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**United Nations
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**Intergovernmental negotiating committee
to prepare a global legally binding instrument
on mercury
Sixth session**

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Item 3 (d) of the provisional agenda*

**Work to prepare for the entry into force of the Minamata
Convention on Mercury and for the first meeting of the
Conference of the Parties: activities to facilitate rapid
entry into force of the Convention and its effective
implementation upon entry into force**

Consideration of the thresholds for identification of mercury waste

Note by the secretariat

1. For the purposes of the Minamata Convention on Mercury, mercury wastes are defined in paragraph 2 of article 11 of the Convention. According to that definition, mercury wastes means substances or objects:

- (a) Consisting of mercury or mercury compounds;
- (b) Containing mercury or mercury compounds; or
- (c) Contaminated with mercury or mercury compounds,

in a quantity above the relevant thresholds defined by the Conference of the Parties, in collaboration with the relevant bodies of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal in a harmonized manner, that are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law or the Minamata Convention. The definition of mercury wastes is therefore tied to, among other things, the presence of mercury or mercury compounds.

2. By its decision BC-10/7, the Conference of the Parties to the Basel Convention adopted technical guidelines for the environmentally sound management of wastes consisting of elemental mercury and wastes containing or contaminated with mercury. Furthermore, by its decision BC-11/5, the Conference of the Parties mandated a lead country or, if there is no lead country, the secretariat, in consultation with the

* UNEP(DTIE)/Hg/INC.6/1.

small intersessional working group, to prepare draft updated technical guidelines.¹ Within the draft technical guidelines, there are a number of references to the need for thresholds to be defined as stated in the text of the Minamata Convention, and concerns have been raised that those thresholds could potentially be avoided through the dilution of the mercury content in waste; there are, however, no definitions within the guidelines as to what may constitute an appropriate threshold.

3. The World Health Organization (WHO) provides guidance on medical waste, which may include mercury or mercury compounds. Its guidance is aimed at health-care workers and facilities and focuses on advice on clean-up and separation of waste, as well as ensuring that mercury-containing waste and other medical waste is processed in an appropriate waste stream or stored in an environmentally sound manner. The WHO guidance makes reference to guidance developed under the Basel Convention. While WHO has recommended health-based guidance values for mercury exposure through air, water and food, as well as through contamination of traditional medicines, no level has yet been set for mercury exposure through soil.

4. In its resolution 1, on arrangements in the interim period, the Conference of Plenipotentiaries on the Minamata Convention on Mercury requested the intergovernmental negotiating committee to support, as practicable and consistent with the priorities in the Convention, those activities required or encouraged by the Convention that would facilitate the rapid entry into force of the Convention and its effective implementation upon entry into force, including in particular thresholds for the identification of mercury waste.

5. The committee may wish to request the secretariat to assist in the preparation of a proposal for thresholds applicable to mercury wastes, pursuant to article 11 of the Convention. The committee may also wish to request Governments to provide additional information on the national use of such thresholds and the levels established, with a view to assisting the secretariat in the preparation of such a proposal, which would be presented for the consideration of the committee at its seventh meeting.

¹ Further information is available at www.basel.int/Implementation/TechnicalMatters/DevelopmentofTechnicalGuidelines/MercuryWaste/tabid/2380/Default.aspx.