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DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 5848

6 February 2025

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(ACT NO. 107 OF 1998)****REGULATIONS FOR THE MANAGEMENT OF MERCURY IN SOUTH AFRICA**

I, Dion Travers George, Minister of Forestry, Fisheries and the Environment, made the Regulations for the Management of Mercury in South Africa in terms of section 25(3) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as set out in the schedule to this notice.



**DR DION TRAVERS GEORGE
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

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CHAPTER 1

DEFINITIONS, PURPOSE AND APPLICATION OF THE REGULATIONS

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—

“Environmentally Sound Management” or **“Environmentally Sound Manner”** means taking all practicable steps to ensure that mercury, mercury stocks, mercury added products, dental amalgam, and mercury storage facilities are managed in a manner that protects human health and the environment against the adverse effects which may result from mercury;

“eligible person” means a person allowed to use mercury under uses as contained in Part 1 of Annexure A to 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 of South Africa to a foreign country or territory;

“import” means to land on, bring into or introduce goods, or cause them to be landed on, brought into or introduced, from a foreign country into the Republic of South Africa;

“mercury” means metallic mercury (Hg, CAS RN 7439-97-6), and also includes mixtures of mercury with other substances, including alloys of mercury;

“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;

“Mercury Phase-down Plan” means the plan referred to in regulation 5(6) of these Regulations;

“Mercury Phase-out Plan” means the plan referred to in regulation 4(2) 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;

“new manufacturing processes” means manufacturing processes involving the use of mercury or mercury compounds that were not used in such processes prior to these Regulations coming into effect;

“new mercury-added products” means mercury-added products that were not manufactured, imported or exported prior to these Regulations coming into effect;

“**releases**” means releases of mercury or mercury compounds, or mixture of mercury, or mercury from a product to land or water;

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

“**these Regulations**” and “**the Regulations**” means the Regulations for the Management of Mercury in South Africa, published in terms of section 25(3) of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

2. Purpose of the Regulations

The purposes of these Regulations are to—

- (a) ensure the Environmentally Sound Management of mercury;
- (b) establish measures for the phase-out and phase-down of mercury added products;
- (c) regulate the manufacturing processes in which mercury is used; and
- (d) regulate the management of mercury stocks.

3. Application of the Regulations

(1) These Regulations apply to—

- (a) sellers, distributors, importers and exporters of mercury;
- (b) manufacturers of mercury-added products;
- (c) users of mercury-added products; and
- (d) manufacturing processes in which mercury is used.

(2) These Regulations do not apply to mercury emissions, and mercury waste.

CHAPTER 2**MERCURY-ADDED PRODUCTS****4. Phasing out mercury-added products**

- (1) No person may—
 - (a) manufacture, import or export the mercury-added products, beyond the phase out dates of as set out in Part I of Annexure A., except for the mercury-added products set out in paragraph 1 of Annexure A;
 - (b) possess any form of mercury or mercury compounds, except for a use allowed in paragraph 1 of Annexure A; and
 - (d) manufacture, distribute, sell, import or export, or sell new mercury-added products.
- (2) The following person and organ of state must develop and submit a Mercury Phase-out Plan to the Minister for approval within one year of the commencement of these Regulations:
 - (a) a person who is conducting an activity referred to in subregulation (1);
 - (b) the national Department of Health for the activity described in subregulation (1)(a); and
 - (c) provincial Departments of Health for the activity described in subregulation (1)(a).
- (3) The Mercury Phase-out Plan must be submitted to one of the following addresses: through e-mail MercuryRegs@dfre.gov.za, or registered mail to the Department of Forestry, Fisheries and the Environment, 473 Steve Biko Street, Arcadia, Pretoria.
- (4) The Director-General must acknowledge receipt of the Mercury Phase-out Plan within 14 days after receiving the plan.
- (5) An association of persons to whom these Regulations apply may submit a joint Mercury Phase-out Plan on behalf of its members.
- (6) The submission of the plan on behalf of the association's members does not absolve the individual members from the responsibility, liability and accountability for compliance with these Regulations.
- (7) A Mercury Phase-out Plan must contain the following information:
 - (a) an inventory of Mercury-Added Products as set out in Part 1 of Annexure A from the day these Regulations come into effect;

- (b) proposed technically and economically feasible alternatives to the use of mercury or mercury added products in the manufacture of MAPs as set out in Part 1 of Annexure A; and
 - (c) the time within which a person or an organ of state referred to in subregulation (2) intends replacing the use of mercury with technically and economically feasible alternatives to mercury or mercury containing materials.
- (7) The Minister may, on written application by a person who is required to submit a Mercury Phase-out Plan, grant an extension of 30 days for the submission of that plan, with or without conditions.
- (8) After considering any Mercury Phase-out Plan that has been submitted in terms of sub-regulations (2) or (5) and other relevant information at his or her disposal, the Minister may, within 90 days—
 - (a) approve the Mercury Phase-out Plan and set conditions for its implementation;
 - (b) refer the Plan back for amendment and resubmission; or
 - (c) reject the Plan and provide written reasons.

CHAPTER 3

DENTAL AMALGAM

5. Phasing-down dental amalgam

- (1) Dental amalgam may only be used in pre-dosed encapsulated form which may not exceed 0.58 ml.
- (2) A person or an organ of state that owns or is in control of a dental facility in which dental amalgam is used, or where 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.
- (3) The dental facilities referred to in subregulation (2) must ensure that amalgam separators in use from 1 April 2026, provide a retention level of at least 95% of amalgam particles.
- (4) Amalgam separators must be maintained in accordance with the manufacturer's instructions to ensure the highest practicable level of retention.
- (5) A dental practitioner may not release amalgam directly or indirectly into the environment under any circumstances.
- (6) A person or an organ of state that import or export dental amalgam capsules, must develop a Mercury Phase-down Plan for dental amalgam.

- (7) A person or an organ of state contemplated in subregulation (6) must submit a Mercury Phase-down Plan to the Minister for approval within one year of the commencement of these Regulations to any of the following addresses: by email to MercuryRegs@dfre.gov.za, or by registered mail to 473 Steve Biko Street, Arcadia, Pretoria;
- (8) The Mercury Phase-down Plan must contain the following information:
 - (a) an inventory of data from the date of these Regulations come into effect;
 - (b) proposed technically and economically feasible alternatives to the use of mercury or mercury added products in the manufacture of the products listed in Part II of Annexure A.
 - (c) the time periods within which the manufacturer intends replacing the use of mercury with technically and economically feasible alternatives to mercury or materials containing mercury.
- (9) The Minister may require a person who has submitted a Mercury Phase-down Plan to provide—
 - (a) any missing information as determined by the Minister and to re-submit the revised plan within 30 days of it being referred back; or
 - (b) a revised Mercury Phase-down Plan prepared by an independent expert within a time period determined by the Minister.
- (10) The Minister may, on written application by a person who is required to submit a Mercury Phase-down Plan grant a 30-day extension for the submission of the plan, with or without conditions.
- (11) After considering any Mercury Phase-down Plan that has been submitted in terms of sub-regulations (7) and other relevant information at his or her disposal, the Minister may, within 90 days—
 - (a) approve the Mercury Phasedown Plan and impose conditions for its implementation;
 - (b) refer the plan back for amendment and resubmission; or
 - (c) reject the plan and provide written reasons.
- (12) The Department must publish an approved Mercury Phase-down Plan on the Department's website within one month after approval of the plan.

CHAPTER 4

MERCURY SUPPLY SOURCES AND TRADE

6. Import and Export restrictions

- (1) No person may import or export mercury, mercury compounds, or mercury-added products, except—
 - (a) as provided for in regulation 4(1)(b);
 - (b) for environmentally sound interim storage as set out in Article 10 of the Minamata Convention;
 - (c) for research or laboratory analysis use of not more than 250 grams per annum; and
 - (d) for dental amalgam in pre-dosed encapsulated form which may not exceed 0.58 ml.
- (2) A person or organ of state may locally distribute or sell mercury, mercury compounds, or mercury-added products as set out in Part I of Annexure A., and not beyond the phase out dates of an approved Phase-out Plan.
- (3) A person contemplated in subregulation (1) must notify the Department in writing of an import or export by completing a form obtainable from the Department's website for this purpose.

CHAPTER 5

MANUFACTURING PROCESSES IN WHICH MERCURY OR MERCURY COMPOUNDS OR MERCURY MIXTURES ARE USED

7. Restriction of mercury in manufacturing processes

- (1) No person may use mercury or mercury compounds in the processes listed in Part I of Annexure B to these Regulations in their manufacturing processes after the phase-out date specified in Annexure B.
- (2) An eligible person must take the measures specified in Part II of Annexure B to these Regulations to restrict the use of mercury or mercury compounds in the processes listed in Part II of Annexure B.
- (3) An eligible person that uses mercury, or mercury compounds listed in Annexure B in their manufacturing processes, must take measures to prevent a release of mercury or mercury compounds from a product onto land or into water.

- (4) No person may use mercury or mercury compounds, except for the uses allowed in these Regulations.
- (5) No person may use any other manufacturing process in which mercury or mercury compounds are intentionally used that did not exist prior to these Regulations coming into effect, unless approved in writing by the Minister.
- (6) An application for approval referred to in subregulation (5) must demonstrate that—
 - (a) the manufacturing process provides significant environmental and health benefits when compared with associated risks; and
 - (b) there are no other technically and economically feasible mercury-free alternatives available that provide those benefits.
- (7) No person may use mercury and mercury compounds in the manufacturing process listed in Part II of Annexure B without written approval of the Minister.

CHAPTER 6

INTERIM STORAGE OF MERCURY, MERCURY COMPOUNDS AND MIXTURES OF MERCURY

8. **Environmentally sound interim storage of stocks of mercury, mercury compounds, and mixtures of mercury**
 - (1) A person who stores stocks of mercury compounds that are not waste must—
 - (a) do so in accordance with the applicable laws for storage of hazardous chemicals in the Republic; and
 - (b) declare such to the Minister within two months of the coming into effect of these Regulations, stating the intended uses of the mercury and the quantities.
 - (2) A person, who undertakes the interim storage of mercury stocks and mercury compounds, must take measures to ensure that the interim storage is done in an Environmentally Sound Manner.

CHAPTER 7

REGISTRATION AND REPORTING

9. Registration

- (1) A person who at the time when these Regulations come into effect, undertakes, or intends to undertake an activity allowed under regulations 5 and 6 of these Regulations, must register the activity with the Minister by submitting the Registration form, within 90 days of the commencement of these Regulations.
- (2) The Minister must be satisfied that all the documents submitted in support of the registration are complete and correct, before the registration and application will be processed.
- (3) The Minister must issue the applicant with a registration number within 90 days of submission of the registration form if all the registration requirements are met.
- (4) The registered person must display the registration number on all their trading documentation.

10. Reporting

- (1) A person referred to in regulation 10(1) must, before 31 March of every year, submit to the Director-General by e-mail to MercuryRegs@dfre.gov.za, or registered mail to the Department of Forestry, Fisheries and the Environment, 473 Steve Biko Street, Arcadia, Pretoria, an annual report which contains the following information:
 - (a) the correct information supplied on the registration form in regulation 10;
 - (b) in the case of mercury added products as set out in Part I of Annex A, 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 in respect of the measures set out in Part II of Annexure A to these Regulations; and
 - (d) the extent of compliance with these Regulations and other relevant legislation relating to mercury.
- (2) A person undertaking activities using mercury-added products referred to in Part I and Part II of Annexure A must, before 31 March of every year, submit to the Director-General, by e-mail at MercuryRegs@dfre.gov.za or registered mail to the Department of Forestry, Fisheries and the Environment, 473 Steve Biko Street, Arcadia, Pretoria, an annual report

on the implementation of measures taken related to the phase-out of mercury-added products and the phase-down of the use of dental amalgam.

CHAPTER 8

GENERAL MATTERS

11. Offences

- (1) A person who contravenes regulations 4(1), 5 (1), 5(2), 5(3), 5(4), 5(5), 6(1), 7(1), 7(2), 7(3), 7(4), 7(5), 7(7), 8(1), 8(2) of these Regulations, commits an offence and is liable on conviction to a penalty as indicated in regulation 12(1) of these Regulations.
- (2) A person who contravenes regulations 4(2), 5(6), 10(1) and 11(1) of these Regulations, commits an offence and is liable to a fine as indicated in regulation 12(1) of these Regulations.

12. Penalties

- (1) A person convicted of an offence in terms of regulation 11(1) liable—
 - (a) in the case of a first conviction, to a maximum fine of R5 million or to a maximum period of imprisonment of 5 years;
 - (b) in the case of a second or subsequent conviction to a maximum fine of R10 million or to maximum period of imprisonment of 10 years; or
 - (c) in respect of subregulation (a) or (b), to both the fine and the imprisonment.
- (2) A person convicted of an offence in terms of regulation 11(2) is liable to a maximum fine of R500 000.

13. Short title and commencement

These Regulations are called the Regulations for the Management of Mercury in South Africa, 2024 and will come into effect on the date of their publication in the *Government Gazette*.

ANNEXURE A

Mercury-added products (MAPs)

1. The following products are not subject to the provisions of Regulation 7:
 - (a) Products essential for civil protection and military uses;
 - (b) Products for research, calibration of instrumentation, for use as reference standard;
 - (c) 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 2025
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 2025
Compact fluorescent lamps (CFLs) for general lighting purposes that are ≤ 30 watts with a mercury content exceeding 5 mg per lamp burner	1 April 2026
Compact fluorescent lamps with an integrated ballast (CFL.i) for general lighting purposes that are ≤ 30 watts with a mercury content not exceeding 5 mg per lamp burner	1 April 2026
Linear fluorescent lamps (LFLs) for general lighting purposes:	
(a) Triband phosphor < 60 watts with a mercury content exceeding 5 mg per lamp;	1 April 2027
(b) Halophosphate phosphor ≤ 40 watts with a mercury content exceeding 10 mg per lamp	1 April 2026
High pressure mercury vapour lamps (HPMV) for general lighting purposes	1 April 2025
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.	1 April 2025
(b) medium length (> 500 mm and ≤ 1 500 mm) with mercury content exceeding 5 mg per lamp	1 April 2025

(c) long length (> 1 500 mm) with mercury content exceeding 13 mg per lamp.	
Cold cathode fluorescent lamps (CCFL) and external electrode fluorescent lamps (EEFL) of all lengths for electronic displays, not included in the listing directly above.	1 April 2025
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 available.	1 April 2025
Pesticides, biocides and topical antiseptics.	1 April 2025
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; (b) hygrometers; (c) manometers; (d) thermometers; (e) sphygmomanometers.	1 April 2025
Strain gauges to be used in plethysmographs	1 April 2025
The following electrical and electronic measuring devices, except those installed in large-scale equipment or those used for high precision measurement, where no suitable mercury-free alternative is available: (a) Melt pressure transducers, melt pressure transmitters and melt pressure sensors	1 April 2025
Mercury vacuum pumps	1 April 2025
Tyre balancers and wheel weight	1 April 2025
Photographic film and paper	1 April 2025
Propellant for satellites and spacecraft	1 April 2025

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

Mercury-added products	Measures
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: <ol style="list-style-type: none"> 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;

	<ul style="list-style-type: none">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; andix. Promoting the use of best environmental practices in dental facilities to reduce releases of mercury and mercury compounds to water and land.
	<p>In addition:</p> <ul style="list-style-type: none">(i) The use of mercury in bulk form by dental practitioners is not allowed; and(ii) The use of dental amalgam for the dental treatment of deciduous teeth, of patients under 15 years and of pregnant and breastfeeding women is not allowed, except when considered necessary by the dental practitioner based on the needs of the patient.

ANNEXURE B

Manufacturing processes in which mercury or mercury compounds are used1. *Part I: Processes subject to a mercury-phase-out 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 2025

2. *Part II: Processes subject to a mercury phase-down plan and the measures:*

Mercury using process/uses	Provisions
Vinyl chloride monomer production	Measures to be taken shall include a minimum of the following: Reduce the use of mercury in terms of per unit production; <ol style="list-style-type: none"> Promoting measures to reduce the reliance on mercury from primary mining; Supporting research and development in respect of mercury-free catalysts and processes; 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; Reporting to the Minister on its efforts to develop and/or identify alternatives and phase out mercury use.
<ul style="list-style-type: none"> Sodium methylate Sodium ethylate Potassium methylate Potassium ethylate 	Measures to be taken shall include but not be limited to: <ol style="list-style-type: none"> 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, which is 16 August 2017; Prohibiting the use of fresh mercury from primary mining; Supporting research and development in respect of mercury-free processes; 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, which is from 2028; 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: <ol style="list-style-type: none"> Taking measures to reduce the use of mercury, aiming at the phase out of this use as by 16 August 2027; Taking measures to reduce the reliance on mercury from primary mercury mining; Taking measures to reduce releases of mercury to the environment; Encouraging research and development in respect of mercury-free catalysts and processes;

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| | v. Reporting to the Minister on its efforts to develop and/or identify alternatives and phase out mercury use in accordance with these Regulations. |
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REGISTRATION FORM

A. APPLICANT DETAILS:

Name of applicant:	
Identity or passport no in the case of an individual:	
Registration number in the case of a juristic person:	
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, export, sale, manufacture or distribution of an identified product or use of an identified process, as listed in Annexure A (2), Annexure A (3), Annexure B (1) and Annexure B (2).	<input type="checkbox"/>	Import of mercury or mercury waste from a SADC country (that is a party to Minamata Convention on mercury) for the purpose of safe disposal.	<input type="checkbox"/>
Import, storage or use of mercury or mercury added products (MAPs) for research purposes.	<input type="checkbox"/>	Transport of mercury or mercury containing materials	<input type="checkbox"/>

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:

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The quantity of identified products that is imported, 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:

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The port of entry and exit, if applicable.

Entry:

Exit:

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

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

The name and domicile of the associated institution.

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The nature and purpose of the use.

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The quantity and type of mercury or mercury added product(s) to be used.

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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 is accepted:

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