



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

Dead Sea, Jordan, 10–15 March 2016

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 seventh session of the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury, to be held from 10 to 15 March 2016 at the King Hussein Bin Talal Convention Centre, Dead Sea, Jordan, will be opened at 10 a.m. on Thursday, 10 March 2016.
2. Opening statements will be made by representatives of the Government of Jordan, the Chair of the committee and the United Nations Environment Programme (UNEP).

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.7/1).

(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.

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 to the Convention**

6. The Conference of Plenipotentiaries, in paragraph 3 of its resolution on arrangements in the interim period (UNEP(DTIE)/Hg/CONF/4, annex I), invited the Executive Director of UNEP “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

* UNEP(DTIE)/Hg/INC.7/1.

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”.

7. 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.

8. It is proposed that the matters enumerated in paragraphs 5–7 of the resolution on arrangements in the interim period 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 of the resolution then follow, also on an article-by-article basis.

(a) Provisions of paragraphs 5–8 of the resolution on arrangements in the interim period

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

9. Paragraph 5 of the resolution 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 that 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

10. In paragraph 6 of the resolution 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

11. In paragraph 7 of the resolution 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

12. In paragraph 8 of resolution 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 the resolution on arrangements in the interim period

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

- (a) UNEP(DTIE)/Hg/INC.7/3: Draft guidance to assist parties in completing the forms required under Article 3;
- (b) UNEP(DTIE)/Hg/INC.7/4: Draft guidance on the identification of individual stocks of mercury or mercury compounds exceeding 50 metric tons, as well as sources of mercury supply generating stocks exceeding 10 metric tons per year;
- (c) UNEP(DTIE)/Hg/INC.7/5: Compilation of submissions on the question of whether additional guidance is necessary in accordance with paragraph 12 of article 3 of the Minamata Convention.

14. The Committee may wish to adopt the guidance to assist parties in completing the forms required under article 3 on a provisional basis pending formal adoption by the Conference of the Parties at its first meeting.

15. The Committee may also wish to adopt the draft guidance on the identification of individual stocks of mercury or mercury compounds exceeding 50 metric tons, as well as sources of mercury supply generating stocks exceeding 10 metric tons per year on a provisional basis pending formal adoption by the Conference of the Parties at its first meeting.

16. The Committee may further wish to consider the question of whether additional guidance is necessary in accordance with paragraph 12 of Article 3.

17. In its resolution on arrangements in the interim period 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.7/6. At its fourth meeting the group finalized the draft guidance called for in article 8 of the Convention and agreed to forward it to the Committee for its consideration and possible adoption on a provisional basis pending formal adoption by the Conference of the Parties. The draft guidance is as follows:

- (a) Draft guidance on best available techniques and best environmental practices (UNEP(DTIE)/Hg/INC.7/6/Add.1);
- (b) Draft guidance on support for parties in implementing the measures set out in paragraph 5 of article 8 (UNEP(DTIE)/Hg/INC.7/6/Add.2);
- (c) Draft guidance on criteria that parties may develop pursuant to paragraph 2 (b) of article 8 (UNEP(DTIE)/Hg/INC.7/6/Add.3);
- (d) Draft guidance on the methodology for preparing inventories of emissions (UNEP(DTIE)/Hg/INC.7/6/Add.4).

18. The Committee may wish to adopt the draft guidance on a provisional basis pending formal adoption by the Conference of the Parties at its first meeting.

19. Issues relating to article 13 (Financial resources and mechanism) are discussed in the following documents:

- (a) Draft memorandum of understanding between the Conference of the Parties to the Minamata Convention and the GEF Council (UNEP(DTIE)/Hg/INC.7/7);
- (b) Draft guidance to GEF on overall strategies, policies, programme priorities, eligibility for access to and utilization of financial resources and on an indicative list of categories of activities that could receive support from the Global Environment Facility Trust Fund (UNEP(DTIE)/Hg/INC.7/8);
- (c) Report by the co-chairs of the ad hoc working group of experts on financing established at the sixth session of the intergovernmental negotiating committee (UNEP(DTIE)/Hg/INC.7/9);

(d) Options and related governance arrangements under UNEP as the host institution that could best serve the specific international programme to support capacity-building and technical assistance (UNEP(DTIE)/Hg/INC.7/INF.6).

20. 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 review the draft memorandum of understanding and agree to it on a provisional basis with a view to its consideration by the GEF Council and subsequent consideration and possible adoption by the Conference of the Parties at its first meeting.

21. In relation to the draft guidance to GEF on overall strategies, policy, programme priorities and eligibility for access to and utilization of financial resources and an indicative list of categories of activities that could receive support from the Global Environment Facility Trust Fund, the committee may wish to consider the draft guidance, adopt it on a provisional basis pending formal adoption by the Conference of the Parties at its first meeting, and forward it to the next meeting of the Council of the GEF to guide its work during the remainder of the interim period, including the period after entry into force of the Convention and prior to the first meeting of the Conference of the Parties.

22. In relation to the specific international programme the committee may wish to consider the co-chairs' report and use it as a basis for the development of a proposal on the hosting institution and on draft guidance on the specific international programme to be forwarded to the Conference of the Parties at its first meeting for its consideration and possible adoption.

23. Issues relating to article 21 of the Convention (Reporting) are discussed in document UNEP(DTIE)/Hg/INC.7/10 (on the draft reporting format as amended by the committee at its sixth session), with relevant information provided in document UNEP(DTIE)/Hg/INC.7/11 (Compilation of information on the frequency of reporting under other multilateral environmental agreements, including 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 on Persistent Organic Pollutants, along with available data on the submission of reporting rates under other agreements). The committee may wish to further consider the draft reporting format with a view to adopting it on a provisional basis and forwarding it to the Conference of the Parties at its first meeting for its consideration and adoption. The committee may also wish to further consider and agree on the frequency of reporting. The adoption on a provisional basis of the format and agreement on the frequency of reporting would assist parties in preparing for the first reporting cycle, allowing them to establish procedures for gathering information between the entry into force of the Convention and the first meeting of the Conference of the Parties.

24. Issues relating to article 22 of the Convention (Effectiveness evaluation) are discussed in document UNEP(DTIE)/Hg/INC.7/12 (Compilation and analysis of the means of obtaining monitoring data in relation to effectiveness evaluation), which sets out an analysis, prepared by the secretariat based on submissions received since the committee's sixth session, of the means of obtaining monitoring data for consideration by the committee at its seventh session. The committee may wish to take note of the analysis, in particular with regard to the types of information that have been reported as being available. The committee may also wish to consider the availability of monitoring data and the analysis of the means of obtaining monitoring data, including the mechanisms for determining the comparability of data. The committee may also wish to request the secretariat to work with the UNEP Global Mercury Partnership and other relevant organizations and partners, including the World Health Organization, to identify how those bodies could contribute to the provision of comparable monitoring data, in particular considering the attributes of the monitoring required, the relevant methodologies for sampling and evaluation and the core media. Working through established partnerships would allow the experience of a variety of relevant experts to contribute to the work. Finally, the committee may wish to request the secretariat to prepare a report on these matters for consideration by the Conference of the Parties at its first meeting.

25. Issues relating to the Conference of the Parties are discussed in documents UNEP(DTIE)/Hg/INC.7/13 and UNEP(DTIE)/Hg/INC.7/14. 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, as annexed to the report of the committee's sixth session. The committee may wish to consider and agree to the draft rules of procedure and draft financial rules with a view to forwarding them to the Conference of the Parties at its first meeting for its consideration and adoption.

26. Issues relating to article 24 of the Convention (Secretariat) are set out in documents UNEP(DTIE)/Hg/INC.7/15, UNEP(DTIE)/Hg/INC.7/16 and UNEP(DTIE)/Hg/INC.7/INF/5.

Document UNEP(DTIE)/Hg/INC.7/15 sets out a report on proposals on how the Executive Director of UNEP will perform the functions of the permanent secretariat for the Convention. Document UNEP(DTIE)/Hg/INC.7/16 presents a compilation and analysis of offers received to host the permanent secretariat, while document UNEP(DTIE)/Hg/INC.7/INF/5 sets out an offer by the Government of Switzerland to host the permanent secretariat in Geneva. The Committee may wish to consider these documents in the expectation that the outcome of its deliberations will be taken up by the Conference of the Parties at its first meeting.

(c) **Issues arising under paragraph 8 of the resolution on arrangements in the interim period**

27. Issues relating to article 7 (Artisanal and small-scale gold mining) are discussed in document UNEP(DTIE)/Hg/INC.7/17 (Draft guidance on developing a national action plan to reduce and, where feasible, eliminate mercury use in artisanal and small-scale gold mining), which presents draft guidance on the development of national plans for countries with artisanal and small-scale gold mining, as well as in document UNEP(DTIE)/Hg/INC.7/INF/7 (Draft public health strategies for artisanal and small-scale gold mining). The Committee may wish to further consider the draft guidance and recommend its use by countries in the preparation of their national action plans on artisanal and small-scale gold mining.

28. Issues relating to article 10 of the Convention (Environmentally sound interim storage of mercury, other than waste mercury) are discussed in document UNEP(DTIE)/Hg/INC.7/18. This document includes in its annexes a summary of the information provided by countries (annex I); a summary of those parts of the technical guidelines for the environmentally sound management of wastes consisting of elemental mercury and wastes containing or contaminated with mercury developed under the Basel Convention that might be relevant to the interim storage of mercury other than waste mercury (annex II); and a draft road map, prepared by the secretariat in collaboration with the secretariat of the Basel, Rotterdam and Stockholm conventions, for work on interim storage guidelines (annex III). The committee may wish to take note of the information and guidelines and consider and agree to the draft road map.

29. Issues relating to article 11, on mercury wastes, are discussed in document UNEP(DTIE)/Hg/INC.7/19 (Compilation of information on the use of mercury waste thresholds), which has been developed based on information provided by countries since the committee's sixth session. The committee may wish to consider the information in this document in its further discussion of mercury waste thresholds at its seventh session.

30. Issues relating to the development of guidance on contaminated sites are discussed in document UNEP(DTIE)/Hg/INC.7/20 (Guidance on managing contaminated sites and the proposed way forward for developing guidance). This matter was deferred from the sixth session of the committee. 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 Conference of the Parties at its first meeting.

Item 4

Report on activities of the interim secretariat during the period prior to the entry into force of the Convention

31. Information on the activities undertaken by the secretariat since the committee's sixth session is provided in document UNEP(DTIE)/Hg/INC.7/21 (Progress report on the work of the interim secretariat in the period since the sixth session of the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury). In addition, progress reports on cooperative activities and activities relevant to the Minamata Convention are set out in documents UNEP(DTIE)/Hg/INC.7/INF/3 (Progress report on the UNEP Global Mercury Partnership), and UNEP(DTIE)/Hg/INC.7/INF/4 (Report on activities undertaken by partner organizations).

Item 5

Other matters

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

Item 6

Adoption of the report

33. The committee will be invited to consider and adopt the report of its seventh session prepared by the rapporteur. The report of the session as at the end of the plenary meeting on Monday, 14 March, will be presented for approval by the committee at a plenary meeting on Tuesday 15 March, 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 that take place 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

34. It is expected that the committee will conclude its work by 6 p.m. on Tuesday, 15 March 2016.
