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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 (a) 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:
items necessary for the effective implementation of
the Convention upon its entry into force**

Register of notification of consent to import mercury

Note by the secretariat

1. Paragraph 6 of article 3 of the Minamata Convention on Mercury provides that export of mercury may only be permitted if written consent has been provided by the importing party or non-party to the exporting party and only for the purpose of a use allowed to the importing party under the Convention or for environmentally sound interim storage in accordance with article 10. The consent may be on a shipment-by-shipment basis or, in accordance with paragraph 7 of article 3, the exporting party may rely on a general notification to the secretariat by the importing party or non-party as the written consent required by paragraph 6. Paragraph 7 requires the secretariat to keep a public register of all such general notifications.
2. Paragraph 8 of article 3 specifies that a party may not import mercury from a non-party unless the non-party has provided certification that the mercury is not from sources identified as not allowed under paragraph 3 or paragraph 5 (b) of article 3.
3. Paragraph 9 of article 3 specifies that a party that submits a general notification of consent under paragraph 7 may decide not to apply paragraph 8, provided that it maintains comprehensive restrictions on the export of mercury and has domestic measures in place to ensure that imported mercury is managed in an environmentally sound manner. The party shall provide a notification of any such decision to the secretariat, including information describing its export restrictions and domestic regulatory measures, as well as information on the quantities and countries of origin of mercury imported from non-parties. The secretariat shall maintain a public register of all such notifications.
4. In the preparation of the register of notifications of consent for import, the experience of other conventions in the chemicals and waste cluster has been considered.
5. The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade requires notification to its secretariat by parties of any decision taken to ban or severely restrict a pesticide or industrial chemical on health or environmental grounds. The secretariat maintains a register of such notifications and regularly publishes a summary

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

of the information supplied therein, which is also available electronically. In addition, parties are required by the Convention to submit to the secretariat their decisions regarding the future import of substances listed in annex III to the Convention. The secretariat also maintains a register of such decisions and publishes an updated list every six months. The list of import decisions is also available electronically. It should be noted that the decision to publish the notifications and the list of import decisions in paper form and circulate them to all parties was taken prior to the ready access to electronic documents via the Internet.

6. Article 4 of the Stockholm Convention on Persistent Organic Pollutants requires its secretariat to maintain a register of countries which have registered for one or more specific exemptions listed in Annex A or Annex B to the Convention. The register of specific exemptions is available electronically.

7. Based on the preceding examples, the secretariat proposes that the register of general notifications of consent to import mercury should be maintained electronically and should be updated regularly following submission of new information, including consent from additional countries and any revocation of consent to import. In proposing a format for the register, the secretariat notes that an exporting party would still require information from the importing party or non-party that the mercury was for a purpose allowed under paragraph 6 of article 3 of the Convention. An option for those parties and non-parties consenting to import through a general notification would be to include such information in their general notification and for that information to be reflected in the register. An exporting party would consequently be readily able to verify prior to export whether an importing party had provided a general notification of consent with regard to the import of mercury and confirmation as to the purpose of the mercury to be imported. Should a general notification not be listed in the register, the importing party would need to seek consent for the import under paragraph 6 of article 3 of the Convention. The additional information required under paragraph 9 of article 3 of the Convention could be maintained in the same register. A proposed register of general notifications of consent to import mercury by an importing party and by an importing non-party is provided in the annexes to the present note.

8. In its resolution on arrangements in the interim period (UNEP(DTIE)/Hg/CONF/4, annex I), the Conference of Plenipotentiaries requested the intergovernmental negotiating committee to develop, and adopt on a provisional basis pending decision by the Conference of the Parties at its first meeting, those items necessary for the effective implementation of the Convention upon its entry into force, including in particular the register of notifications.

9. The committee may wish to consider the present proposal and adopt it on a provisional basis pending formal decision by the Conference of the Parties at its first meeting. Such consideration and 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.

Annex I**Register of notifications of consent to import mercury by importing parties and importing non-parties****Register of general notifications of consent to import mercury provided to the secretariat by importing parties**

Party	Terms and conditions for consent	Purpose of imported mercury

Register of general notifications of consent to import mercury provided to the secretariat by importing non-parties

Country	Certification provided (Yes/No)	Terms and conditions for consent	Purpose of imported mercury
	If yes, please supply a list of the information provided		

Annex II

Register of information supplied by parties choosing not to apply paragraph 8 of article 3 of the Minamata Convention on Mercury

Party: _____

Export restrictions in place: _____

Domestic measures in place to ensure environmentally sound management of imported mercury:

Mercury imports from non-parties:

Country of origin	Quantity imported

Note: if additional space is needed for any answer, please use additional pages.
