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**United Nations
Environment
Programme**

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

Bangkok, 3–7 November 2014

Item 2 (b) of the provisional agenda*

Organizational matters: organization of work

Annotations to the provisional agenda

Item 1

Opening of the session

1. The sixth session of the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury, to be held from 3 to 7 November 2014 at the United Nations Conference Centre, Bangkok, will be opened at 10 a.m. on Monday, 3 November 2014.
2. Opening statements will be made by representatives of the Government of Thailand and the United Nations Environment Programme (UNEP), as well as those countries that have submitted their instruments of ratification, acceptance or approval of, or accession to, the Convention.

Item 2

Organizational matters

(a) Adoption of the agenda

3. Subject to the rules of procedure, the committee may wish to adopt the agenda for the session on the basis of the provisional agenda (UNEP(DTIE)/Hg/INC.6/1).

(b) Organization of work

4. The committee may wish to meet each day of the session from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m., subject to adjustment as necessary.
5. During the session, the committee may wish to establish small groups and other in-session working groups as it deems necessary and to specify their mandates.

(c) Bureau issues

6. Except as described below, the Chair and Vice-Chairs of the intergovernmental negotiating committee elected at the committee's first session will continue to serve during the committee's sixth session. Some of the Vice-Chairs elected at the first session, however, have informed the Chair that they will be unable to serve and in accordance with the rules of procedure the committee will need to elect their successors having due regard for the principle of equitable geographical representation. Thus it is proposed, following nominations by the regional groups, that Ms. Sezaneh Seymour (United States of America) be elected to replace Mr. John Thompson (United States of America); that

* UNEP(DTIE)/Hg/INC.3/1.

Mr. David Kapindula (Zambia) be elected to replace Ms. Abiola Olanipekun (Nigeria); and that Mr. Alojz Grabner (Slovenia) be elected to replace Ms. Katerina Sebkova (Czech Republic).

Item 3

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

7. The Conference of Plenipotentiaries, in resolution 1 of its Final Act, invited the Executive Director of the United Nations Environment Programme “to convene such further meetings of the intergovernmental negotiating committee on mercury established pursuant to Governing Council decision 25/5 ... during the period between the date on which the Convention is opened for signature and the date of the opening of the first meeting of the Conference of the Parties to the Convention as may be necessary to facilitate the rapid entry into force of the Convention and its effective implementation upon its entry into force”.

8. The resolution then sets out, in paragraphs 5–8, a number of tasks for the intergovernmental negotiating committee. As described in greater detail below, paragraph 5 relates to the development and adoption of items necessary for the effective implementation of the Convention upon its entry into force; paragraph 6, to matters required by the Convention to be decided upon by the Conference of the Parties at its first meeting; paragraph 7, to the provisional adoption of guidance and procedures pending formal adoption by the Conference of the Parties; and paragraph 8, to support for activities required or encouraged by the Convention to facilitate the rapid entry into force of the Convention and its effective implementation upon entry into force.

9. It is proposed that the matters enumerated in paragraphs 5–7 of resolution 1 be discussed together in terms of how they pertain to each article of the Convention, article by article. Discussion in this manner does not imply a revisiting of priorities; it is suggested rather as a reflection of the interlinkages between the issues arising under each article. It is proposed that discussion of the activities enumerated in paragraph 8 then follow, also on an article-by-article basis.

(a) Provisions of paragraphs 5–8 of resolution 1

1. Paragraph 5: items necessary for effective implementation of the Convention upon its entry into force

10. Paragraph 5 of resolution 1 of the Final Act states that the Committee should develop, and adopt on a provisional basis pending decision by the Conference of the Parties, those items necessary for the effective implementation of the Convention upon its entry into force, including in particular the register of notifications (article 3, paragraphs 7 and 9); the format for registering for exemptions, the information to be provided upon registering for an exemption and the register of exemptions to be maintained by the secretariat (article 6); and the arrangements for receiving and distributing information that parties may provide upon ratification on measures they plan to take to implement the Convention (article 30, paragraph 4).

2. Paragraph 6: matters required by the Convention to be decided upon by the Conference of the Parties at its first meeting

11. In paragraph 6 of resolution 1 the Conference of Plenipotentiaries requests the Committee to focus its efforts on those matters required by the Convention to be decided upon by the Conference of the Parties at its first meeting, including in particular guidance on the identification of stocks of mercury and mercury compounds (article 3, paragraphs 5 (a) and 12); procedures for the export and import of mercury, including the required content for certification (article 3 paragraphs 6, 8 and 12); guidance on best available techniques and best environmental practice for controlling emissions and on supporting Parties in determining goals and emission limit values (article 8, paragraph 8); arrangements for the operation of the financial mechanism (article 13); the timing and format of reporting (article 21, paragraph 3); arrangements for providing the Conference of the Parties with comparable monitoring data for the evaluation of the effectiveness of the Convention (article 22, paragraph 2); and draft rules of procedure and draft financial rules for the Conference of the Parties (article 23, paragraph 4).

3. Paragraph 7: guidance and procedures to be adopted by the committee on a provisional basis pending formal adoption by the Conference of the Parties at its first meeting

12. In paragraph 7 of resolution 1 the Conference of Plenipotentiaries requests the Committee to adopt, on a provisional basis pending formal adoption by the Conference of the Parties at its first meeting, the guidance to be developed for identifying stocks of mercury and mercury compounds (article 3, paragraphs 5 (a) and 12); procedures for the export and import of mercury, including the

content of such certification (article 3, paragraphs 6, 8 and 12); and guidance on best available techniques and best environmental practice for controlling emissions and on determining goals and emission limit values (article 8, paragraph 8).

4. Paragraph 8: support for activities to facilitate rapid entry into force of the Convention and its effective implementation

13. In paragraph 8 of resolution 1 the Conference of Plenipotentiaries requests the Committee also to support, as practicable and consistent with the priorities in the Convention, those activities required or encouraged by the Convention that will facilitate the rapid entry into force of the Convention and its effective implementation upon entry into force, including in particular guidance and assistance to countries with artisanal and small-scale gold mining in developing their national action plans; guidance on the identification of sources of releases and the methodology for preparing inventories of releases (article 9, paragraph 7); guidelines on the environmentally sound interim storage of mercury (article 10, paragraph 3); thresholds for the identification of mercury waste (article 11, paragraph 2); and guidance on the management of contaminated sites (article 12, paragraph 3).

(b) Issues arising under paragraphs 5–7 of resolution 1

14. Issues relating to article 3 of the Convention (Mercury supply sources and trade) are discussed in four documents:

- (a) UNEP(DTIE)/Hg/INC.6/3: Draft proposal on the provision of written consent or general notification for the import of mercury under the Minamata Convention on Mercury;
- (b) UNEP(DTIE)/Hg/INC.6/4: Register of notification of consent to import mercury;
- (c) UNEP(DTIE)/Hg/INC.6/5: Required content for certification to be provided for import by a non-Party;
- (d) UNEP(DTIE)/Hg/INC.6/9: Factors which may be considered in the identification of stocks of mercury or mercury compounds.

15. The Committee may wish to adopt the procedure for written consent or general notification on a provisional basis pending formal adoption by the Conference of the Parties at its first meeting. The committee may also wish to consider whether guidance on other aspects of import and export should be provided by the Conference of the Parties.

16. The committee may wish to consider the draft proposal for the register of notification relating to import and to adopt it on a provisional basis pending formal decision by the Conference of the Parties at its first meeting. Provisional adoption would provide an appropriate format for the register of notifications, which will be required in the period between the entry into force of the Convention and the first meeting of the Conference of the Parties.

17. It is considered that there will be a need for certification for imports from and exports to non-parties during the period between the entry into force of the Convention and the first meeting of the Conference of the Parties. Consequently, the secretariat suggests that the committee consider the draft proposal on the required content of certification for possible adoption on a provisional basis pending formal adoption by the Conference of the Parties at its first meeting.

18. In considering the development of guidance on the identification of stocks of mercury and mercury compounds, the Committee may wish to consider the factors listed in the annex to document UNEP(DTIE)/Hg/INC.6/9 and determine whether they should form the basis for the development of draft guidance to be considered by the Committee at its seventh session.

19. Issues relating to article 6 (Exemptions available to a party upon request) are covered in three meeting documents:

- (a) UNEP(DTIE)/Hg/INC.6/6: Draft proposal on the format for registering exemptions;
- (b) UNEP(DTIE)/Hg/INC.6/7: Proposal on information to be supplied when registering an exemption;
- (c) UNEP(DTIE)/Hg/INC.6/8: Proposal on the register of exemptions to be maintained by the secretariat, including information on the maintenance of information supplied by States and regional economic integration organizations upon becoming parties.

20. It is noted that countries wishing to register for exemptions at the time of becoming party to the Convention would benefit from guidance on the format to be used when registering for exemptions and on the information to be provided upon registering for exemptions. A clear description of the register of exemptions to be maintained by the secretariat would also be useful. Proposals for the

format for registering exemptions, for the information to be provided upon registering for an exemption and for the register of exemptions to be maintained by the secretariat are set out in documents UNEP(DTIE)/Hg/INC.6/6, UNEP(DTIE)/Hg/INC.6/7 and UNEP(DTIE)/Hg/INC.6/8, respectively. The committee may wish to consider these proposals and adopt them on a provisional basis pending decision by the Conference of the Parties at its first meeting.

21. In its resolution 1 the Conference of Plenipotentiaries established a group of technical experts to develop the guidance called for in article 8 of the Convention (Emissions). A report by the group is set out in document UNEP(DTIE)/Hg/INC.6/10. At its first meeting the group considered the need for amendments to the Committee's rules of procedure to adapt them to its work and developed proposals to that end. The committee may wish to consider those proposals along with the group's report.

22. Issues related to article 9 of the Convention (Releases) are discussed in document UNEP(DTIE)/Hg/INC.6/15 (Initial information on sources of releases and methodology for the development of inventories). While those issues relate to the matters enumerated in paragraph 8 of resolution 1, as noted in document UNEP(DTIE)/Hg/INC.6/15 they are also closely related to the work under way on emissions under article 8 of the Convention. It may therefore be beneficial to discuss them together with emissions. On releases, the convention requires the development of guidance. A note by the secretariat on initial information on sources of releases and a methodology for the development of inventories (UNEP(DTIE)/Hg/INC.6/15) proposes that the committee may wish to defer consideration of a recommended methodology for the identification of relevant sources and the preparation of inventories of releases from such sources pending progress by the group of technical experts in its assessment of methodologies for inventory development.

23. Issues relating to article 13 (Financial resources and mechanism) are discussed in four documents:

- (a) UNEP(DTIE)/Hg/INC.6/20: Initial consideration of the operation of the financial mechanism, in particular relating to the specific international programme to support capacity-building and technical assistance;
- (b) UNEP(DTIE)/Hg/INC.6/21: Input to preliminary draft guidance on overall strategies, policies, programme priorities and eligibility for access to and utilization of financial resources, and on an indicative list of categories of activities to be funded by the Global Environment Facility trust fund;
- (c) UNEP(DTIE)/Hg/INC.6/23: -Progress towards development of a memorandum of understanding between the Conference of the Parties and the Council of the Global Environment Facility;
- (d) Examples of existing memorandums of understanding between the GEF Council and the governing bodies of other multilateral environmental agreements are set out in document UNEP(DTIE)/Hg/INC.6/INF.8.

24. In relation to the specific international programme the committee may wish to consider further the indicative list of issues presented in document UNEP(DTIE)/Hg/INC.6/20 and to identify any other issues to be considered in preparing for the first meeting of the Conference of the Parties. The committee may also wish to request the secretariat to prepare additional documents relating to the operation of the financial mechanism, including with regard to experiences under other multilateral environmental agreements.

25. The committee may wish to consider proposing guidance to the Global Environment Facility (GEF), particularly in relation to establishing priorities for funding for actions relating to obligations under the Convention and for activities considered to facilitate the early implementation of the Convention. In addition, the committee may wish to provide comments to GEF on the initial guidelines for enabling activities. The initial guidelines indicate that in the interim period between adoption and entry into force of the Convention the committee may provide further guidance on the eligibility criteria for enabling activities. The committee therefore may also wish to consider other efforts demonstrating progress towards ratification that could be used to enable countries to secure GEF funding, considering in particular that the Convention will no longer be open for signature by the time of the committee's sixth session.

26. In relation to the development of a memorandum of understanding between the Conference of the Parties and the GEF Council, the committee may wish to request that the secretariat continue to work, together with the GEF secretariat, on the development of a draft memorandum of understanding between the GEF Council and the Conference of the Parties, building on previous experience with other instruments, in particular the memorandum of understanding between the GEF Council and the

Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants, and present a draft memorandum of understanding to the committee for consideration at its seventh session.

27. Issues relating to article 21 of the Convention (Reporting) are discussed in document UNEP(DTIE)/Hg/INC.6/11 (Draft proposal for reporting format and frequency). The Committee may wish to consider the draft reporting format and to request the secretariat to explore options for the development of electronic reporting in cooperation with the secretariat of the Basel Convention on the Transboundary Movement of Hazardous Wastes and their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention. Regarding the frequency of reporting, the Committee may wish to consider proposing to the Conference of the Parties a four-year reporting cycle, starting with a report to the Conference of the Parties at its third meeting, with reporting dates to be aligned with the dates under the Stockholm Convention to allow for coordinated data gathering at the national level.

28. Issues relating to effectiveness evaluation are discussed in document UNEP(DTIE)/Hg/INC.6/12 (Initial compilation of information on methodologies for acquiring monitoring data or for providing the Conference of the Parties with comparable data), which sets out information on methodologies for acquiring monitoring data or for providing the Conference of the Parties with comparable data. The committee may wish to request the secretariat to seek information on the availability of monitoring data from all Governments and relevant organizations and to prepare a compilation and analysis of the means of obtaining monitoring data for consideration by the committee at its seventh session.

29. Issues relating to the Conference of the Parties are discussed in documents UNEP(DTIE)/Hg/INC.6/13 and UNEP(DTIE)/Hg/INC.6/14. The two documents provide draft rules of procedure and draft financial rules for the Conference of the Parties and its subsidiary bodies, as well as financial provisions to govern the functioning of the Secretariat. The committee may wish to consider the draft rules of procedure and the draft financial rules with a view to approving them for consideration and possible adoption by the Conference of the Parties at its first meeting.

(c) Issues arising under paragraph 8 of resolution 1

30. Issues relating to article 7 (Artisanal and small-scale gold mining) are discussed in document UNEP(DTIE)/Hg/INC.6/16 (Initial proposal for guidance and assistance to countries with artisanal and small-scale gold mining in the development of national plans), which presents an initial proposal for guidance and assistance in the development of national plans for countries with artisanal and small-scale gold mining. The Committee may wish to consider whether the guidance on artisanal and small scale gold mining developed under the UNEP Global Mercury Partnership could serve as the basis for guidance on the development of national action plans on artisanal and small scale gold mining under the Convention and to request the secretariat, in cooperation with the artisanal and small-scale gold mining partnership area of the UNEP Global Mercury Partnership, to revise that guidance as required to address the matters listed in Annex C to the Convention and to present it for further consideration by the Committee at its seventh session. Further contributions to such revised guidance, particularly in relation to a public health strategy, are being developed by the World Health Organization.

31. Issues relating to article 10 of the Convention are discussed in document UNEP(DTIE)/Hg/INC.6/17 (Development of guidance on the environmentally sound interim storage of mercury). The Committee may wish to provide further input to the secretariat to assist in the preparation of draft guidelines on the environmentally sound interim storage of mercury. Such guidelines would draw on information available through the Basel Convention and the UNEP Global Mercury Partnership and on information to be provided by Governments. In accordance with the request of the Conference of Plenipotentiaries, the secretariat would seek to cooperate closely with the secretariat of the Basel Convention in developing the draft guidelines. The Committee may wish to request Governments to make relevant information available to the secretariat in a timely manner to facilitate the preparation of draft guidelines. An initial version of the draft guidelines would be made available to the Committee for consideration at its seventh session.

32. Issues relating to article 11 on mercury wastes are discussed in document UNEP(DTIE)/Hg/INC.6/18 (Consideration of the thresholds for identification of mercury wastes). The document identifies some of the initial issues to be considered in establishing thresholds for the identification of mercury wastes. The committee may wish to request the secretariat to assist in the preparation of a proposal for thresholds applicable to mercury wastes for consideration by the committee at its seventh meeting. The committee may also wish to request Governments to provide additional information on the establishment and use of such thresholds at the national level with a view to assisting the secretariat in the preparation of such a proposal.

33. Issues relating to the development of guidance for contaminated sites is provided in document UNEP(DTIE)/Hg/INC.6/19 (Guidance on managing contaminated sites and the proposed way forward for developing guidance). The Committee may wish to request the secretariat to seek input from Governments and other interested stakeholders on any guidance documents or recommendations in relation to contaminated sites and to request the secretariat to prepare, in consultation with the relevant secretariats in the chemicals and waste cluster and other organizations or bodies, as appropriate, a draft guidance document for consideration by the Committee at its seventh session.

Item 4

Report on activities of the interim secretariat in the interim period

34. Information on the activities undertaken by the secretariat since the Conference of Plenipotentiaries of the Minamata Convention on Mercury is provided in document UNEP(DTIE)/Hg/INC.6/22 (Support for ratification and early implementation of the Minamata Convention and for the work of the interim secretariat of the Convention). A detailed presentation on the activities of the secretariat is set out in document UNEP(DTIE)/Hg/INC.6/INF.7. Progress reports on cooperative activities and activities relevant to the Minamata Convention are set out in documents UNEP(DTIE)/Hg/INC.6/INF.3 (Progress report on the UNEP Global Mercury Partnership), UNEP(DTIE)/Hg/INC.6/INF.4 (World Health Assembly resolution on mercury), UNEP(DTIE)/Hg/INC.6/INF.5 (Progress report on cooperation and coordination with other actors) and UNEP(DTIE)/Hg/INC.6/INF.6 (Activities of the Global Environment Facility in relation to the Minamata Convention during the interim period).

Item 5

Other matters

35. The committee may wish to consider other matters raised during the session.

Item 6

Adoption of the report

36. At its final meeting the committee will be invited to consider and adopt the report of its sixth session prepared by the rapporteur. The report of the session as at the end of the plenary meeting on Thursday 6 November, will be presented for approval by the committee at its plenary meeting on Friday 7 November, with any amendments that may be necessary. Consistent with standard United Nations practice, the committee may wish to agree that the section of the report pertaining to the plenary meetings on the last day of the session will be prepared by the rapporteur, with the support of the secretariat, and incorporated into the meeting report under the Chair's authority. The final report of the session will be circulated after the closure of the session.

Item 7

Closure of the session

37. It is expected that the committee will conclude its work by 6 p.m. on Friday, 7 November 2014.
