



Baroness Anderson of Stoke-on-Trent  
Baroness-in-Waiting [Government Whip]  
and Spokesperson for the Cabinet Office  
Cabinet Office 70 Whitehall London SW1A 2AS

Baroness Hoey,  
House of Lords,  
London,  
SW1A 0PW

3 February 2026

Dear Kate,

Thank you for your email of 10 January and please accept my apologies for not responding to you on this point sooner.

I will first take the opportunity to briefly touch on the history and context of the dental amalgam arrangements, with which you are of course familiar. As you also set out in your email, the Government secured this set of bespoke arrangements after engaging the European Commission on this issue. The arrangements ensure that Northern Ireland will have sufficient time to phase out amalgam in dentistry and is in line with the evidence heard from the British Dental Association by the Democratic Scrutiny Committee.

In this context, it is also relevant to add that shortly after the debate, the international Minamata Convention - to which the UK and the EU are both party - agreed on the phase out of dental amalgam to the same timeline as the bespoke arrangements the UK and European Commission had agreed in respect of Northern Ireland. This means that the whole of the UK will phase out dental amalgam by 2035. I would add that while the proposal under discussion at the Minamata Convention had been for amalgam to be phased out in 2030, major dental organisations advocated for this to be no earlier than 2035, and the United Kingdom was one of the leading nations in supporting this position.

The Government has therefore taken active steps to secure a policy, first, in Northern Ireland that was in line with the expert opinion of dental organisations, and secondly to support this in an international context, thereby applying the policy UK-wide.

In the debate and in your email, you raise questions about the status of the Commission Notice and the constitutional foundation of the domestic Control of Mercury (Enforcement) (Amendment) Regulations 2025. I would like to address these specific points below.

The Windsor Framework provides the basis for the UK and the EU to engage regularly to identify and resolve significant issues affecting Northern Ireland as a result of post-Brexit trading arrangements. Indeed, Article 6(2) of the Windsor Framework requires the parties to *“use their best endeavours to facilitate the trade between Northern Ireland and other parts of the United Kingdom, in accordance with applicable legislation and taking into account their respective regulatory regimes as well as the implementation thereof. This includes specific arrangements for the movement of goods within the United Kingdom’s internal market, consistent with Northern Ireland’s position as part of the customs territory of the United Kingdom in accordance with this Protocol, where the goods are destined for final consumption or final use in Northern Ireland and where the necessary safeguards are in place to protect the integrity of the Union’s internal market and customs union.”*

It is in this spirit of facilitating trade between NI and the rest of the UK and resolving issues that arise under the WF, that the UK and European Commission discussed and agreed these bespoke arrangements in respect of the practical application of the EU’s Mercury Regulation following which the European Commission published the Commission Notice clarifying the position as regards the application of the new legislation relating to dental amalgam in Northern Ireland.

The practice of the EU and the UK coming to practical arrangements regarding the application of EU law under the Windsor Framework is not unique to dental amalgam. Those arrangements are publicised through a variety of forms, including through Commission notices where appropriate. Commission notices, for instance, were also used in order to allow for the continuation of existing arrangements with regards to the supply of human and veterinary medicines during their respective multi-year grace periods. The UK and EU’s approach on amalgam is consistent with the practice and approach of the parties in agreeing to practical, workable arrangements in respect of the Windsor Framework as and when issues arise.

Following the agreement of the bespoke arrangements for dental amalgam and the publication of the Commission Notice, it was entirely proper for the UK to legislate domestically to give effect to the arrangement, as it did with the Control of Mercury (Enforcement) (Amendment) Regulations 2025. These bespoke arrangements have been operating effectively for over a year.

We note, in particular your concern in relation to the wording at the top of the Commission Notice headed "DISCLAIMER" which states that "*While this Notice seeks to assist authorities and operators, only the Court of Justice of the European Union is competent to authoritatively interpret Union law*". It is not uncommon for the Commission to include wording in Commission Notices which make it clear that they are without prejudice to the CJEU's view, as the final arbiter of EU law. The specific wording in this Commission Notice is also not without precedent. Similar wording was used in the Commission Notices relating to the human and veterinary medicines grace periods, which operated effectively for a number of years. I hope that this goes some way to allay your concern that anything specific should be read into the use of the wording in the context of dental amalgam.

You also raise potential practical challenges, such as that suppliers Great Britain may not want to sell dental amalgam to Northern Ireland. We have not seen any such challenges arise. More broadly, both Great Britain and Northern Ireland have had to readjust supply chains to some extent, as the EU regulation means that EU countries no longer export dental amalgam. Amalgam has always been sourced from a variety of countries, such as the United States and India, but prior to 2025, the United Kingdom did receive some of its supply from the EU. This reorientation of supply chains, however, is not in any way the result of the application of this regulation in Northern Ireland, but rather the result of the application of the regulation in the EU itself. It would affect both Great Britain and Northern Ireland equally, although I stress that we have monitored this and have not seen any practical issues to date.

I hope this has addressed your queries sufficiently. I will place a copy of this letter in the House library.

**Yours sincerely,**

A handwritten signature in black ink, appearing to be 'Ruth', written in a cursive style.

**Baroness Anderson of Stoke-on-Trent  
Baroness-in-Waiting [Government Whip]  
and Lords Spokesperson for Cabinet Office**