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**United Nations  
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**Intergovernmental negotiating committee  
to prepare a global legally binding  
instrument on mercury  
First session  
Stockholm, 7–11 June 2010  
Item 4 of the provisional agenda\***

**Preparation of a global legally binding  
instrument on mercury**

**Available information that might assist the work of the  
intergovernmental negotiating committee to prepare a global  
legally binding instrument on mercury**

**Note by the secretariat**

1. By its decision 25/5 the Governing Council of the United Nations Environment Programme (UNEP) requested the Executive Director of UNEP to convene an intergovernmental negotiating committee with the mandate to prepare a global legally binding instrument on mercury. Paragraph 27 of the decision calls on the intergovernmental negotiating committee to develop a “comprehensive and suitable approach to mercury” including a number of provisions listed in the paragraph.
2. The intergovernmental negotiating committee will have before it at its first session a number of working and information documents prepared by the secretariat for the session. At the request of the ad hoc open-ended working group to prepare for the intergovernmental negotiating committee, the secretariat is also making available to the committee a number of background documents prepared in response to previous decisions of the Governing Council and requests by the ad hoc open-ended working group on mercury. The background documents include reports, toolkits and guidance documents on topics relevant to the mercury instrument to be negotiated, including the provisions listed in paragraph 27 of decision 25/5.
3. To assist Governments in their preparations for the first session of the intergovernmental negotiating committee, the table below identifies the working, information and background documents that relate to the chapeau and each of the provisions listed in paragraph 27 of decision 25/5. In the case of the background documents, each document is identified by a letter that corresponds to a section in the annex to the present note, which briefly summarizes each of the background documents.
4. The present document is an updated and expanded version of document UNEP(DTIE)/Hg/WG.Pre/1/9, which was made available at the meeting of the ad hoc open-ended working group to prepare for the intergovernmental negotiations on mercury held in Bangkok from 19 to 23 October 2009.

\* UNEP(DTIE)/Hg/INC.1/1.

## Table

**Documents for the first session of the intergovernmental negotiating committee relevant to the chapeau and provisions listed in paragraph 27 of decision 25/5**

<b>Chapeau/Paragraph 27 provision of decision 25/5</b>	<b>Relevant working and information documents</b>	<b>Relevant background documents<sup>1</sup></b>
27. <i>Agrees</i> that the intergovernmental negotiating committee ..... is to develop a comprehensive and suitable approach to mercury, including provisions:	UNEP(DTIE)/Hg/INC.1/4 UNEP(DTIE)/Hg/INC.1/6 UNEP(DTIE)/Hg/INC.1/7	
(a) To specify the objectives of the instrument	UNEP(DTIE)/Hg/INC.1/5	
(b) To reduce the supply of mercury and enhance the capacity for its environmentally sound storage	UNEP(DTIE)/Hg/INC.1/5 UNEP(DTIE)/Hg/INC.1/19 UNEP(DTIE)/Hg/INC.1/20 UNEP(DTIE)/Hg/INC.1/INF/8 UNEP(DTIE)/Hg/INC.1/INF/9	C. Report on supply, trade and demand information on mercury, November 2006  H. Report presenting the costs and benefits for each of the strategic objectives set out in annex I to the report of the first meeting of the open-ended working group on mercury, October 2008  I. Report on current supply and demand for mercury, including projections considering the phase-out of primary mercury mining, October 2008
(c) To reduce the demand for mercury in products and processes	UNEP(DTIE)/Hg/INC.1/5 UNEP(DTIE)/Hg/INC.1/13 UNEP(DTIE)/Hg/INC.1/19 UNEP(DTIE)/Hg/INC.1/INF/8	C. Report on supply, trade and demand information on mercury, November 2006  G. Guide for reducing major uses and releases of mercury, June 2006  H. Report presenting the costs and benefits for each of the strategic objectives set out in annex I to the report of the first meeting of the open-ended working group on mercury, October 2008  I. Report on current supply and demand for mercury, including projections considering the phase-out of primary mercury mining, October 2008  J. Report on major mercury-containing products and processes, their substitutes and experience in switching to mercury-free products and processes, October 2008
(d) To reduce international trade in mercury	UNEP(DTIE)/Hg/INC.1/5 UNEP(DTIE)/Hg/INC.1/16 UNEP(DTIE)/Hg/INC.1/19 UNEP(DTIE)/Hg/INC.1/20 UNEP(DTIE)/Hg/INC.1/INF/8 UNEP(DTIE)/Hg/INC.1/INF/9	C. Report on supply, trade and demand information on mercury, November 2006

<sup>1</sup> Descriptions of the background documents are provided in the annex to the present note.

Chapeau/Paragraph 27 provision of decision 25/5	Relevant working and information documents	Relevant background documents <sup>1</sup>
(e) To reduce atmospheric emissions of mercury	<p>UNEP(DTIE)/Hg/INC.1/5</p> <p>UNEP(DTIE)/Hg/INC.1/15</p> <p>UNEP(DTIE)/Hg/INC.1/18</p> <p>UNEP(DTIE)/Hg/INC.1/19</p> <p>UNEP(DTIE)/Hg/INC.1/INF/8</p>	<p>B. Global atmospheric mercury assessment: sources, emissions and transport, November 2008, and global atmospheric mercury assessment: sources, emissions and transport (detailed technical report), November 2008</p> <p>F. Toolkit for identification and quantification of mercury releases (pilot draft), November 2005</p> <p>G. Guide to reducing major uses and releases of mercury, June 2006</p> <p>H. Report presenting costs and benefits for each of the strategic objectives set out in annex I to the report of the first meeting of the open-ended working group on mercury, October 2008</p>
(f) To address mercury-containing waste and remediation of contaminated sites	<p>UNEP(DTIE)/Hg/INC.1/5</p> <p>UNEP(DTIE)/Hg/INC.1/19</p> <p>UNEP(DTIE)/Hg/INC.1/INF/3</p> <p>UNEP(DTIE)/Hg/INC.1/INF/8</p>	<p>F. Toolkit for identification and quantification of mercury releases (pilot draft), November 2005</p> <p>G. Guide to reducing major uses and releases of mercury, June 2006</p> <p>H. Report presenting costs and benefits for each of the strategic objectives set out in annex I to the report of the first meeting of the open-ended working group on mercury, October 2008</p> <p>K. Draft technical guidelines on the environmentally sound management of mercury wastes</p>
(g) To increase knowledge through awareness-raising and scientific information exchange	<p>UNEP(DTIE)/Hg/INC.1/5</p> <p>UNEP(DTIE)/Hg/INC.1/19</p> <p>UNEP(DTIE)/Hg/INC.1/INF/8</p>	<p>A. Global mercury assessment, December 2002</p> <p>B. Global atmospheric mercury assessment: sources, emissions and transport, November 2008, and global atmospheric mercury assessment: sources, emissions and transport (detailed technical report), November 2008</p> <p>D. Mercury awareness-raising package, January 2009</p> <p>E. Guidance for identifying populations at risk from mercury exposure, August 2008</p> <p>F. Toolkit for identification and quantification of mercury releases (pilot draft), November 2005</p> <p>G. Guide to reducing major uses and releases of mercury, June 2006</p>

Chapeau/Paragraph 27 provision of decision 25/5	Relevant working and information documents	Relevant background documents <sup>1</sup>
(h) To specify arrangements for capacity-building and technical and financial assistance, recognizing that the ability of developing countries and countries with economies in transition to implement some legal obligations effectively under a legally binding instrument is dependent on the availability of capacity-building and technical and adequate financial assistance	UNEP(DTIE)/Hg/INC.1/5 UNEP(DTIE)/Hg/INC.1/8 UNEP(DTIE)/Hg/INC.1/9 UNEP(DTIE)/Hg/INC.1/10 UNEP(DTIE)/Hg/INC.1/19 UNEP(DTIE)/Hg/INC.1/INF/5 UNEP(DTIE)/Hg/INC.1/INF/8	H. Report presenting costs and benefits for each of the strategic objectives set out in annex I to the report of the first meeting of the open-ended working group on mercury, October 2008
(i) To address compliance	UNEP(DTIE)/Hg/INC.1/5 UNEP(DTIE)/Hg/INC.1/11 UNEP(DTIE)/Hg/INC.1/12	

## Annex

### **Background documents for the consideration of the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury**

**A. Global mercury assessment, December 2002 (available in English, French and Spanish at <http://www.chem.unep.ch/mercury/Report/Final%20Assessment%20report.htm>)**

1. The Global Mercury Assessment was presented to the Governing Council at its twenty-second session. It provides information on many aspects of mercury, including chemistry, toxicology, impacts on human health and the environment and global cycling of mercury. It also provides information on the uses of mercury, prevention and control technologies available at the time and initiatives for controlling releases and limiting use and exposure. It formed the basis for Governing Council decision 22/4 of 7 February 2003, in which the Governing Council concluded that mercury posed global problems and required increased action (decision 22/4 of 7 February 2003).

**B. Global atmospheric mercury assessment: sources, emissions and transport, November 2008, and global atmospheric mercury assessment: sources, emissions and transport (detailed technical report), November 2008 (available in English at [http://www.chem.unep.ch/Mercury/Atmospheric\\_Emissions/Atmospheric\\_emissions\\_mercury.htm](http://www.chem.unep.ch/Mercury/Atmospheric_Emissions/Atmospheric_emissions_mercury.htm))**

2. The updated emissions report was requested by the Governing Council at its twenty-fourth session. It provides the best available data on mercury atmospheric emissions and trends, in addition to current results from global modelling. Detailed information is provided in the technical report. Key findings include updated information on global emissions, of which anthropogenic activities had resulted in approximately 1,930 tonnes. It found that the largest single source of anthropogenic emissions was the burning of fossil fuels (primarily coal); with artisanal and small-scale gold mining, industrial gold production, other mining and metal production and cement production also responsible for significant emissions. It pointed out that, while comparison of those findings with previous emission estimates was complicated by the addition of new sectors and changes in methodology, it appeared that emissions from previously assessed sectors had fallen during the period 2000–2005. The report also provides information on atmospheric transport and deposition. Modelling was used to explore the regional and global effects of reducing mercury emissions.

**C. Report on supply, trade and demand information for mercury, November 2006 (available in English at <http://www.chem.unep.ch/mercury/HgSupplyTradeDemandJM.pdf>)**

3. The report on supply, trade and demand information for mercury was prepared to inform discussions at the twenty-fourth session of the Governing Council. The report draws upon information submitted by Governments and publicly available databases. It also specifically considers trade in mercury used in artisanal and small-scale mining. It sets out the most common sources of mercury for the global supply, the overall extent of and changes in the global supply, the range of uses of mercury and the demand for mercury in the global supply. It outlines potential scenarios for mercury demand, based both on the status quo at the time the report was prepared and on a focused mercury reduction programme. Information is provided on trends in the price of mercury and the global trade in mercury, subject to the caveat that the clandestine nature of some illegal activities makes it difficult to determine accurately the extent of all mercury trade.

**D. Mercury awareness-raising package, January 2009 (available in English at [http://www.chem.unep.ch/Mercury/awareness\\_raising\\_package/default.htm](http://www.chem.unep.ch/Mercury/awareness_raising_package/default.htm), currently being translated into French and Spanish)**

4. This publication is intended to raise stakeholder awareness of the effects of mercury on human health, wildlife and the environment and of strategies to manage and control mercury. It is designed for

use by government officials, community leaders and workers. It is intended to contribute to building public support and capacity to take preventive actions. It includes a user's guide, an overview and five thematic modules on mercury in products and wastes, mercury and industry, mercury use in artisanal and small-scale gold mining, mercury use in health care and dentistry and cultural uses of mercury.

**E. Guidance for identifying populations at risk from mercury exposure, August 2008 (available in English at <http://www.chem.unep.ch/mercury/Populationsatrisk.htm>)**

5. The guidance is intended to assist countries concerned about the potential impacts of mercury pollution to identify specific populations (or subpopulations) that may be at risk. It aims to provide guidance on estimating exposures to mercury through biomonitoring and exposures to methylmercury using data on dietary fish intake. It gives an overview of mercury toxicity, exposure pathways, health and environmental impacts and available reference levels. It also provides an overview of assessments of mercury exposures for some specific exposure scenarios, including hot spot exposures. It can be used as reference for conducting research or investigations regarding mercury exposure.

**F. Toolkit for identification and quantification of mercury releases (pilot draft), November 2005 ((available in all six official United Nations languages at <http://www.chem.unep.ch/mercury/Toolkit/default.htm>)**

6. The toolkit is intended to assist countries to build their knowledge base by developing mercury inventories that identify sources of mercury releases in their territories and estimate or quantify such releases. Its goal is to guide countries through the various techniques and stages of developing such inventories by providing a methodology, illustrative examples and extensive information on mercury release sources. The toolkit thus facilitates and reduces the workload in the creation of national or regional mercury inventories.

7. It is designed to produce a simple and standardized methodology and accompanying database to enable consistent national and regional mercury inventories to be assembled. It comprises a UNEP-recommended procedure for the effective compilation of mercury source and release inventories, given that comparable sets of mercury source release data can enhance international cooperation, discussion, goal-definition and assistance. Comparable data sets also help to establish a global picture of the scale of releases as a step in prioritizing actions to control or reduce releases and enlarging the international knowledge base on mercury uses and releases.

**G. Guide to reducing major uses and releases of mercury, June 2006 (available in English at <http://www.chem.unep.ch/mercury/Sector%20Guide%202006.pdf>)**

8. This guide is intended to assist countries to strengthen their knowledge base, to identify sources of possible mercury exposure and to assess readily the viability of the main methods of reducing mercury exposures and risks to populations. The information provided reflects approaches considered or implemented in some countries, industries or products to reduce or eliminate mercury releases, which may not apply to all situations. Whether approaches are applied in a particular country depends upon government and local priorities, information and education about possible risks, the legal framework, enforcement, implementation costs, perceived benefits and other factors.

**H. Report presenting the costs and benefits of each of the strategic objectives set out in annex I to the report of the first meeting of the open-ended working group on mercury, October 2008 (UNEP(DTIE)/Hg/OEWG.2/5/Add.1, available in all six official United Nations languages at <http://www.chem.unep.ch/Mercury/OEWG2/Documents.htm>)<sup>2</sup>**

9. The report provides a general qualitative assessment of potential costs and benefits for each of the priority areas for mercury, classifying such costs and benefits as small, medium, large or not applicable. For purposes of the assessment, the cost of each strategic objective was the overall cost associated with implementing it, while the benefit was considered to be the extent to which achievement of the objective would reduce mercury-related risks on a global basis, distinguishing between local and global risk-reduction benefits. The final conclusion of the report is that investing in the reduction of

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<sup>2</sup> An updated version of this report is available in UNEP(DTIE)/Hg/INC.1/INF/8, in English only.

mercury emissions and exposure will produce health and environmental benefits. It finds that technological measures, such as the installation of equipment to remove mercury from flue gases in electric power plants, waste incinerators and smelters, are relatively expensive (medium to large costs) compared to non-technological measures such as prevention, capacity-building and the promotion of mercury-containing waste separation (small to medium costs). Both groups of measures, however, would result in large benefits and their parallel application, resources permitting, would be appropriate.

**I. Report on current supply of and demand for mercury, including projections considering the phase-out of primary mercury mining, October 2008 (UNEP(DTIE)/Hg/OEWG.2/6/Add.1, available in all six official United Nations languages at <http://www.chem.unep.ch/Mercury/OEWG2/Documents.htm>)**

10. The report provides an assessment of whether projected demand for mercury could be met if primary mining were phased out. It also provides, based on available information, a brief summary of major sources of mercury releases by country or, if available country-level data is insufficient, by region. The report draws on, among other sources, the atmospheric emission study prepared for the Governing Council. It covers emissions from coal-fired power plants; industrial emissions (e.g., waste combustion, non-ferrous metals and cement production); artisanal gold-mining use and emissions; and use of mercury in products and processes. Its conclusions are that, excepting the current situation in China, mercury mining is not essential. It also demonstrates that the mercury market reaches an equilibrium of supply and demand following major changes such as the closure of mercury mines in 2003 and 2004.

**J. Report on the major mercury-containing products and processes, their substitutes and experience in switching to mercury-free products and processes, October 2008 (UNEP(DTIE)/Hg/OEWG.2/7/Add.1, available in all six official United Nations languages at <http://www.chem.unep.ch/Mercury/OEWG2/Documents.htm>)**

11. The report provides information on mercury-containing products and processes that have effective substitutes, including information on the relative quantities of mercury used and on experience in switching to non-mercury processes or products. The report discusses three categories of products: those for which alternatives are successfully used; those for which alternatives are available but face challenges to their use; and those for which the feasibility of alternatives varies significantly as the result of a number of economic, technical, social and institutional factors.

**K. Other information sources**

12. The Secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal has developed draft technical guidelines on the environmentally sound management of mercury wastes. The guidelines give comprehensive information about mercury wastes, including the chemistry and toxicology of mercury and sources of mercury and mercury wastes. They also provide knowledge and expertise on the environmentally sound management of mercury and discuss provisions on mercury wastes in international legal instruments. The fifth draft version of January 2010 is available in English at <http://www.basel.int/techmatters/mercury/guidelines/010110.doc>.