or an independent review of the Mercury Phase-down Plan has passed, and such a plan has not been submitted, the Minister may exercise his or her power in terms of this regulation on the basis of other information at his or her disposal.

13. Mercury Management Plan

(1) A person or an Association contemplated in regulations 7 and 8 of these Regulations, must submit, through registered mail, a Mercury Management Plan to the Minister for approval within one year of the commencement of these Regulations.

(2) An Association may submit a joint Mercury Management Plan for the purposes of complying with these Regulations.

(3) A Mercury Management Plan must at least contain the following information:
(a) Proposed alternatives to the use of mercury or mercury added products in the manufacture of the identified products;
(b) Where alternatives as envisage in paragraph (a) do not exist, reasons why such alternatives do not exist and the steps that will be taken to develop such alternatives; and
(c) the time periods within which the manufacturer intends replacing the use of mercury with alternatives to mercury or mercury containing materials.

(4) The Minister may require a person who has submitted a Mercury Management Plan to provide additional information and to submit a revised Mercury Management Plan within a time period indicated by the Minister, or to furnish the Minister with a written review of the Mercury Management Plan by an independent expert within a time period indicated by the Minister.

(5) The Minister may, on written application by a person, who is required to submit a Mercury Management Plan, grant an extension in respect of the period within which the plan must be submitted, on good cause shown, with or without conditions attached to such an extension.

(6) After considering any Mercury Management Plan that has been submitted in terms of these regulations, the Minister may—
(a) accept the plan and set conditions for the implementation of such a plan; or
(b) reject the plan with reasons provided.

(7) In the event that the date for the submission of a Mercury Management Plan, revised Mercury Management Plan or an independent review of the Mercury Management Plan has passed, and such a plan has not been submitted, the Minister may exercise his or her power in terms of this regulation on the basis of other information at his or her disposal.

CHAPTER 9

GENERAL MATTERS

14. Packaging and Transport of Mercury

A person who transports or packages mercury must comply with the standards set for transport and packaging in SANS 10228 and SANS 10229, their amendments, and replacements.

15. Short tittle and commencement

These Regulations are the Regulations for the Management of Mercury in South Africa, and will commence on 1 April 2023.

16. Offences

A person who contravenes regulations 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of these Regulations, is guilty of an offence and is liable on conviction to a fine and/or imprisonment as indicated in regulation 17.

17. Penalties

A person convicted of an offence under these Regulations is liable to a minimum fine not exceeding R5 million or/and to imprisonment for a period not exceeding 5 years in the case of a first offence, and in the case of a second or subsequent conviction to a fine not exceeding R10 million or/and to imprisonment for a period not exceeding 10 years, and in both instances to both such fine and such imprisonment.

ANNEXURE 1

Mercury-added products (MAPs)

1. The following products are excluded from this Annexure:

   (a) Products essential for civil protection and military uses;
   (b) Products for research, calibration of instrumentation, for use as reference standard;
   (c) Where no feasible mercury-free alternative for replacement is available, switches and relays, cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for electronic displays, and measuring devices;
   (d) Products used in traditional or religious practices; and
   (e) Vaccines containing thiomersal as preservatives.

2. *Part I: Mercury-added products subject to a phase-out:*

Mercury-added products (MAPs)	**Date after which the manufacture, import or export of the product shall not be allowed (phase-out date)**
Batteries, except for button zinc silver oxide batteries with a mercury content < 2% and button zinc air batteries with a mercury content < 2%	1 April 2023
Switches and relays, except 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 20 mg per bridge, switch or relay	1 April 2023
Compact fluorescent lamps (CFLs) for general lighting purposes that are ≤ 30 watts with a mercury content exceeding 5 mg per lamp burner	1 April 2023
Linear fluorescent lamps (LFLs) for general lighting purposes: (a) Triband phosphor < 60 watts with a mercury content exceeding 5 mg per lamp; (b) Halophosphate phosphor ≤ 40 watts with a mercury content exceeding 10 mg per lamp	1 April 2023
High pressure mercury vapour lamps (HPMV) for general lighting purposes	1 April 2023
Mercury in cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for electronic displays: (a) short length (≤ 500 mm) with mercury content exceeding 3.5 mg per lamp (b) medium length (> 500 mm and ≤ 1 500 mm) with mercury content exceeding 5 mg per lamp (c) long length (> 1 500 mm) with mercury content exceeding 13 mg per lamp	1 April 2023
Cosmetics (with mercury content above 1ppm), including skin lightening soaps and creams, and not including eye area cosmetics where mercury is used as a preservative and no effective and safe substitute preservatives are available1/	1 April 2023
Pesticides, biocides and topical antiseptics	1 April 2023
The following non-electronic measuring devices except non-electronic measuring devices installed in large-scale equipment or those used for high precision measurement, where no suitable mercury-free alternative is available: (a) barometers;	1 April 2023

(b) hygrometers; (c) manometers; (d) thermometers; (e) sphygmomanometers.	

3. *Part II: Mercury- added products subject to a phase-down:*

Mercury-added products	**Provisions**
Dental amalgam	Measures to be taken to phase down the use of dental amalgam shall take into account the domestic circumstances and relevant international guidance and shall include more than the two required measures from the following list: (i) Setting national objectives aiming at dental caries prevention and health promotion, thereby minimizing the need for dental restoration; (ii) Setting national objectives aiming at minimizing its use; (iii) Promoting the use of cost-effective and clinically effective mercury-free alternatives for dental restoration; (iv) Promoting research and development of quality mercury-free materials for dental restoration; (v) Encouraging representative professional organizations and dental schools to educate and train dental professionals and students on the use of mercury-free dental restoration alternatives and on promoting best management practices; (vi) Discouraging insurance policies and programmes that favour dental amalgam use over mercury-free dental restoration; (vii) Encouraging insurance policies and programmes that favour the use of quality alternatives to dental amalgam for dental restoration; (viii) Restricting the use of dental amalgam to its encapsulated form; and (ix) Promoting the use of best environmental practices in dental facilities to reduce releases of mercury and mercury compounds to water and land.

ANNEXURE 2

Manufacturing processes in which mercury or mercury compounds are used

1. *Part I: Processes subject to a mercury-management plan:*

Manufacturing processes using mercury or mercury compounds	**Phase-out date**
Chlor-alkali production	1 April 2025
Acetaldehyde production in which mercury or mercury compounds are used as a catalyst	1 April 2023

2. *Part II: Processes subject to a mercury-management plan:*

Mercury using process	**Provisions**
Vinyl chloride monomer production	Measures to be taken shall include but not be limited to: (i) Reduce the use of mercury in terms of per unit production by 50 per cent by the year 2023 against 2021 use; (ii) Promoting measures to reduce the reliance on mercury from primary mining; (iii) Taking measures to reduce emissions and releases of mercury to the environment; (iv) Supporting research and development in respect of mercury-free catalysts and processes; (v) Not allowing the use of mercury five years after the Conference of the Parties to the Minamata Convention has established that mercury-free catalysts based on existing processes have become technically and economically feasible; (vi) Reporting to the Minister on its efforts to develop and/or identify alternatives and phase out mercury use.
Sodium or Potassium Methylate or Ethylate	Measures to be taken shall include but not be limited to: (i) Measures to reduce the use of mercury aiming at the phase out of this use as fast as possible and within 10 years of the entry into force of the Convention; (ii) Prohibiting the use of fresh mercury from primary mining; (iii) Supporting research and development in respect of mercury-free processes; (iv) Not allowing the use of mercury five years after the Conference of the Parties to the Minamata Convention has established that mercury-free processes have become technically and economically feasible; (v) Reporting to the Minister on its efforts to develop and/or identify alternatives and phase out mercury use.
Production of polyurethane using mercury containing catalysts	Measures to be taken shall include but not be limited to: (i) Taking measures to reduce the use of mercury, aiming at the phase out of this use as fast as possible, by 16 August 2027; (ii) Taking measures to reduce the reliance on mercury from primary mercury mining; (iii) Taking measures to reduce emissions and releases of mercury to the environment; (iii) Encouraging research and development in respect of mercury-free catalysts and processes;

	(iv) Reporting to the Minister on its efforts to develop and/or identify alternatives and phase out mercury use in accordance with these Regulations.

ANNEXURE 3

Application Form for registration in terms of these Regulations

A. APPLICANT DETAILS:

Name of applicant:	
Identity or passport no in the case of an individual:	
Registration number in the case of a South African company or Close Corporation or Pty:	
Company registration in case of an international company:	
Tel no:	
Fax no:	
E-mail address:	
Postal Address:	Physical Address:

B. TYPE OF REGISTRATION APPLIED FOR (Tick off):

Import, manufacture or distribution of an identified product.		Import of mercury or mercury waste from a SADC country (that is a party to Minamata Convention on mercury) for the purpose safe disposal.	
Import, storage or use of mercury or mercury added products (MAPs) for research purposes.		Transport of mercury or mercury containing materials.	

PLEASE PROVIDE THE FOLLOWING INFORMATION THAT RELATES TO THE ACTIVITY FOR WHICH REGISTRATION IS APPLIED FOR

C. IMPORT, MANUFACTURE OR DISTRIBUTE AN IDENTIFIED PRODUCT

The address where the business is carried on:

.....

……

The quantity of identified products that is manufactured, stored or distributed:

Manufactured: ……

Stored: ……..

Distributed: …….

D. TRANSPORT OF MERCURY OR MERCURY ADDED PRODUCTS.

The name and domicile address of the transporter.

Name: ……

Domicile: ……

……

……

……

……

The port of entry and exit.

Entry: ……

Exit: ……

The type and quantity of mercury or mercury added product(s) usually transported in an average month.

……..

……

E. IMPORT, STORAGE OR USE OF MERCURY OR MERCURY ADDED PRODUCTS (MAPs) FOR RESEARCH PURPOSES.

The name and domicile of the associated academic institution responsible for the research to be conducted.

……

……

……

……

……

The nature and purpose of the research.

……
……
……
……
……

The quantity and type of mercury or mercury added product(s) to be used in the research per annum.

……
……
……

F. IMPORT OF MERCURY OR MERCURY WASTE FROM SADC COUNTRY (THAT IS A PARTY TO THE MINAMANATA CONVENTION ON MERCURY) FOR THE PURPOSE OF SAFE DISPOSAL

The quantity of mercury or mercury waste that is imported:

The country from which it is imported:

The conditions and period of the contract under which, the mercury or mercury waste is accepted:

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……

The location of the authorised disposal site where the mercury waste is being disposed of and the environmental licence details and conditions of the site or facility:

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……

ANNEXURE 4

Notification form to implement the Prior Informed Consent (PIC) Procedure for the import and export of mercury, mercury added products or mercury waste through the South African Focal Point of the Minamata Convention on mercury.

forestry, fisheries & the environment
Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Note: This export notification is provided by the exporting country in terms of regulations 5 and 6 of these Regulations. The importing country is kindly requested to acknowledge receipt of this export notification within 30 days of the date indicated in section 7 of Annexure 4 to these Regulations.

Reference Number:	

Exporting country	
Importing country	

SECTION 1	**IDENTITY OF THE MERCURY, MERCURY-ADDED PRODUCT, OR MERCURY WASTE SUBJECT TO THE EXPORT NOTIFICATION**	
1.1	**Common name**	
1.2	**Mercury, mercury-added product, or mercury waste name according to an internationally recognized nomenclature (e.g. IUPAC)**	
1.4	**Code numbers**	
1.4.1	**CAS number**	
1.4.2	**Harmonized system customs code**	

1.4.3	**Other numbers** **(if applicable, specify the numbering system)**	

SECTION 2 **IDENTITY OF THE PREPARATION TO BE EXPORTED**

2.1	**Trade name and name of the preparation**	
2.2	**For each substance in the preparation that is subject to the export notification, concentration (%) and information as specified under SECTION 1**	

SECTION 3 **INFORMATION CONCERNING THE EXPORT**

3.1	**Expected date of export (dd.mm.yy)**	
3.2	**Foreseen category (mercury, mercury-added product, or mercury waste) and foreseen use in importing country**	
3.3	**Name, address, telephone, fax and email of the importer**	
3.4	**Name, address, telephone, fax and email of the exporter**	

SECTION 4 **INFORMATION ON HAZARDS AND /OR RISKS OF THE MERCURY, MERCURY-ADDED PRODUCT, OR MERCURY WASTE AND PRECAUTIONARY MEASURES**

(Please provide information in the table below or attach a copy of the safety data sheet that covers the information required.)

4.1	**Hazard classification (e.g. GHS, WHO, IARC, EU)**	
4.2	**Information on hazards and/or risks**	
4.3	**Information on precautionary measures to reduce exposure to and emission of the mercury, mercury-added product, or mercury waste**	
4.4	**Further information that may be useful to the importing country or has been requested by it, if available**	
4.5	**Reference**	

SECTION 5 **INFORMATION ON PHYSICO-CHEMICAL, TOXICOLOGICAL AND ECOTOXICOLOGICAL PROPERTIES OF MERCURY, MERCURY-ADDED PRODUCT, OR MERCURY WASTE**

(Please provide information in the table below or attach a copy of the safety data sheet that covers the information required.)

5.1	**Summary information**	

5.2 Reference	

SECTION 6 SUMMARY INFORMATION ON FINAL REGULATORY ACTION TAKEN BY THE EXPORTING COUNTRY

6.1 Summary of the final regulatory action and data of entry into force

6.2 The final regulatory action has been taken for the category

☐ **mercury** ☐ **mercury-added product** ☐ **mercury waste**

Please indicate:

- **use or uses prohibited**
- **use or uses that remain allowed**
- **where available, estimated quantity produced, imported, exported and used**

6.3 Reference to the regulatory document

SECTION 7 DESIGNATED NATIONAL AUTHORITIES (DNAs)

7.1	**Name, address, telephone, fax and email of the notifying DNA in the exporting country**	
7.2	**Name, address, telephone, fax and email of the DNA in the importing country**	

Date, signature of the notifying DNA in the exporting country and official seal:

Form for Acknowledging Receipt of Export Notification

This is to acknowledge the receipt of the export notification:

Name of the importing country	
Reference number of the export notification	
Mercury, mercury-added product, or mercury waste name	

Date, signature of the designated authority in the importing country and official seal:

Please send the acknowledgment within 30 days of the date indicated in section 7 to the exporting country at the following address:

Name and address	

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