In support of implementation review and support to Parties, this information session sets out the obligations under the Minamata Convention on Mercury on Reporting (Article 21, and MC-1/8) and the overall functioning of the Implementation and Compliance Committee (Article 15, MC-1/7, MC-2/4 and MC-3/9).

**SPEAKERS**

Claudia ten Have  
Senior Policy and Coordination Officer, Minamata Convention on Mercury

Lara Ognibene  
Legal and Programme Officer, Minamata Convention on Mercury

Marianne Bailey  
Programme Officer for Capacity Building and Technical Assistance, Minamata Convention on Mercury

**Thursday, 24 September 2020**

10h00-11h00 CEST  
16h00-17h00 CEST

Please register for the WebEx session using the links above.

More information about Minamata Online [here](#)

Check the Minamata Online [calendar](#)
Implementation review and support

Information Session

Art. 21 Reporting, and
Art. 15 Implementation and Compliance Committee
Organisation of the Information Session

- Overview of the Minamata Convention
- Article 21: Reporting
- Article 15: Implementation and Compliance Committee
- Question and Answers
Overview of the Minamata Convention
Overview of the Minamata Convention

Control Measures

- Reduce the use and presence of mercury in the economy, industry and society
  - Art. 3.3: No new primary mines
  - Art. 3.4: Existing mines - 15 years

How is the Convention structured for action + support?

Enabling / Supportive Context

- Art. 13: Financial Mechanism
- Art. 14: Capacity-building, technical assistance and technical transfer
- Art. 15: Implementation and Compliance Committee
- Art. 16: Health aspects
- Art. 17: Information Exchange
- Art. 18: Public information, awareness and education
- Art. 19: Research, development and monitoring
- Art. 20: Implementation plans
- Art. 21: Reporting
- Art. 22: Effectiveness evaluation
- Art. 23: Conference of the Parties
- Art. 24: Secretariat
- Arts. 25-35: Various procedural articles
Article 21: Reporting
Article 21, para. 1

1. Each Party shall report to the Conference of the Parties, through the Secretariat, on the measures it has taken to implement the provisions of this Convention and on the effectiveness of such measures and the possible challenges in meeting the objective of the Convention.

Reporting enables the COP review on how Parties are progressing in the implementation of the provisions of the Convention.
The Conference of the Parties,

1. Decides that, in accordance with Article 21 of the Minamata Convention on Mercury, each Party shall report every four years using the full format set out in the annex to the present decision and report every two years with respect to the questions in that format marked by an asterisk by 31 December of the following year.

i.e.
Biennial short reports – 4 questions
Biennial long reports – 43 questions
- 32 questions on control measures
- 11 questions on enabling/supportive context
4. Encourages each Party … to provide the Secretariat with an electronic version of its report.
5. Requests the Secretariat to make available … the format for reporting.
6. Also requests the Secretariat to make available an electronic version of the Party's previous report so that it may be updated as appropriate.

7. Further requests the Secretariat to provide information, including the reporting rate, to the Conference of the Parties to assist in its review pursuant to para.5 (c) of Art. 23.

Art. 23, para. 5
The Conference of the Parties shall keep under continuous review and evaluation the implementation of this Convention. … and, to that end, shall:
(c) Regularly review all information made available to it and the Secretariat pursuant to Article 21.
MC-1/8: Timing and format of reporting by the Parties

Annex to decision MC-1/8

Reporting format for the Minamata Convention on Mercury

INSTRUCTIONS

Pursuant to article 21 of the Minamata Convention on Mercury, each party to the Convention shall report to the Conference of the Parties on the measures it has taken to implement the provisions of the Convention, on the effectiveness of such measures and on possible challenges in meeting the objectives of the Convention. Parties are requested to use the attached reporting format to report in accordance with article 21. An electronic version of the Convention is available for download from the Convention home page: http://www.mercureconvention.org (hard copies and electronic versions as CD format are also available upon request from the secretariat (see below for contact details). Subsequent to the submission of each party’s first report, the secretariat will send out an electronic version of the party’s previous report so that it can be updated as appropriate.

Part A of the reporting format calls for general information on the party for which the report is being submitted, such as the name and contact details of the national focal point or the contact officer submitting the report on behalf of the party. It is expected that the national focal point will have been designated by the party in accordance with article 17, paragraph 4, of the Convention. It is important that all relevant information be provided in order to assist the secretariat in identifying the completed report.

Part B of the format calls for information on the measures taken by the reporting party to implement the relevant provisions of the Minamata Convention and on the effectiveness of such measures in meeting the objectives of the Convention. Note that the provisions of implementing measures that are described for a party is separate from the evaluation of the effectiveness of the treaty under article 21. Description of the effectiveness of the implementing measures should be provided based on a party’s particular situation and capabilities, but should not necessarily be limited to those that are “mandated” or “necessary” by the Convention Parties. The format also provides an opportunity to comment on possible challenges in meeting the objectives of the Convention.

Part C allows an opportunity to comment on possible challenges in meeting the objectives of the Convention.

Part D provides an opportunity to comment on the reporting format and possible improvements. Additional information may be provided in an electronic format, the opportunity for comment would be available throughout part B of the reporting format, with links from each article. Additional information may also be provided in an electronic format. The reporting format must be submitted to the Convention of the Parties through the Minamata Convention secretariat in any of the six official languages of the United Nations. Further information and assistance may be sought from the secretariat at the following address:

Secretariat for the Minamata Convention
United Nations Environment Programme
Internet home page: www.mercureconvention.org

Art. 17 Information Exchange

4. Each Party shall designate a national focal point for the exchange of information under this Convention, including with regard to the consent of importing Parties under Article 3.
National Focal Points to the Minamata Convention

National Focal Points Rate (08/09/2020)

91%

National Focal Points by region (08/09/2020)

Select a country in the drop down menu

Select all countries

Related:
NATIONAL FOCAL POINT DESIGNATION FORM AND SAMPLE LETTER
### First Biennial Short Reports: 31 December 2019

**Part B: Information taken to implement relevant provisions and effectiveness**

| Art. 3: Mercury supply sources and trade  
*Q1 (c)* | Art. 3: Mercury supply sources and trade  
*Q3 (a)* |
|---|---|
| Does the Party have any **primary mines** that were operating within its territory at the date of entry into force of the Convention for the Party?  
If yes, indicate the total amount mined in metric tons per year. | Has the Party endeavoured to identify **individual stocks** of mercury or mercury compounds **exceeding 50 metric tons** and **sources of mercury supply** generating stocks **exceeding 10 metric tons** per year that are located within its territory?  
If yes, please attach results, and any other related information. |

| Art. 3: Mercury supply sources and trade  
*Q5* | Art. 11: Mercury wastes  
*Q2* |
|---|---|
| Has the Party received **consent**, or relied on a **general notification** of consent, in accordance with Art. 3, including any required certification from importing non-parties, for all **exports of mercury** from the Party’s territory in the reporting period.  
If yes, please provide copies of consent forms if not yet done. Please provide information on the use of the exported mercury.  
And, if exports were based on general notifications please indicate the total amount exported, and any relevant terms or conditions related to its use. | Are there **facilities for final disposal of waste** consisting of mercury or mercury compounds in the Party’s territory?  
If yes, and if available, **how much waste** consisting of mercury or mercury compounds has been subject to final disposal under the reporting period. Please specify **method of the final disposal operations**. |

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*Guidance*
First Biennial Short Reports: 31 December 2019

Online Reporting Tool
- The tool follows the agreed reporting format.
- The tool is available in the six official languages of the UN.
- The National Focal Point receives the login credentials to submit the report.

Information Document
- Information to Parties to assist to answer the * questions in the format.
- Booklet available in the six official languages of the UN.
- Includes FAQs per question and additional information.

Relevant forms and guidance documents for completing the reports are available on our website http://www.mercuryconvention.org
2019 Reports: Steps undertaken by the Secretariat

1. Acknowledgements and **check for completeness**.

2. Upon receipt of the completed report, the Secretariat carries out a check on the data and information, to the extent possible. If necessary, the Secretariat sends queries for **clarification**.

3. The data and information provided by Parties is used in the preparation of different documents for the **COP**, the Implementation and Compliance Committee, and to be made available on the Minamata Convention **website**.
Mc-3/13: Guidance for completing the national reporting format

The Conference of the Parties,

Recognizing the need for complete and consistent national reporting to provide information for the effectiveness evaluation and supporting compliance,

Welcoming the work of the secretariat to prepare information on the short national reporting format for consideration by the Conference of Parties at its third meeting,

1. Requests the secretariat to prepare draft guidance for the full national reporting format, in order to clarify the information being sought in the national report format;

2. Also requests the secretariat to seek comments from parties and other stakeholders on the draft guidance by March 2021, to take into account the comments, and to provide a revised draft of the guidance, as appropriate;

3. Encourages parties to use the draft guidance on a provisional basis to assist in preparing their full national reports, which are due by 31 December 2021;

4. Requests the secretariat to submit the draft guidance for consideration and possible adoption by the Conference of the Parties at its fourth meeting.
Article 15: Implementation and Compliance Committee
Article 15
Implementation and Compliance Committee

1. A mechanism, including a Committee as a subsidiary body of the Conference of the Parties, is hereby established to promote implementation of, and review compliance with, all provisions of this Convention. The mechanism, including the Committee, shall be facilitative in nature and shall pay particular attention to the respective national capabilities and circumstances of Parties.

2. The Committee shall promote implementation of, and review compliance with, all provisions of this Convention. The Committee shall examine both individual and systemic issues of implementation and compliance and make recommendations, as appropriate, to the Conference of the Parties.

3. The Committee shall consist of 15 members, nominated by Parties and elected by the Conference of the Parties, with due consideration to equitable geographical representation based on the five regions of the United Nations; the first members shall be elected at the first meeting of the Conference of the Parties and thereafter in accordance with the rules of procedure approved by the Conference of the Parties pursuant to paragraph 5; the members of the Committee shall have competence in a field relevant to this Convention and reflect an appropriate balance of expertise.

4. The Committee may consider issues on the basis of:
   (a) Written submissions from any Party with respect to its own compliance;
   (b) National reports in accordance with Article 21; and

5. The Committee shall elaborate its rules of procedure, which shall be subject to approval by the second meeting of the Conference of the Parties; the Conference of the Parties may adopt further terms of reference for the Committee.

6. The Committee shall make every effort to adopt its recommendations by consensus. If all efforts at consensus have been exhausted and no consensus is reached, such recommendations shall as a last resort be adopted by a three-fourths majority vote of the members present and voting, based on a quorum of two-thirds of the members.
Article 15 of the Convention establishes a mechanism, including a Committee as a subsidiary body of the Conference of the Parties, to promote implementation of, and review compliance with, all its provisions.

The Article embodies the intention of negotiators to establish a mechanism to support Parties in the implementation of and compliance with the Convention paying particular attention to their respective national capabilities.

The Committee shall examine both individual and systemic issues of implementation and compliance and make recommendations, as appropriate, to the Conference of the Parties.

The Committee consists of 15 members nominated by Parties and elected by the Conference of the Parties. More information on the membership and meetings of the Committee is available at our website.
Article 15: Implementation and Compliance Committee (ICC)

Paragraph 4 of Article 15 states that the Committee may consider issues on the basis of:

- Written submissions from any Party with respect to its own compliance;
- National reports in accordance with Article 21; and
- Requests from the Conference of the Parties.

The Committee shall make every effort to adopt its recommendations by consensus. If all efforts at consensus have been exhausted and no consensus is reached, such recommendations shall as a last resort be adopted by a three-fourths majority vote of the members present and voting, based on a quorum of two-thirds of the members.
Recalling paragraph 5 of Article 15, the COP decided to approve the rules of procedure for the Implementation and Compliance Committee.
Pursuant to paragraph 5 of Article 15, COP3 adopted in decision MC-3/9:

- Terms of reference for the Implementation and Compliance Committee of the Minamata Convention on Mercury. The terms of reference elaborate on the functions of the Committee as per paragraph 4 of Article 15.

- Template for written submissions from parties with respect to their own compliance set out in annex II to the decision.

**MC-3/9: Implementation and Compliance Committee: terms of reference and template for written submissions from parties with respect to their own compliance**

    The Conference of the Parties,
    Recalling paragraph 5 of article 15 of the Minamata Convention on Mercury,
    Having considered the report on the work of the Implementation and Compliance Committee of the Convention,
    Noting with appreciation the work undertaken by the Implementation and Compliance Committee,
    Decide to adopt the terms of reference for the Implementation and Compliance Committee set out in annex I to the present decision, and to approve the template for written submissions from parties with respect to their own compliance set out in annex II to the present decision.
Regarding paragraph 4 (a) of Article 15 on written submissions, the Terms of Reference specify:

- The content of the submission in line with the adopted template (in Annex II).
- Deadlines for the submission of any supplementary information for the Committee’s attention by the concerned Party.
- Possible outcomes of the ICC consideration of the matter under review, including recommendations to the Party concerned as well as to the COP.
Regarding paragraph 4 (b) and (c) of Article 15, the Terms of Reference specify that:

- The secretariat shall distribute to the Committee all submitted national reports as well as any request made by the COP within two months of the conclusion of the COP at which the request was made. The Secretariat is also to prepare relevant reports for the Committee on the national reports.

- The Committee is to meet in the first half of 2021 and consider among other items, the report by the Secretariat based on Article 21 reporting on “reporting performance … [and] issues that may emerge from the reports”. The Committee is to prepare its own report, including possible recommendations to the COP for COP4 (2021).

- The Committee is to prepare its own report, including possible recommendations to the COP for COP4 (2021).
According to the terms of reference, recommendations relating to individual and systemic issues of implementation and compliance may include, but not be limited to:

- **Steps** to support the party or parties in implementing the provisions of the Convention

- The need for the concerned party or parties to develop and submit to the Committee a **strategy** to achieve implementation and compliance, associated with a proposed time schedule, and to report on the implementation of the said strategy;

- **Expert assistance**, including on legal, institutional or technical matters;

- **Targeted capacity-building**, financial and technical assistance as well as technology transfer subject to available resources

- As a last resort, **COP statement** regarding compliance
Q&A
WEB www.mercuryconvention.org
E-MAIL MEA-MinamataSecretariat@un.org
TWITTER @minamataMEA
#MakeMercuryHistory