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**United Nations
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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**

**Report of the intergovernmental negotiating committee to
prepare a global legally binding instrument on mercury on the
work of its seventh session**

Introduction

1. The intergovernmental negotiating committee to prepare a global legally binding instrument on mercury was established in accordance with section III of decision 25/5 of the Governing Council of the United Nations Environment Programme (UNEP). By that decision the Governing Council agreed to the elaboration of a legally binding instrument on mercury and asked the Executive Director of UNEP to convene an intergovernmental negotiating committee with the mandate to prepare it.
2. In accordance with its mandate the intergovernmental negotiating committee held six previous sessions, in Stockholm, from 7 to 11 June 2010; in Chiba, Japan, from 24 to 28 January 2011; in Nairobi, from 31 October to 4 November 2011; in Punta del Este, Uruguay, from 27 June to 2 July 2012; in Geneva, from 13 to 18 January 2013; and in Bangkok, from 3 to 7 November 2014. At its fifth session, the committee agreed on the text of a global legally binding instrument, the Minamata Convention on Mercury, for adoption by a conference of plenipotentiaries.
3. Following the committee's fifth session, at the invitation of the Government of Japan and the request of the Governing Council of UNEP in its decision 27/12, the Executive Director of UNEP convened the Conference of Plenipotentiaries on the Minamata Convention on Mercury in Kumamoto, Japan, on 10 and 11 October 2013. The Conference adopted the Minamata Convention on Mercury on 10 October 2013 and opened it for signature on 11 October 2013. The Conference also adopted a number of resolutions, including a resolution on arrangements for the interim period between the opening of the Convention for signature and its entry into force and a resolution on financial arrangements.
4. In paragraph 3 of the resolution on arrangements in the interim period, the Conference of Plenipotentiaries invited the Executive Director of UNEP "to convene such further meetings of the intergovernmental negotiating committee ... 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". The Conference of Plenipotentiaries also assigned to the committee a number of tasks, as set out in paragraphs 5–8 of the resolution on interim arrangements and paragraphs 2, 3 and 6 of the resolution on financial arrangements.

5. The sixth session of the committee was held in accordance with paragraph 3 of the resolution on arrangements in the interim period to enable the committee to begin its work in accordance with paragraphs 5–8 of that resolution and paragraphs 2, 3 and 6 of the resolution on financial arrangements. The seventh session of the committee was convened with the aim of concluding the work of the committee under those paragraphs and thus setting the stage for the first meeting of the Conference of the Parties to the Minamata Convention.

I. Opening of the session

6. The seventh session of the intergovernmental negotiating committee was held at the King Hussein Bin Talal Convention Centre, Dead Sea, Jordan, from 10 to 15 March 2016. The session began at 10.35 a.m. on Thursday, 10 March, with Mr. Jacob Duer, Principal Coordinator of the interim secretariat for the Minamata Convention on Mercury, serving as master of ceremonies.

7. Welcoming remarks were made by Mr. Fernando Lugris, Chair of the committee, Mr. Ibrahim Thiaw, Deputy Executive Director of UNEP, and Mr. Taher Shakhshir, Minister of the Environment of Jordan, deputizing for His Majesty King Abdullah II bin Al Hussein. The session participants viewed a video outlining the work being done in Jordan to protect and preserve the environment and to build a green economy and a video highlighting the country's historical and cultural attractions. They were also favoured with a performance of traditional song and dance and a presentation by seven young Jordanians on an environmental youth project that had helped to raise awareness and change attitudes and behaviour regarding the environment.

8. In his remarks Mr. Lugris thanked the Government and people of Jordan for their generous welcome; the Minister of the Environment of Jordan and his team for their hard work in making the current session possible; UNEP for its steadfast support for the Convention negotiating process; and all the Governments, intergovernmental organizations, civil society organizations and others that continued to strive to combat the threat posed by mercury pollution worldwide.

9. After highlighting the achievements at each of the committee's sessions, he congratulated the 15 countries that had ratified the Minamata Convention since the sixth session of the committee, noting that the Convention was expected to enter into force by as early as the end of the year, and he encouraged other countries to strive to ratify the Convention as soon as possible to ensure that they could attend the meetings of the Conference of the Parties as parties and thus secure their role in the development and implementation of the Convention. He also commended the UNEP Global Mercury Partnership on its key role in assisting countries with capacity-building, technology transfer and awareness-raising; in providing scientific expertise on the technical issues; and in fostering collaboration among stakeholders.

10. Regarding the current, final, meeting of the committee, he invited the participants to devote further thought to the strengthening of the Convention, encouraging them to explore mutual opportunities for cooperation and synergies with other activities under major agreements within and beyond the chemicals and waste cluster, in particular the 2030 Agenda for Sustainable Development and the Paris Agreement on climate change, adding that mutual benefits would be reaped in technical, political and financial terms. He also urged the committee to build on the progress made at its sixth meeting and during the intersessional period on the critical technical, political and operational issues to be settled by the time of the Convention's entry into force, and he called on the participants to remain focused, flexible and true to the "Minamata spirit" of cooperation, good faith and hard work so as to pave the way for the full implementation of the treaty worldwide.

11. Mr. Thiaw, in his remarks, recalled the six decades of work that had been undertaken since the diagnosis of the first cases of Minamata disease to understand mercury poisoning and its implications for human health, poverty, production and consumption, security and economic growth, adding that it remained a truly global problem affecting children and adults alike, from the small-scale and artisanal gold miners of Africa, Asia and the Pacific and Latin America to the communities in the North exposed to the harmful effects of mercury released into the environment and atmosphere through construction, coal-burning and cremation. Critical knowledge gaps remained as to the exact scale of mercury emissions, he said, and it would take a concerted public-private effort to control, phase out and ban the trade and use of mercury and its compounds; to ensure sound waste management and treatment of contaminated sites; and to share the experience and technology that made that possible.

12. Noting that almost all 17 of the newly adopted Sustainable Development Goals included core targets to address environmental pollution by chemicals and waste, he stressed that such issues could not be tackled in isolation by a single country, region or stakeholder, citing King Abdullah II bin Al Hussein, who had said that sustainable development was a "virtuous cycle [that] both creates and benefits from economic stability and growth", requiring "global cooperation

and, often, tough choices”; such choices, he said, were reflected in the work of the UNEP Global Mercury Partnership and the scope and ambition of the Minamata Convention. The success of the 2030 Agenda for Sustainable Development, he said, relied on wider efforts to tackle all hazardous substances under the chemicals-and-waste-related conventions, as well as the Strategic Approach to International Chemicals Management and the Minamata Convention. Following the successful examples of other conventions such as the Montreal Protocol on Substances that Deplete the Ozone Layer, the Minamata Convention would play its part through a proven approach aligning science, policy and action.

13. With 23 countries having ratified the Convention, he joined Mr. Lugris in calling on others to ratify it as soon as possible to ensure its entry into force by the end of the year so that the international community could turn its attention to implementation. The participants at the current meeting, he said, represented the millions of people affected by mercury pollution worldwide from the cradle to the grave and faced a hard week of negotiations to agree on the requisite technicalities, finances and governance to secure a global treaty that not only paved the way for other international meetings, such as the second session of the United Nations Environment Assembly, but also delivered meaningful results on the ground to resolve a lethal issue that could no longer be ignored.

14. In his statement, Mr. Shakhashir welcomed the participants on behalf of His Majesty King Abdullah II bin Al Hussein, who he said had successfully steered his country’s political and socioeconomic reform by transforming challenges into opportunities, including through the implementation of a road map for development and the enactment of legislation designed to further promote the values of impartiality and transparency and the principles of justice and equality. Turning to events in the region, he said that concerted international efforts were vital to eliminating the scourge of extremism, which had had a huge impact on Jordan, as its hosting of more than a million refugees constituted an enormous burden for a country of limited resources, with grave implications for its education, health and water sectors in particular.

15. Through optimal use of its natural resources and in keeping with its sustainable development plans, he said, Jordan had always strived to preserve the environment and improve quality of life as a human right, not least with future generations in mind. Initiatives to that end had included the creation of environment-related laws and bodies, the training and equipment of relevant personnel, the establishment of an environment protection fund and the conduct of environmental awareness activities. Strategies had also been developed for, among other things, greening the economy, dealing with waste and promoting renewable energy. In the same context, he further highlighted specific measures taken in the areas of sustainable development, desertification, climate change, air pollution and energy diversification.

16. The current session underscored the fundamental principle of the Minamata Convention and indeed all instruments relating to the control of hazardous chemicals and environmental security, which was integral to public safety. Among the first countries to ratify the Convention, in 2015, Jordan had developed an ambitious programme comprising a range of practical, legislative and other implementation actions, which he briefly described. In conclusion, he expressed optimism that the session would yield decisive outcomes that would promote the international framework for mercury control through an effective and flexible combination of national legislation and international agreements based on best practices and successes in the management of mercury from production to disposal.

II. Organizational matters

A. Attendance

17. Representatives of the following parties participated in the session: Afghanistan, Algeria, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Belarus, Belgium, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Eritrea, Ethiopia, European Union, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Guatemala, Guinea, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Kyrgyzstan, Lao People’s Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Lithuania, Madagascar, Malawi, Malaysia, Maldives, Mali, Marshall Islands, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Republic of

Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, State of Palestine, Sudan, Swaziland, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tonga, Tunisia, Tuvalu, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

18. The following United Nations bodies and specialized agencies were represented: Global Environment Facility, International Labour Organization, United Nations Development Programme, United Nations Environment Programme, United Nations Industrial Development Organization, United Nations Institute for Training and Research, World Health Organization.

19. The following intergovernmental organizations were represented: Africa Institute, African Union Commission, International Energy Agency Clean Coal Centre.

20. The following multilateral environmental agreement secretariats were represented: Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, Stockholm Convention on Persistent Organic Pollutants.

21. A number of non-governmental organizations were represented. Their names may be found in the list of participants, which is set out in document UNEP(DTIE)/Hg/INC.7/INF/10.

B. Adoption of the agenda

22. The committee adopted the following agenda on the basis of the provisional agenda (UNEP(DTIE)/Hg/INC.7/1):

1. Opening of the session.
2. Organizational matters:
 - (a) Adoption of the agenda;
 - (b) Organization of work.
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:
 - (a) Items necessary for the effective implementation of the Convention upon its entry into force;
 - (b) Matters required by the Convention to be decided upon by the Conference of the Parties at its first meeting;
 - (c) Items to be adopted by the committee on a provisional basis pending formal adoption by the Conference of the Parties at its first meeting;
 - (d) Activities to facilitate the rapid entry into force of the Convention and its effective implementation upon entry into force.
4. Report on the activities of the interim secretariat during the period prior to the entry into force of the Convention:
 - (a) Activities at the regional and country levels to support implementation;
 - (b) Cooperative activities with other relevant actors;
 - (c) Funding for the secretariat and activities.
5. Other matters.
6. Adoption of the report.
7. Closure of the session.

C. Organization of work

23. In accordance with a proposal from the Chair following consultations with the Bureau, the committee decided that it would meet from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m. each day and that small groups would be established as necessary. The committee also decided that such groups would operate in English only and, taking into account the needs of small delegations, that no more than two such groups would meet at the same time.

24. The committee also decided to organize its work in accordance with a proposal by the Chair in his scenario note (UNEP(DTIE)/Hg/INC.7/2) and as explained in the annotations to the agenda (UNEP(DTIE)/Hg/INC.7/1/Add.1), including with regard to the order in which it would take up the items on its agenda. Thus the committee decided, among other things, that in discussing agenda item 3 it would take up sub-items 3 (a)–3 (c) together and would discuss them in terms of how they pertained to each article of the Convention to be discussed at the current session, proceeding article by article. It would then take up sub-item 3 (d), again discussing it in terms of how it pertained to each article of the Convention to be discussed at the current session and proceeding article by article.

D. General statements

25. Following agreement on the organization of work the Chair invited general statements on the work to be undertaken during the current session and, in particular, on progress made towards ratification of the Convention and progress since the sixth session of the committee. Statements on behalf of regional groups of countries were made first, followed by statements by representatives of individual countries, intergovernmental organizations and nongovernmental organizations.

26. All representatives who took the floor expressed their appreciation to the Government of Jordan for its warm hospitality.

27. The representative speaking on behalf of Arab States said that the decisions adopted at the current session would give a strong push towards implementation of the Convention and facilitate the work of the first meeting of the Conference of the Parties. The various guidelines before the committee for consideration were a starting point that would give credence to the Convention and facilitate its early implementation. With regard to financial issues he said that the chemicals and waste agenda did not receive much financing at the international level and that greater support was needed. Financial resources therefore needed to be managed in an effective manner to enable countries to implement their obligations. Accordingly, he said, the guidance to the Global Environment Facility (GEF) to be adopted should facilitate access to GEF funding. He concluded by encouraging countries that had not yet done so to ratify the Convention as soon as possible.

28. The representative speaking on behalf of the European Union and its member States said that the seventh session of the Committee was crucial because it was the final opportunity to ensure that all documents mandated by the Conference of Plenipotentiaries were finalized and, where required, provisionally adopted in time for the entry into force of the Convention and the first meeting of the Conference of the Parties. The committee, he said, still needed to reach agreement on a number of issues on which the Conference was required by the Convention to adopt decisions at its first meeting. He concluded by reporting that the European Union had initiated the legislative procedure necessary to enable ratifications of the Convention.

29. The representative speaking on behalf of Asian–Pacific States said the region had the largest share of global mercury consumption and atmospheric emissions, and implementation of the Convention in the region was key to its implementation globally. Agreement on as many issues as possible at the current meeting was important for the Convention's entry into force, especially with regard to the proposed guidance and other documents that would enable the effective implementation of the Convention. Countries of the region had convened in Jakarta in January 2016 and had agreed on issues of most relevance to the region. He said that the guidance on the identification of mercury stocks and sources should provide options on which each party could base its own decisions. He welcomed the efforts of the UNEP Global Mercury Partnership in preparing the draft guidance on the preparation of national action plans in respect of artisanal and small-scale gold mining, noting that many people in the region were engaged in that sector, and said that the guidelines on best available techniques and best environmental practices prepared by the expert group established by the Conference of Plenipotentiaries should include technical choices to cover the differing needs of different countries and emphasize the relationship between technical options and the means of implementing such options. The region's diverse countries included small island developing States and least developed countries facing complicated and substantial challenges. An effective financial mechanism, he said, was crucial to the effectiveness of the Convention, and guidance to GEF should provide for the effective and efficient use of the GEF trust fund in a manner that facilitated access and addressed the needs of developing countries. The region also looked forward to the prompt establishment of the specific international programme to support capacity-building and technical assistance called for by article 13 of the Convention; many countries, he said, lacked the capacity to monitor the progress of implementation, and it was critical to strengthen capacity relevant to national reporting. Minamata Initial Assessments provided an opportunity for capacity support and relevant data collection for many countries in the region. In addition to national monitoring and inventory development, which he said should balance the usefulness of data against the burden of obtaining it,

regional and global data collection would be essential to evaluation of the Convention's effectiveness. The region welcomed the offer from the Government of Switzerland to physically host the permanent secretariat of the Minamata Convention in Geneva and would examine the possible options with regard to modalities and synergies. Finally, he said, the region supported decision-making by consensus on substantive matters.

30. The representative speaking on behalf of Latin American and Caribbean States said that as the current session would be the committee's last the committee should aim to prepare for the implementation of the Convention and to achieve progress towards the first meeting of the Conference of the Parties. She congratulated the countries of the region that had ratified the Convention and hailed the progress being made by other countries. She also urged the countries of other regions to expedite their ratification processes to ensure the Convention's early entry into force. While the various guidance documents to be adopted would not be legally binding they should nevertheless be within the scope of the Convention and avoid reinterpreting it. The region, she said, was committed to the implementation of the Convention, in particular articles 14 and 16, and was promoting it through thematic workshops and, since 2014, the inclusion of the Minamata Convention as an agenda item of the Governing Body of the International Labour Organization (ILO). The participation of all relevant intergovernmental organizations that could provide support to countries in the implementation of the Convention, in particular the World Health Organization (WHO), the Pan American Health Organization, ILO and the World Customs Organization, was likewise important. She also said that regional centres would play an important role in providing assistance to countries in the implementation of the Convention and that capacity-building, technical assistance and technology transfer taking into account national circumstances were critical to countries' implementation of the Convention.

31. With regard to financing and article 13 of the Convention, she said that the financial mechanism comprised two distinct parts and that one, the specific international programme, should be clearly differentiated from the special programme for institutional strengthening at the national level for implementation 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, the Stockholm Convention on Persistent Organic Pollutants, the Minamata Convention and the Strategic Approach to International Chemicals Management adopted by the United Nations Environment Assembly. Furthermore the Convention should have secure financing, in addition to that under other chemicals-and-waste-related conventions, and sufficient to enable national implementation of the Convention by developing countries. National reporting under article 21 of the Convention would have an important impact on the evaluation of the Convention's effectiveness and would require capacity-building. In addition, reports under the Convention should complement those under other chemicals-and-waste-related conventions, and their frequency should be based on experience under other conventions.

32. The representative speaking on behalf of African States voiced appreciation for the development of the draft guidance documents before the committee and said that the region looked forward to their provisional adoption, suggesting that there was a need to simplify the import, export and exemption consent forms as well as the reporting form. He acknowledged the guidance provided to GEF in assisting those countries that had expressed a desire to accede to the Convention. The specific international programme should provide privileged access to least developed countries and small island developing States in Africa, including through assistance in the development of funding proposals, the reduction of co-financing requirements and broad latitude with regard to project eligibility. Countries' evaluation under the eligibility criteria should be as flexible as possible and should accommodate all African countries. The programme should have a sustainable resource mobilization mechanism, ensure complementarity and avoid duplication with other existing arrangements and frameworks, build upon lessons learned and engage at the national and regional levels. UNEP should be the hosting institution for the programme. The issue of contaminated sites was a major concern for the region, and compliance would be a challenge given the prevalence in the region of mixed municipal and hazardous waste, including mercury waste. Comprehensive guidance on contaminated sites should be developed and discussed at the first meeting of the Conference of Parties. He concluded by expressing gratitude to all partners that had provided support to Africa during the negotiations and for activities to enable countries to become parties and eventually implement the Convention.

33. The representative speaking on behalf of Central and Eastern European States said that preparation of the documents required for the first meeting of the Conference of the Parties should and could be completed at the current meeting. Nearly all the countries of the region, he reported, had signed the Convention and were working to ratify it, and many activities were under way to assist countries with ratification and the effective and efficient early implementation of the Convention.

While much work lay ahead, the good preparation of the documents before the committee at the current session was an important starting point towards the establishment of a system that would enable every country to implement the Convention. He concluded by thanking the Government of the Czech Republic for hosting a regional meeting for the countries of the region in early 2016 to assist in their preparation for the current meeting.

34. Following the regional statements above, statements were made by representatives of individual countries.

35. Many representatives described their countries' efforts to ratify the Minamata Convention, with two expected shortly to deposit their instruments of ratification with the Convention's depositary and several others expected to become parties later in 2016.

36. Many representatives outlined steps taken by their Governments to facilitate the early implementation of the Convention, including through the conduct of Minamata Initial Assessments and awareness-raising campaigns and the adoption of legislation and planning instruments to tackle mercury pollution in sectors such as artisanal and small-scale gold mining, other types of mining, power generation, hazardous waste incineration, lighting, health and dental health, as well as at mercury-contaminated sites. Several representatives expressed appreciation to the Government and intergovernmental organization partners that had supported their efforts to ratify and implement the Convention.

37. Several representatives said that it was essential that financial and technical support be provided to developing countries to enable them to implement the Convention, with one saying that such support would prompt new ratifications and two that the principles of the Rio Declaration on Environment and Development, in particular Principle 7 on common but differentiated responsibilities, must be upheld, and one saying that any requirement or proposal that went beyond the scope of the Minamata Convention should not be supported.

38. Three representatives outlined efforts by their Governments to support the ratification and implementation of the Minamata Convention by developing countries, including by helping to build the capacities of countries in Latin America, Asia and the Pacific and Africa to address mercury use in artisanal and small-scale gold mining; supporting the development of the draft guidance on developing national action plans to reduce and, where feasible, eliminate mercury use in artisanal and small-scale gold mining; working with partners in the Asian-Pacific region to develop national technical capacities to monitor mercury emissions from coal-fired power plants and to build mercury monitoring capacities; organizing mercury-related high-level side events during sessions of the United Nations General Assembly; conducting training courses for the prevention of mercury pollution; sharing knowledge and experience in areas such as mercury monitoring and the preparation of national inventories; and providing technical assistance with the aim of strengthening mercury management capacities.

39. Several representatives aired their expectations for the current session, which it was said should pave the way for a successful first meeting of the Conference of the Parties. Such expectations included the provisional adoption of the various guidance documents; the finalization of financial rules and the draft memorandum of understanding between the Conference of the Parties to the Convention and the GEF Council; in-depth discussions and a common understanding on the host institution for the specific international programme and the issue of waste; the launch of intersessional work on environmentally sound interim storage, monitoring and effectiveness evaluation and contaminated sites; and the timely operationalization of the Minamata Convention financial mechanism, including finalization of arrangements for the specific international programme. One representative expressed concern that the scope of two of the draft guidance documents to be considered at the session might go beyond the scope of the Convention and expressed interest in participating in contact group discussions regarding both documents.

40. Mr. Juan Miguel Cuna (Philippines), co-chair of the Partnership Advisory Group of the UNEP Global Mercury Partnership, reported on the outcome of the group's seventh meeting, held in Jordan on 8 March 2016. At the meeting, participants had reported on a myriad of partnership activities aimed at supporting the ratification and effective implementation of the Minamata Convention; emphasized the partnership's role in information-sharing, awareness-raising and outreach; and expressed support for expanding knowledge management under the partnership. The meeting had resulted in a renewed commitment by partners to strengthen synergies and collaboration to support actions to reduce mercury-related risks; step up partnership communication and outreach efforts; and work closely with the intergovernmental negotiating committee to assist countries in their efforts to ratify and implement the Convention.

41. Representatives of intergovernmental organizations then made statements. The representative of WHO outlined activities undertaken by WHO to implement World Health Assembly resolution WHA67.11, entitled “Public health impacts of exposure to mercury and mercury compounds: the role of WHO and ministries of public health in the implementation of the Minamata Convention”, including by holding regional workshops to facilitate implementation of the Convention. He encouraged the committee to bear in mind that the Convention’s future health-related work would depend on the availability of financial resources for the implementation of the treaty’s health-related provisions, which he said supported the implementation of many other articles of the Convention. He drew attention to the draft guidance for the development of public health strategies for artisanal and small-scale gold mining to be considered at the current session and to new WHO step-by-step guidance on developing national strategies for phasing out mercury-containing thermometers and sphygmomanometers in health care.

42. The representative of ILO said that the Governing Body of ILO had mandated the International Labour Office to assist member States in the implementation of the Minamata Convention in areas within the mandate of ILO, especially worker health and safety. The ILO Labour Inspection, Labour Administration and Occupational Safety and Health Branch was responsible for such work, which included support for countries in the context of the ILO Chemicals Convention, 1990 (No. 170) and the Safety and Health in Mines Convention, 1995 (no.176), under which a general survey was being undertaken that for the first time would include statistics on artisanal and small-scale gold mining, and activities pertaining to artisanal and small-scale mining under the ILO International Programme on the Elimination of Child Labour.

43. The representative of the United Nations Development Programme (UNDP) said that UNDP currently supported 42 developing countries and countries with economies in transition in their efforts to phase out and reduce the use and release of mercury, with a total portfolio of \$22 million in grants provided by GEF. Support by UNDP included assisting 19 countries in their efforts to prepare Minamata Initial Assessments and helping countries to reduce mercury releases from artisanal and small-scale mining, industrial processes and mercury-containing products such as compact fluorescent lamps and thermometers.

44. Representatives of non-governmental organizations also made statements. Two representatives outlined activities undertaken by their organizations to support the ratification and early implementation of the Convention and called on Governments to swiftly ratify and implement it. One of them said that adoption of the Convention represented a historic milestone but required the development of an effective operational framework that would result in measureable reductions in global mercury use, trade and emissions. The other said that guidance on the identification and management of mercury-contaminated sites was urgently needed, as was the provision of adequate financial resources to enable countries in need to manage those sites in a sustainable manner, expressing the view that the provisional adoption of such guidance at the current meeting would remove a barrier to ratification of the Convention by many countries. He also said that it was necessary that guidance on national action plans to reduce and, where feasible, eliminate mercury use in artisanal and small-scale mining incorporate local action plans to ensure the implementation of national plans at the local level. The representative of a third non-governmental organization outlined progress around the world towards achieving mercury-free dentistry, saying that mercury-free dentistry would soon be a reality.

III. 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

45. As indicated above in section II. C., on the organization of the work of the current session, the committee decided that it would take up agenda items 3 (a) (Items necessary for the effective implementation of the Convention upon its entry into force), 3 (b) (Matters required by the Convention to be decided upon by the Conference of the Parties at its first meeting) and 3 (c) (Items to be adopted by the committee on a provisional basis pending formal adoption by the Conference of the Parties at its first meeting) together and discuss them in terms of how they pertained to each article of the Convention, proceeding article by article, and that it would then take up item 3 (d) (Activities to facilitate rapid entry into force of the Convention and its effective implementation upon entry into force), again discussing it in terms of how it pertained to each article of the Convention and proceeding article by article.

A. Agenda items 3 (a)–3 (c)

1. Article 3: Mercury supply sources and trade

46. The representative of the secretariat introduced the sub-item, outlining the information set out in documents UNEP(DTIE)/Hg/INC.7/3, on draft guidance to assist parties in completing the forms required under Article 3, UNEP(DTIE)/Hg/INC.7/4, on 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, and UNEP(DTIE)/Hg/INC.7/5, which set out a compilation of submissions by Governments and other relevant actors on the question of whether additional guidance, beyond that set out in documents UNEP(DTIE)/Hg/INC.7/3 and UNEP(DTIE)/Hg/INC.7/4, was necessary in accordance with paragraph 12 of Article 3.

47. The committee at the current session, she said, might wish:

(a) To adopt the guidance to assist parties in completing the forms required under Article 3 on a provisional basis pending formal decision by the Conference of the Parties at its first meeting;

(b) To adopt the 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 decision by the Conference of the Parties at its first meeting;

(c) To consider the compilation of submissions set out in document UNEP(DTIE)/Hg/INC.7/5 and to decide whether any further guidance was necessary under paragraph 12 of article 3.

(a) Guidance to assist parties in completing the forms required under Article 3

48. In the ensuing discussion, representatives who took the floor, including some speaking on behalf of groups of countries, expressed general support for the draft guidance to assist parties in completing the forms required under article 3 (UNEP(DTIE)/Hg/INC.7/3) but said that they wished to discuss possible improvements in a contact group. Such improvements included a proposal that the secretariat be copied on transactional correspondence in order to facilitate any compilation of information on trade in mercury that might be undertaken; the refinement and clarification of the text of the guidance; clarification of references to parties and non-parties; identification of the proper recipients of notifications at the country level; and alignment of the guidance with the objectives of the Convention. One representative, speaking on behalf of a group of countries, said that while the guidance was not legally binding it should be consistent with the terms of the Convention and should not reinterpret it.

49. The representative of Switzerland introduced a conference room paper developed by Switzerland and Norway for consideration by the committee. The conference room paper proposed amendments to improve the clarity of the draft guidance to assist parties in completing the forms required under Article 3 and to provide information regarding the implications of a country's consent to the import of mercury with regard to its obligations under the Convention. The representative of Norway added that the overall level of information in the guidance was appropriate but that further information was needed with regard to specific and general consent and that it was important for importing parties to have easy access to the guidance and information about the implications of consenting to the import of mercury.

50. The representative of the European Union and its member States welcomed the guidance to assist parties in completing the forms required under Article 3, saying that it covered all matters relevant to trade and required only limited changes. He introduced a conference room paper proposing, among other things, that forms A–D be separated from form E and the designation of a specific contact point for the receipt of consents to imports, in addition to the contact point to be named under article 17 of the Convention.

51. Following the introduction of the conference room paper one representative, speaking on behalf of a group of countries, said that the national focal points named under article 17 should serve as the designated contact points with regard to trade in mercury.

52. The committee decided to establish a contact group on technical matters, co-chaired by Ms. Katerina Sebkova (Czech Republic) and Ms. Leticia Carvalho (Brazil), to review and, where necessary, amend the draft guidance to assist parties in completing the forms required under Article 3 set out in document UNEP(DTIE)/Hg/INC.7/3 taking into account the discussion in plenary and the conference room papers submitted by the European Union, Norway and Switzerland.

53. At a subsequent session, the contact group co-chair reported that the group had reached agreement on a revised version of the draft guidance to assist parties in completing the forms required under article 3, which was set out in a conference room paper.

54. The committee adopted the revised draft guidance on a provisional basis pending formal adoption by the Conference of the Parties at its first meeting. The guidance as adopted is set out in annex I to the present report.

(b) Guidance to assist parties in 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

55. The representative of the European Union and its member States introduced a conference room paper proposing amendments to enhance the guidance to assist parties in 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 (UNEP(DTIE)/Hg/INC.7/4), with regard to how to calculate whether the 50 and 10 metric ton thresholds had been exceeded; how to distinguish between stocks and sources; and how to address metal ores and related mining and processing activities. One representative, supported by others, called for the deletion of subparagraph 15 (d), referring to the cleaning of fossil fuels such as natural gas as a possible source of mercury-generating stocks, saying that oil and gas had been discussed at length during the negotiation of the Convention and excluded from the Convention and its annexes as adopted.

56. In the ensuing discussion of the guidance, general appreciation was expressed to the secretariat for its work in preparing it, with some saying that it was well-crafted and would help parties to meet their obligations under the Convention and make it possible to estimate the scale of global mercury stocks and sources. One representative said that it would address his country's concerns as a transshipment point about mercury supplies entering the country through trade, and he urged UNEP to consider such concerns in regional coordinating platforms addressing trade in hazardous chemicals and heavy metals.

57. Many representatives highlighted suggested areas where the draft guidance could be amended, including to provide for flexibility to reflect national circumstances and capacities; to clarify that the burden of determining global mercury supply under the Convention was on producing countries; to cross reference article 10 of the Convention; and to provide information on the implications for a country of consenting to the import of mercury. One representative requested further clarification on duty-suspended warehouses, given the possible difficulties in identifying legal entities, and suggested that a more precise definition of the terms "mercury waste" and "ferrous metal mining" was needed.

58. Several representatives, including one speaking on behalf of a group of countries, said that while the guidance to be adopted would not be legally binding it should nevertheless be consistent with the provisions of the Convention; the current draft, it was suggested, went beyond the requirements of the Convention. One representative said that the guidance should be regarded as a living document subject to review based on the parties' experience.

59. The representative of a non-governmental organization said that countries with many small mercury-generating sources producing collectively more than 10 metric tons per year should be encouraged to report on the total amount generated. The representative of another non-governmental organization added that individual stocks should include mercury and mercury compounds under the control of an economic or legal entity in order to prevent concealment of the actual volumes held; that mobile processing facilities recovering 10 metric tons or more of used mercury per year should be considered sources of mercury supply; and that mercury confiscated from illegal shipments and stocks held in abandoned facilities should be classified as "orphan stocks" and included in national inventories.

60. The committee decided that the contact group on technical matters would review and, where necessary, amend the draft guidance for further consideration in plenary, taking into account the discussions in plenary and the conference room paper submitted by the European Union.

61. At a subsequent session, the contact group co-chair reported that the group had reached agreement on a revised version of the draft guidance to assist parties in 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, which was set out in a conference room paper.

62. The committee adopted the revised draft guidance on a provisional basis pending formal adoption by the Conference of the Parties at its first meeting. The guidance as adopted is set out in annex II to the present report.

(c) **Compilation of submissions on the question of whether additional guidance is necessary in accordance with paragraph 12 of article 3 of the Minamata Convention**

63. One representative said that if certain questions were not addressed in other guidance documents additional guidance might be necessary, in accordance with paragraph 12 of article 3 of the Convention, on whether to report mercury compounds by total weight or by mercury content; on how to register mixtures of two or more compounds; and on whether the threshold of 50 metric tons applied to individual compounds or the total amount of all compounds. She suggested that the matter should be added to the agenda of the contact group on technical matters. Another representative said that no additional guidance would be needed before the guidance on completing the forms required under article 3 and the guidance on identifying stocks and sources of mercury had been finalized and experience in the use of the forms had been gained. The representative of a non-governmental organization said that information on, among other things, written consent should be made available under article 18 of the Convention, not only to the secretariat but also on the Convention website in order to facilitate analysis by researchers and others.

64. The committee decided that the contact group on technical matters would consider whether additional guidance was necessary once it had completed its work on the draft guidance on completing the forms required under article 3 and on identifying stocks and sources of mercury, taking into account the discussion in plenary.

65. Subsequently the co-chair of the contact group reported that the group had considered a proposal by Japan on the calculation of quantities of mercury and mercury compounds. Owing to the technical nature of the subject and the amount of other work before it, the contact group had not had sufficient time to consider the proposal in detail, but concluded that the issue was a significant one meriting further consideration in the future.

66. The committee took note of the report of the contact group co-chair.

2. Article 8: Emissions

67. The representative of the secretariat introduced the sub-item, outlining the information set out in the relevant documents, which included a report by the group of technical experts on the development of guidance required under article 8 of the Convention (UNEP(DTIE)/Hg/INC.7/6) and four sets of draft guidance prepared by the group, on best available techniques and best environmental practices (UNEP(DTIE)/INC.7/6/Add.1), on support for parties in implementing the measures set out in paragraph 5 of article 8, in particular in determining goals and in setting emissions limit values (UNEP(DTIE)/INC.7/6/Add.2), on criteria that parties might develop pursuant to paragraph 2 (b) of article 8 (UNEP(DTIE)/INC.7/6/Add.3) and on preparing inventories of emissions (UNEP(DTIE)/INC.7/6/Add.4).

68. The committee at the current session, she said, might wish to welcome the draft guidance documents, to adopt them on a provisional basis and to submit them to the Conference of the Parties for formal adoption at its first session. Their consideration and provisional adoption would, she added, allow parties and other countries to use them during the interim period in their activities to implement article 8 of the Convention.

69. Following that introduction, the co-chairs of the group of technical experts, Mr. Adel Shafei Osman (Egypt) and Mr. John Roberts (United Kingdom of Great Britain and Northern Ireland), gave a presentation on the group's composition and the four sets of draft guidance that it had produced.

70. Mr. Osman said that the group had featured full regional representation and had included stakeholders and academic and government experts in mercury emissions and regulation, together with representatives of relevant industries and civil society. The group, he said, had also enjoyed the support of the secretariat of the Basel, Rotterdam and Stockholm conventions and the UNEP Global Mercury Partnership.

71. Mr. Roberts then outlined the guidance on best available techniques and best environmental practices, saying that the expert group had drawn on information submitted by countries, industry and non-governmental organizations, among others, taking into account the comments received in response to a first draft circulated to countries and others in July 2015 (UNEP(DTIE)/Hg/INC.7/INF/1). It was important to remember, he stressed, that the best available technique for a particular installation would depend on local circumstances. The draft guidance described a range of relevant techniques that countries could employ as they saw fit and was not to be

regarded as in any way binding. The expert group, he said, recommended the guidance for adoption by the committee on a provisional basis, ahead of formal adoption by the Conference of the Parties.

72. The draft guidance to support parties in applying the provisions of paragraph 5 of article 8, he said, dealt with installations built before the Convention had entered into force and sought to assist parties in choosing how to approach their obligation to control emissions from those sources. In accordance with its mandate the group of technical experts had confined itself to considering techniques and practices for controlling or reducing emissions to air and had not included information on the support available to parties under articles 13 and 14.

73. Regarding the draft guidance on criteria developed pursuant to subparagraph 2 (b) of article 8 of the Convention, he recalled that that subparagraph allowed parties to develop criteria for identifying the "relevant sources" of total mercury subject to article 8 for each of the source categories listed in annex D to the Convention, so long as the criteria that they developed covered at least 75 per cent of emissions from each source category. Such criteria would allow parties to exclude relatively small sources of total mercury, which might otherwise be difficult and costly to identify.

74. On the draft guidance on emissions inventories, he said that parties might find it useful to establish such inventories before they had ratified the Convention, or before it had entered into force, so that they could assess the scale of the work required to comply with article 8, adding that while the guidance applied exclusively to the sources covered by that article it might be useful as a reference for parties in the development of inventories of releases to land and water.

75. In conclusion, he said that the draft guidance documents were based on the best information currently available; that they should be regarded as living documents that would evolve with experience and as better data became available and technology improved; and that it was important for the Conference of the Parties to put in place arrangements for their periodic review and updating.

76. In the ensuing discussion, representatives roundly praised the work of the experts in developing the draft guidance required under Article 8 of the Convention, which was variously described as clear, comprehensive, balanced and fit for purpose. It was widely observed that the draft guidance was not mandatory and that it should evolve on the basis of new developments, with numerous speakers underlining the need for flexibility in order to take account of local contexts and specificities. There was general support for the provisional adoption of the draft guidance and its formal adoption at the first meeting of the Conference of the Parties. Several representatives, including one speaking on behalf of a group of countries, said that the draft guidance was facilitating countries' efforts to achieve ratification and early implementation of the Convention.

77. Concerning the draft guidance on best available techniques and best environmental practices (UNEP(DTIE)/INC.7/6/Add.1), one representative said that implementation of the relatively advanced emission control measures described would be largely dependent on the technical capacities and economic circumstances of each individual country. Another asked whether the performance level figures provided with reference to new and existing cement clinker production facilities were indicative on an industry-wide basis. One representative said that mercury emissions monitoring standards should not be specific to any particular region or country, that the guidance provided no information on the cost of operating continuous emission monitoring systems and that instructions should be prepared in respect of the new mercury emissions monitoring techniques listed in section 6 of the guidance.

78. With regard to the draft guidance set out in documents UNEP(DTIE)/INC.7/6/Add.2, UNEP(DTIE)/INC.7/6/Add.3 and UNEP(DTIE)/INC.7/6/Add.4, respectively, the same representative said that emission limit values should be set at a minimum or maximum, together with criteria for reporting progress; that relevant case studies should be referred to in the annex to the guidance on criteria that parties might develop pursuant to paragraph 2 (b); and that transparency in the methodology for preparing inventories of emissions pursuant to Article 8 of the Convention was critical.

79. With reference to section C of the guidance on criteria that parties might develop pursuant to paragraph 2 (b) of article 8 (UNEP(DTIE)/INC.7/6/Add.3), one representative said that the figure of 75 per cent of emissions from each source category listed in Annex D should be treated as a criterion to be applied at the outset in order to avoid implementation difficulties that might occur were it to be treated as dynamic. The representative of a non-governmental organization said that the obligation to control at least 75 per cent of the emissions in a given source category might require that the sources be controlled within that category be reviewed periodically to ensure that they were consistently and effectively managed over time in the light of closures of existing sources and the construction of new ones. With regard to the draft guidance in document 7/6/Add.4, he suggested the addition of a

sentence to the effect that the method used to identify inventory data should be identified and included in the publicly accessible database.

80. A representative speaking on behalf of a group of countries stressed the non-legally-binding nature of the draft guidance, which must be always construed, she said, in the light of the Convention's provisions on best available techniques and article 8. She also suggested that emerging techniques should be listed in an annex and that the draft guidance developed for article 8 might also be useful under article 9.

81. Numerous representatives said that the use of best available techniques and best environmental practices would require financial support, capacity-building and technology transfer for both developing countries and countries with economies in transition, with one, speaking on behalf of a group of countries, saying that the technologies listed in the draft guidance must be made accessible to all countries on the basis of their own needs assessments and irrespective of cost and another, also speaking on behalf of a group of countries, saying that regional centres had a key role to play in technology transfer. One representative said that the material presented was not directly relevant to her country's national circumstances, as the necessary technical information was not currently reflected in the document.

82. One representative expressed concern that open burning, an issue of great concern to his region, was not being addressed. The Chair recalled in response that, as mandated by the committee at its fifth session, a report on the issue was to be prepared for presentation to the Conference of the Parties at its first meeting.

83. Another representative suggested that, for ease of reference, the UNEP Toolkit for Identification and Quantification of Mercury Releases should be relocated from the UNEP website to the Minamata Convention website.

84. The representative of a non-governmental organization suggested that the draft guidance should include an overall waste management strategy and that the guidance on coal-fired power plants should include renewable energy sources and acknowledge the steps taken in that area.

85. Following the discussion, the committee agreed that the co-chairs of the group of technical experts should facilitate informal discussions among concerned parties about the conceptual aspects of the draft guidance, its implementation in practice and the technical questions raised.

86. Subsequently the co-chair of the technical expert group reported on the outcome of the informal consultations, introducing a conference room paper containing in its annex proposed amendments to the draft guidance on best available techniques and best environmental practices (UNEP(DTIE)/INC.7/6/Add.1), the draft guidance on criteria that parties might develop pursuant to paragraph 2 (b) of article 8 (UNEP(DTIE)/INC.7/6/Add.3) and the draft guidance on preparing inventories of emissions (UNEP(DTIE)/INC.7/6/Add.4), which if adopted by the committee and included in the guidance documents by the secretariat would also result in a number of consequential edits to the guidance documents, which he proposed could be entrusted to the secretariat.

87. He also outlined a number of matters discussed in plenary and during the informal consultations. While a number of the concerns raised were addressed by the proposed amendments, including text to clarify the voluntary nature of the guidance, some could not be dealt with owing to a lack of necessary technical information. The guidance documents, he stressed, were based on currently available information but were dynamic documents that, in accordance with paragraph 10 of article 8, the Conference of the Parties was required to keep under review and update as appropriate. A number of parties had stressed the importance of updating the guidance to reflect circumstances not fully covered by the guidance in its current form.

88. Both in plenary and during the informal consultations, he said, a number of parties had said that there was a need for capacity-building and training to enable all parties to make use of the guidance and to implement article 8 of the Convention, and it was suggested that implementing agencies should be made aware of the concern so that it could be reflected in project proposals. The secretariat, he said, was planning webinars on the implementation of article 8, among other subjects, and he noted too that, as reflected in the guidance, the definition of best available techniques permitted parties to take into account their own national circumstances, including technical and financial limitations, and that those unable to give effect to key control measures for technical or financial reasons could avail themselves of the support available under articles 13 and 14 of the Convention.

89. Several parties, he said, had expressed concern regarding open burning as a source of mercury emissions. Recalling that the committee at its fifth session had requested UNEP to gather information on the subject in connection with its updating of the global mercury assessment and to report on it to

the Conference of the Parties at its first meeting, he suggested that the committee might wish to encourage countries to provide the secretariat with information to facilitate the presentation of a report on the subject to the Conference of the Parties at its first meeting. The draft guidance on BAT/BEP, he added, included a clear statement that open burning was considered to be a “bad environmental practice” that should be discouraged. He also noted that a number of parties had expressed concern regarding releases; while that matter was outside the expert group’s mandate, it was an important issue that should be taken up by the Conference of the Parties.

90. Following the co-chair’s report the committee adopted on a provisional basis, pending formal adoption by the Conference of the Parties at its first meeting, the draft guidance on best available techniques and best environmental practices (UNEP(DTIE)/INC.7/6/Add.1), the draft guidance on criteria that parties might develop pursuant to paragraph 2 (b) of article 8 (UNEP(DTIE)/INC.7/6/Add.3) and the draft guidance on preparing inventories of emissions (UNEP(DTIE)/INC.7/6/Add.4), as amended in accordance with the proposed amendments set out in the annex to the conference room paper, as well as the draft guidance on support for parties in implementing the measures set out in paragraph 5 of article 8, in particular in determining goals and in setting emissions limit values (UNEP(DTIE)/INC.7/6/Add.2), without amendment. The amendments to be incorporated into the guidance in documents UNEP(DTIE)/INC.7/6/Add.1, Add.3 and Add.4 are set out in annex III to the present report.

3. Article 13: Financial resources and mechanisms

91. The representative of the secretariat introduced the sub-item, outlining the information in documents UNEP(DTIE)/Hg/INC.7/7, on the draft memorandum of understanding between the Conference of the Parties and the GEF Council; UNEP(DTIE)/Hg/INC.7/8, on the 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 GEF trust fund; UNEP(DTIE)/Hg/INC.7/9, containing a report by the co-chairs of the ad hoc working group of experts on financing established at the sixth session of the committee; and UNEP(DTIE)/Hg/INC.7/INF/6, containing a report of the Executive Director of UNEP on options and related governance arrangements under UNEP as the host institution of the specific international programme.

92. The committee at the current session, he said, might wish:

(a) To review the draft memorandum of understanding between the Conference of the Parties and the GEF Council and agree to it on a provisional basis with a view to forwarding it to the GEF Council for its consideration prior to its consideration and formal adoption at the first meeting of the Conference of the Parties;

(b) To consider the 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 GEF trust fund with an eye to its formal adoption at the first meeting of the Conference of the Parties;

(c) To forward the draft guidance to the GEF Council to inform the seventh replenishment of the GEF Trust Fund with regard to the Minamata Convention;

(d) To consider the report by the co-chairs of the ad hoc working group of experts and the report of the Executive Director of UNEP and to develop a proposal on the hosting institution and other arrangements for the specific international programme for consideration and possible adoption by the Conference of the Parties at its first meeting.

93. The representative of GEF then reported on GEF work to support the Minamata Convention between July 2014 and October 2015. She said that GEF was committed to the success of the Convention and supported countries in their efforts to achieve early ratification and implementation, consistent with the resolution on financial arrangements in the final act of the Conference of Plenipotentiaries. In response to the guidance from the committee at its sixth session, the GEF Council had approved the revision of the eligibility criteria in January 2015 to enable non-signatory countries that were taking meaningful steps to ratify the Convention eligible for GEF support for the preparation of Minamata Initial Assessments and national action plans for reducing and eliminating mercury use in artisanal and small-scale gold mining. As at November 2015, GEF had supported 74 Minamata Initial Assessments and 13 national action plans. During the period GEF had programmed \$24.6 million – or 17 per cent of the \$141 million designated for mercury projects during the sixth replenishment period (July 2014–June 2018) – for a variety of projects on healthcare mercury waste management, reducing the production and use of mercury in manufacturing processes, and enabling and capacity-building activities. The projects were expected to eliminate 360 tons of mercury,

approximately one third of the sixth replenishment period target of 1,000 tons. Since November 2015, GEF had supported an additional eight countries in the development of Minamata Initial Assessments and national action plans, and the Council had been asked to approve approximately \$10 million in the most recent work plan for projects to support the early implementation of the Convention.

(a) Draft memorandum of understanding between the Conference of the Parties to the Minamata Convention on mercury and the Council of the GEF

94. There was general support for adopting on a provisional basis the draft memorandum of understanding between the Conference of the Parties and the Council of the GEF set out in document UNEP(DTIE)/Hg/INC.7/7, but two representatives proposed amendments. One, asking that his comments be reflected in the present report, said that it was crucial to ensure the transparency and objectivity of the procedures and decisions regulating access to international financial resources and technology transfer under the Convention in order to avoid any possibility of the decision-making process being politicized. The representative of a non-governmental organization said that information regarding GEF-funded projects should be readily available.

95. It was agreed that interested parties would consult informally on the draft memorandum of understanding and report to the committee on the results of the consultations at a later session.

96. Following the informal consultations the committee agreed on a revised version of the draft memorandum and decided that it should be submitted to the GEF Council for its consideration prior to its consideration and formal adoption at the first meeting of the Conference of the Parties. The revised draft memorandum of agreement is set out in annex IV to the present report.

(b) Draft guidance to the Global Environment Facility 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

97. Several representatives proposed amendments to the 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 GEF trust fund.

98. One representative, speaking on behalf of a group of countries, said that GEF should continue to work in a coordinated manner with other chemicals-and-waste-related multilateral environmental agreements to identify and support projects with co-benefits for all instruments. She suggested the addition to the indicative list of a new category C, for health-based objectives of the Convention, also suggesting that the list was somewhat prescriptive and that the categories should contemplate those areas that would allow for overall reductions in mercury.

99. Several representatives said the guidance should be completed in time for it to be considered during the negotiations on the seventh replenishment of the GEF trust fund, to begin early in 2017. One, speaking on behalf of a group of countries, said that while \$141 million had been allocated to mercury for the sixth GEF replenishment period, more funding would be needed once the Convention entered into force. She also said that all provisions of the Convention were mandatory, not just its control provisions; that the financial mechanism should be robust, providing assistance in a holistic manner that enabled parties to comply with their obligations; and that the specific international programme was vital to meeting the Convention's objectives and should therefore be properly defined.

100. One representative, speaking on behalf of a group of countries, said that the guidance to be adopted should build on the provisional guidance for the interim period adopted at the sixth session of the committee. Several representatives said that even after the Convention entered into force GEF assistance should be available to non-parties that were making good faith efforts to ratify the Convention and implement its provisions pending ratification.

101. One representative said that GEF should focus on country-driven projects requiring relatively large amounts of funding that were regional and cross-sectoral in scope. Another expressed approval that the draft would prioritize projects aimed at facilitating party compliance with Convention obligations without limiting support to such projects and said that it should clarify that activities under the Convention would fall under the GEF mandate. One representative said that the guidance to GEF should be clear and coherent, allowing for prioritization to support the effective implementation of the Convention; that resources available within the GEF chemicals and wastes focal area should be used as efficiently as possible; and that the provisional guidance adopted by the committee at its sixth session should remain in use until the first meeting of the Conference of the Parties.

102. The Executive Secretary of the secretariat of the Basel, Rotterdam and Stockholm conventions recalled that in paragraphs 8 and 9 of its decision SC-7/21 the Conference of the Parties to the

Stockholm Convention had requested the secretariat to identify, in consultation with the GEF secretariat, possible elements of guidance from the Conference of the Parties to the Stockholm Convention to GEF that also addressed the relevant priorities of the Basel and Rotterdam conventions and to report on such elements to the committee at its seventh session. Document UNEP(DTIE)/Hg/INC.7/INF/8 provided information on progress in the identification of those guidance elements and a road map for 2016, and its annex set out an initial non-exhaustive list of examples of activities funded by GEF in the context of the Stockholm Convention that also addressed relevant priorities of the Basel and Rotterdam conventions.

103. The representative of a non-governmental organization said that activities eligible for funding should include activities under articles 16, 18, 20 and 22, that there should be provision for a needs assessment to facilitate the review of the guidance; that least developed countries and small island developing States should have privileged access to the financial mechanism, for example through the reduction of co-financing requirements, assistance in the development of funding proposals and latitude in project eligibility. The representative of another non-governmental organization said that funding should be available to deal with contaminated landfills in small island developing States, including with regard to short-term containment and medium-term clean up. Another said that there was a need for more funding for education and public information.

104. Following its discussion the committee established a contact group, co-chaired by Mr. Greg Filyk (Canada) and Ms. Gillian Guthrie (Jamaica), to consider financial issues. The group was asked to produce a revised version of the draft guidance to GEF set out in document UNEP(DTIE)/Hg/INC.7/8, taking into account the discussion in plenary.

105. At a subsequent session, the co-chair of the contact group introduced a conference room paper containing a revised version of the draft guidance prepared by the contact group. Drawing attention to bracketed text on the eligibility of countries that had not yet ratified the Convention to receive GEF support for enabling activities, he said that the contact group recommended that the committee encourage developing countries and countries with economies in transition that had yet to seek such support to do so before the first meeting of the Conference of the Parties. The group also recommended that UNEP be invited to submit the draft guidance to the GEF Council to inform the seventh replenishment of the GEF trust fund.

106. The committee adopted the revised draft guidance on a provisional basis pending its formal adoption by the Conference of the Parties at its first meeting. It also invited UNEP to submit the guidance as adopted to the GEF Council for consideration, and it urged parties that had not yet ratified the Convention and needed support from GEF for enabling activities to submit requests for such support before the first meeting of the Conference of the Parties. The guidance as adopted on a provisional basis is set out in annex V to the present report.

(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

107. Mr. Filyk, speaking in his capacity as co-chair of the ad hoc working group of experts on financing established by the committee at its sixth session and on behalf of himself and his co-chair, Ms. Guthrie, reported on the meeting of the group held in October 2015, outlining the information in the co-chairs' report on the meeting (UNEP(DTIE)/Hg/INC.7/9). Noting that financial assistance was important to the ability of eligible parties to implement their obligations under the Convention, he recalled that the financial mechanism consisted of the GEF trust fund and the specific international programme and that the latter was to support capacity-building and technical assistance, operate under the guidance of and be accountable to the Conference of the Parties and be supported by voluntary contributions. The hosting institution and duration of the programme were matters to be decided upon by the Conference of the Parties at its first meeting. Summarizing the main points of the co-chairs' report, which set out in its annex a proposal for the hosting institution as well as guidance on the operation and duration of that programme, he stressed that while it was intended to capture elements of the discussion, including areas of shared understanding, it had been prepared by the co-chairs and did not represent a negotiated or agreed statement of the group.

108. All representatives taking the floor expressed appreciation to the ad hoc working group of experts. Several representatives said that the group co-chairs' report provided a strong basis for further discussion and for finalizing a proposal on the hosting institution for the specific international programme. Many representatives expressed support for the selection of UNEP as the hosting institution for the programme.

109. Many representatives spoke of the role of the specific international programme as an element of the financial mechanism, considering in particular the particular needs of developing countries in their

efforts to implement the Convention. Representatives said that the programme should be easy to access, solid and robust and should operate as long as the Convention was in force; that it should cooperate with GEF and other bodies working on the chemicals and waste agenda and should finance all activities not financed by GEF, especially where developing countries were having difficulty accessing funds; that it should have a sustainable resource mobilization mechanism, ensure complementarity and avoid duplication with other existing arrangements and frameworks, building on lessons learned and complementing the financial mechanisms in the chemicals and waste cluster; that it should engage at the national and regional levels, encourage technology transfer and South-North and South-South cooperation; that it should be subject to regular review to ensure that it met its objectives; that it should be sited close to the Convention to facilitate guidance by the Conference of the Parties; that it should build on existing structures and have a light and efficient administration allowing for timely and easy access; that it was the most appropriate structure to support national-level activities because capacity-building and institutional strengthening were among the most important priorities of the programme; that it should be backed up by an effective and coherent resource mobilization strategy; and that it should be established as soon as possible.

110. Following its discussion the committee agreed that the contact group on financial matters would work further on the matter to finalize development of a proposal for the specific international programme, building on the outcome of the ad hoc expert group meeting set out in the annex to the co-chairs' report, including consideration of the options for hosting the programme within UNEP described in document UNEP(DTIE)/Hg/INC.7/INF/6.

111. At a subsequent session, the contact group co-chair introduced a conference room paper containing, for consideration by the Conference of the Parties at its first meeting, a draft decision that would designate UNEP as the hosting institution for the specific international programme and set out in an annex the details of the hosting arrangements along with guidance on eligibility, scope, operations, resources and duration of the programme. Some text, including with regard to which part of UNEP would perform the host functions (either the Chemicals and Waste Branch of the Division of Technology, Industry and Economics or the secretariat of the Minamata Convention), the duration of the programme and the type of governing body that the programme would have (an executive body, a board or committee, or no governing body at all), were enclosed in square brackets to indicate that they had not been agreed and would have to be decided by the Conference of the Parties at its first meeting. She also drew attention to a schematic diagram showing governance options for each possible location of the programme within UNEP. The contact group was of the view that additional information was required with regard to possible governance arrangements, and it accordingly recommended that the secretariat be requested to undertake, for consideration at the first meeting of the Conference of the Parties, an analysis of the options for governance arrangements, including, for each option, where the technical review function should be located, financial implications, legal implications (including the development of a memorandum of understanding between UNEP as the hosting institution and the Conference of the Parties) and time implications. The contact group also recommended that the schematic diagram be annexed to the present report.

112. The committee approved the draft decision for consideration and possible adoption by the Conference of the Parties at its first meeting and adopted the recommendations of the contact group regarding the analysis to be undertaken by the secretariat and the annexing of the schematic diagram presenting the governance options for each of the proposed host locations. The draft decision and the schematic diagram are set out in annex VI to the present report.

4. Article 21: Reporting

113. The representative of the secretariat introduced the sub-item, outlining the information set out in documents UNEP(DTIE)/Hg/INC.7/10, which presented a draft format for party reporting under article 21 of the Convention as amended by the committee at its sixth session, and UNEP(DTIE)/Hg/INC.7/11, which provided a compilation of information on the frequency of reporting under other multilateral environmental agreements, including the Basel, Rotterdam and Stockholm conventions, along with available data on the rates of reporting under those agreements.

114. The committee at the current session, she said, might wish to adopt the draft reporting format on a provisional basis, pending formal adoption by the Conference of the Parties at its first meeting, and to agree on the frequency of reporting.

115. In the ensuing discussion many representatives, including one speaking on behalf of a group of countries, said that effective reporting by parties on the measures taken to implement the Convention was essential for determining the overall status of implementation, for evaluating the Convention's effectiveness under article 22 and for ensuring that parties were in compliance with all of the Convention's provisions. Several representatives, including one speaking on behalf of a group of

countries, said that the format should be finalized as soon as possible. One representative said that the most important data to be reported were those describing a reporting party's experience and challenges in meeting its obligations, in particular under articles 3, 5, 7, 8 and 9. Another said that reported party data would help countries to determine their mercury management needs and adapt their national legislation accordingly, and that it would contribute to achieving national consensus on the ratification of the Convention.

116. Two representatives, including one speaking on behalf of a group of countries, said that the reporting format could instruct parties that they could submit information not required to be reported by the Convention so long as it was clear that those choosing not to do so would not be in a position of noncompliance as a result. One representative, speaking on behalf of a group of countries, suggested that the questions on mercury production in the reporting form might not yield sufficient data to allow for the estimation of global supply. Another said that the form should elicit data relevant to contaminated sites.

117. Many representatives called for the draft reporting format to be simplified, saying that it sought too much detailed information and could overburden developing-country parties, which would have an adverse effect on submission rates. Several representatives said that it was important to avoid overlaps with other reporting and that redundant questions and superfluous language should be cut from the draft format, and it was widely agreed that the burden of reporting on parties could be reduced by aligning the reporting format with those used under other conventions.

118. Several representatives, including two speaking on behalf of groups of countries, said that developing-country parties required capacity-building and guidance with regard to the completion of reporting forms, which could be provided through the regional centres of the Basel and Stockholm conventions and the specific international programme.

119. Many representatives, including one speaking on behalf of a group of countries and another speaking on behalf of a non-governmental organization, said that the efficiency and simplicity of reporting would be enhanced by an electronic reporting format that saved reported data from reporting period to reporting period, although one representative said that hard copy reporting forms should also be available in case of technical difficulties.

120. The Executive Secretary of the secretariat of the Basel, Rotterdam and Stockholm conventions described how the conferences of the parties to the Basel and Stockholm conventions had addressed reporting challenges by, among other things, streamlining the content and structure of the reporting formats; making the electronic reporting system more user-friendly, with fields in the formats prepopulated with information submitted in previous reporting cycles; developing guidance documents; and providing for capacity-building, tailored assistance and the sharing of lessons learned.

121. Several representatives, including one speaking on behalf of a group of countries, called for the reporting forms to be made available in all six official languages of the Convention.

122. On the question of reporting frequency most representatives, including two speaking on behalf of two groups of countries, expressed a preference for a quadrennial cycle, which, according to one, would be more practical for parties facing technical and financial difficulties. One representative, speaking on behalf of a group of countries, suggested reporting on an annual basis on trade flows, which would be in line with reporting under the chemicals and waste conventions. Another representative suggested a two-year cycle for reporting on trade flows, with a third saying that general reporting should also be required only every two years after submission of the first report four years after the entry into force of the Convention. The representative of a nongovernmental organization said that general reporting should be aligned with the three-year cycle for reporting on artisanal and small-scale gold mining. One representative, however, suggested that the simultaneous reporting that would result from alignment of the reporting cycle with those of other conventions might create an additional burden for developing-country parties and have a negative impact on reporting rates. Another representative said that reporting rates could be improved by allowing parties with less than the full data for a given reporting period to report only those data in that period and to submit any later-gathered data for the period in the following reporting cycle; it was important, he said, to strike a balance between effectiveness and feasibility. The representative of a non-governmental organization said that reporting should occur as frequently as possible to ensure that information gaps were filled.

123. The committee established a contact group on reporting, co-chaired by Ms. Silvija Kalnins (Latvia) and Mr. David Kapindula (Zambia), to further review and amend the draft reporting format and to reach consensus on the frequency of reporting, taking into account the discussions in plenary.

124. Subsequently the co-chair of the contact group presented a revised version of the draft reporting format that had been prepared by the contact group, noting that some text was enclosed in square brackets to indicate that it had not been agreed. The committee decided that the revised draft reporting format, as set out in annex VII to the present report, would serve as the basis for continued work on the matter.

5. Article 22: Effectiveness evaluation

125. The representative of the secretariat introduced the sub-item, outlining the information set out in document UNEP(DTIE)/Hg/INC.7/12, which provided a compilation and analysis of the means of obtaining monitoring data to be considered in the evaluation of the effectiveness of the Convention.

126. The committee at the current session, he said, might wish:

(a) To take note of the analysis prepared by the secretariat, in particular regarding the types of information reported as being available;

(b) To consider further the availability of monitoring data and the analysis of the means of obtaining monitoring data, including mechanisms for determining the comparability of data;

(c) To request the secretariat to work with the UNEP Global Mercury Partnership and other relevant partners, including WHO, to identify how the mechanisms described in the submissions could contribute to the provision of comparable monitoring data;

(d) To request the secretariat to prepare a report on the above matters for consideration by the Conference of the Parties at its first meeting.

127. The representative of Japan introduced a conference room paper, saying that it had been developed by Japan and the United States of America as a thought starter on monitoring and the effectiveness evaluation of the Convention. The paper set out a proposal for the establishment of a technical expert group to be tasked with the development of a draft global monitoring approach designed to inform the effectiveness evaluation of the Convention.

128. The proposal attracted the support of numerous representatives, including two speaking on behalf of groups of countries and others speaking on behalf of non-governmental organizations, with further discussion of the matter in a contact group generally advocated as an appropriate first step. Elements highlighted as relevant to the work of the proposed technical expert group included reports submitted under articles 21 and 15 of the Convention; reports submitted on capacity-building, technical assistance and technology transfer; monitoring data available from reliable existing sources such as the Global Mercury Observation System and the Arctic Monitoring Assessment Programme; and the effectiveness evaluation experiences under other chemicals and waste regimes. Two representatives suggested that the secretariat could facilitate the consultative process by soliciting comments on the outputs of the group and producing a synthesis for consideration by the Conference of the Parties at its first meeting, adding, with support from the representative of a non-governmental organization, that active involvement of the Mercury Air Transport and Fate Research Area of the UNEP Global Mercury Partnership would be beneficial to the overall process.

129. A representative of another non-governmental organization said that the membership of the proposed technical expert group should represent all geographical areas and span the full range of disciplines relevant to effectiveness evaluation, while another representative of a non-governmental organization said that the meetings of the group should be open to observers.

130. Several representatives, including one speaking on behalf of a group of countries, said that a baseline for the effectiveness evaluation should be established, using sources of information that extended beyond the global mercury assessments mentioned in document UNEP(DTIE)/Hg/INC.7/12, and that the details pertaining to the establishment of the baseline should be agreed upon at the current session. One representative, speaking on behalf of a group of countries, said that robust scientific data generated from developing countries and countries with economies in transition were key to full implementation of the Convention and that technical assistance would be needed to produce it. In supporting that view, one representative said that it was necessary to ensure that data were both authoritative and representative, as well as to ensure the ownership of the data by the parties to the Convention. Another cited best practices under other conventions that could be emulated to advantage.

131. Involvement of the scientific community was recommended by one representative on the basis of her country's experience, while another recommended the establishment of mechanisms for working jointly with neighbouring countries on mercury-related issues. A representative speaking on behalf of a non-governmental organization said that the gathering and treatment of data should be transparent.

132. One representative said that effectiveness evaluation, reporting frequency and the forms required under Article 3 were linked and should therefore be discussed together. Another requested information about the priority parameters for the monitoring of mercury in air, soil, water and food products and about which mercury-caused diseases should be monitored by countries. He also underscored the usefulness of global monitoring data to the formulation of mercury-related policies and regulations at the national level.

133. The representative of WHO described WHO expertise relating to the generation and collection of monitoring information relevant to the Convention in areas such as human biomonitoring and mercury levels in food. WHO believed that guidance was necessary to ensure that the data to be used for evaluating the effectiveness of the Convention was comparable, valid and meaningful for health, and the organization would be happy to contribute to the report to be produced for consideration by the Conference of the Parties.

134. The Executive Secretary of the secretariat of the Basel, Rotterdam and Stockholm conventions outlined the effectiveness evaluation carried out under the Stockholm Convention, the institutional arrangements for which included regional organization groups and a global monitoring group and were based on a global monitoring plan, a guidance document and an implementation plan. Monitoring activities were carried out by an array of strategic partners.

135. One representative, speaking on behalf of the countries of her region, called for a regional workshop on mercury levels in coastal and marine environments to be held with a view to establishing a baseline for the region, saying that scientific information on the subject was lacking and appealing for financial support for the workshop. She suggested that the outcomes of the workshop could be shared with parties to the Convention, the International Whaling Commission, national authorities and the public at large.

136. A representative of a nongovernmental organization suggested that a report be prepared by the secretariat on options for obtaining data on levels of mercury and mercury compounds in environmental media and in vulnerable populations.

137. Following its discussion the committee decided that the contact group on reporting should further discuss the effectiveness evaluation, taking into account the discussion in plenary. The group was to develop a plan that would assist the Conference of the Parties in the development of arrangements for obtaining information on which to base an evaluation of the effectiveness of the Convention.

138. At a subsequent session, the co-chair of the contact group introduced a conference room paper presenting a proposed plan to assist the Conference of the Parties, at its first meeting, in establishing arrangements for the provision of comparable monitoring data to facilitate the effectiveness evaluation.

139. The committee approved the plan, calling for additional support from GEF to facilitate progress in collecting the data needed for the rigorous, science-based monitoring of the Convention's effectiveness. The plan as approved is set out in annex VIII to the present report.

6. Article 23: Conference of the Parties

140. The representative of the secretariat introduced the sub-item, outlining the information in documents UNEP(DTIE)/Hg/INC.7/13, which contained draft rules of procedure for the Conference of the Parties, and UNEP(DTIE)/Hg/INC.7/14, which contained draft financial rules for the Conference of the Parties and its subsidiary bodies. He said that the committee at its sixth session had reached agreement on the draft rules of procedure except with regard to rule 45, which dealt with decision-making by vote in the absence of consensus. Square brackets indicating a lack of agreement remained in paragraphs 1 and 3 of rule 45. The former pertained to the use of voting as a last resort should the Conference fail to achieve consensus on matters of substance; the latter referred to decision-making regarding whether a matter was substantive or procedural. Regarding the draft financial rules, he said that several provisions were enclosed in square brackets because the committee had not had sufficient time to discuss them at its sixth session.

141. The committee at the current session might wish, he said, to consider and agree to the draft rules of procedure and draft financial rules with a view to their consideration and possible adoption by the Conference of the Parties at its first meeting.

(a) Draft rules of procedure

142. With regard to the draft rules of procedure, there was general agreement that every possible effort should be made to adopt decisions on substantive matters by consensus. Views differed, however, on whether voting should be used as a last resort when consensus could not be achieved. Many representatives, including two speaking on behalf of groups of countries, said that voting should be permitted in such cases, with several saying that a voting rule was necessary to ensure the effectiveness of the convention and to avoid situations, as had arisen under other conventions in the chemicals and waste cluster, in which one party could prevent the adoption of decisions needed to further the objectives of the Convention. One representative said that, should efforts to achieve consensus on a substantive matter fail, a decision adopted by a two-thirds or a three-fourths majority would still reflect broad-based agreement on the matter.

143. Many other representatives said that decision-making on substantive matters should be made only by consensus, with several saying that consensus-based decision-making had worked well for the committee and for other chemicals-and-waste-related conventions and was important to ensure that the concerns of all parties were taken into account, in particular in the early stages of implementation of the Minamata Convention, when a limited number of parties would decide on key issues that would affect parties far into the future.

144. With regard to whether a matter was substantive or procedural, many representatives, including two speaking on behalf of groups of countries, said that the question should be determined by the President of the Conference of the Parties, whose ruling could be challenged and put to a vote. Two representatives who argued in favour of decision-making by consensus suggested that if doubts arose as to whether a matter was procedural or substantive it should be considered substantive.

145. A number of comments were made with regard to rule 44, on voting.

146. At a subsequent session, the chair requested the representative of the secretariat to report on the outcome of informal consultations on the draft rules of procedure that he said had been held at his request following discussion of the draft rules in plenary.

147. The representative of the secretariat recalled that, during the plenary discussion regarding the draft rules of procedure, some representatives from different regions had voiced concerns with regard to paragraph 2 of rule 44 and paragraph 2 of rule 35, which pertained, respectively, to the voting rights of regional economic integration organizations and to how such organizations should be counted for the purposes of establishing a quorum. Following informal consultations on both provisions, he said, it was clear that a difference of opinion existed between some delegations from different regions on the one hand and one regional economic integration organization and its member States on the other with regard to whether such organizations should be allowed to vote on behalf of member States that were not present at the time of voting and whether only those member States that were present at the time of voting should be counted for the purposes of establishing a quorum.

148. He said that, rather than re-opening the discussion in plenary and in recognition of the fact that similar discussions were ongoing in other forums, the representatives had decided to continue informal consultations on both issues during the period leading up to the first meeting of the Conference of the Parties with strong expectation of arriving at a common understanding by the time of that meeting. Those who had voiced concerns regarding the abovementioned provisions had reserved the right, should they deem it necessary, to propose that the draft rules of procedure be amended to make it clear that regional economic integration organizations could only vote on behalf of member States present at the time of a vote and that only the total number of their member States present could be counted for the purposes of establishing a quorum. For its part, the representatives of the regional economic integration organization and its member States had noted that paragraph 2 of rule 44 was a direct quotation of paragraph 2 of Article 28 of the Minamata Convention and said that the rules of procedure under many multilateral environmental agreements contained provisions similar to paragraph 2 of rule 35.

149. The committee took note of the information presented by the representative of the secretariat.

(b) Draft financial rules

150. There was general agreement that the draft financial rules set out in document UNEP(DTIE)/Hg/INC.7/14 would serve as a good basis for discussion and that it was essential that draft financial rules be adopted on a provisional basis at the current meeting to enable the secretariat to prepare a budget for consideration by the Conference of the Parties at its first meeting.

151. Several representatives, including two speaking on behalf of groups of countries, outlined their expectations for the rules. Thus, representatives said that the rules should ensure the sustainability of

the operation of the secretariat; should be transparent and provide for the effective financial management of the Convention; should be compatible with the financial rules of the Basel, Rotterdam and Stockholm conventions, which one said would promote consistency, simplicity and clarity and another said would help to further synergies among the chemicals-and-waste-related conventions; should reflect changes in the financial rules of the United Nations system, including the new International Public Sector Accounting Standards and the financial rules of the United Nations Environment Programme; and should give special consideration to the situation of least-developed countries and small island developing States.

152. Two representatives, including one speaking on behalf of a group of countries, suggested deletion from the draft rules of the bracketed word “voluntary” to describe contributions, saying that it was unnecessary and did not reflect the goal of achieving sustainable financing for the Convention. The representative speaking on behalf of a group of countries also suggested deleting references to “arrears” in the draft rules. Another representative said that once parties had adopted, by consensus, an indicative scale of assessments, parties should meet their financial commitments in a timely manner; that idea, she said, should be articulated in the financial rules.

153. Following its discussion the committee established a contact group, co-chaired by Mr. Andrew McNee (Australia) and Mr. Mohammed Khashashneh (Jordan), to discuss rules and legal matters. The group would discuss the draft financial rules in document UNEP(DTIE)/Hg/INC.7/14 with the aim of producing a revised version for consideration in plenary, taking into account the discussions in plenary.

154. At a subsequent session, the co-chair of the contact group introduced a conference room paper presenting a revised version of the draft financial rules. Saying that the group had agreed on many matters, he noted that some parts of the text were enclosed in square brackets to indicate that they had not been agreed; some, he said, were "place holders" for future decisions on the specific international programme and arrangements with the host country of the secretariat, while others denoted unresolved issues in regard to contributions and the special circumstances of least developed countries and small island developing States. The contact group had been unable in the time available to consider a number of technical proposals from UNEP on aligning the financial rules with other parts of the United Nations system and concluded that they should be examined the next time the draft rules came up for consideration.

155. The committee took note of the revised draft financial rules as presented by the contact group, noting that they reflected the discussions of the contact group. The draft financial rules as presented by the contact group are set out in annex IX to the present report.

7. Article 24: Secretariat

156. The representative of the secretariat introduced the sub-item, outlining the information set out in documents UNEP(DTIE)/Hg/INC.7/15, which contained a report on proposals on how the Executive Director of the United Nations Environment Programme would perform the functions of the permanent secretariat for the Minamata Convention on Mercury including an analysis of options that, inter alia, addressed effectiveness, cost-benefit, different locations for the secretariat, merging the secretariat with the secretariat of the Basel, Rotterdam and Stockholm conventions and utilising the interim secretariat; UNEP(DTIE)/Hg/INC.7/16, which presented an analysis of offers to host the permanent secretariat of the Minamata Convention; and UNEP(DTIE)/Hg/INC.7/INF/5, which presented an offer by the Government of Switzerland to host the permanent secretariat of the Minamata Convention in Geneva.

157. The first document, he said, contained two main proposals that had been developed in close collaboration with the Executive Secretary of the Basel, Rotterdam and Stockholm conventions. The first proposal was to integrate the interim secretariat of the Minamata Convention into the secretariat of the Basel, Rotterdam and Stockholm conventions, while the second was to utilize the interim secretariat. Two options were provided under the first proposal: the immediate and full integration of the interim secretariat into the structure of the secretariat of the Basel, Rotterdam and Stockholm conventions; or the creation, on an interim basis, of a new Minamata Convention branch within the secretariat of the Basel, Rotterdam and Stockholm conventions, with full integration into that secretariat to take place at a later stage. As for the proposal to utilize the interim secretariat, that option explored the possibility of a stand-alone permanent secretariat, including various options for the physical location of the secretariat. Under each option, staff requirements and associated costs for each location were outlined. The committee at the current session, he said, might wish to consider the document.

158. The Executive Secretary of the Basel, Rotterdam and Stockholm conventions then briefly addressed the committee. Recalling that it had been four years since the secretariats of the Basel, Rotterdam and Stockholm conventions had become one, he said that their merger had led to significant improvements in the efficient operation of the three conventions. Should the Conference of the Parties to the Minamata Convention entrust the secretariat with its operations, the latter would give the Minamata Convention the full attention and care that it deserved. He offered to answer any questions that the committee might have.

159. In the ensuing discussion, the committee first discussed the Executive Director's proposal on how he would perform the functions of the permanent secretariat for the Minamata Convention and then considered the offer by the Government of Switzerland to host the secretariat.

(a) The Executive Director's proposal on how he would perform the functions of the permanent secretariat for the Minamata Convention on Mercury

160. With regard to the function and structure of the secretariat, many representatives said that the decision on the secretariat structure and arrangements was of extreme importance and would require a careful analysis of various options by the Conference of the Parties at its first meeting, with several saying that the decision should be made on the basis of objective criteria and facts, such as cost-effectiveness and the need for enhanced cooperation and coordination among the chemicals-and-waste-related conventions, and expressing a willingness to engage in a constructive dialogue to facilitate the adoption of a decision. There was also widespread agreement that whatever option was chosen the secretariat should be strong, effective and efficient and improve the visibility of the Minamata Convention and of the chemicals and waste cluster.

161. Many representatives expressed support for the integration of the secretariat of the Minamata Convention into the current structure of the secretariat of the Basel, Rotterdam and Stockholm conventions, saying that such integration would ensure the best and most cost effective support to the Convention and increased visibility, help to maximize cooperation and coordination among the four conventions, ensure policy and programmatic consistency and institutional coherence in the chemicals and waste cluster and, through combined management, reduce administrative costs and thereby strengthen the ability of parties to fulfil their obligations under each convention. One representative suggested the establishment of a strong integrated institution by merging the secretariats of the Basel, Rotterdam, Stockholm and Minamata conventions, the Chemicals and Wastes Branch of the UNEP Division of Technology, Industry and Economics and the Strategic Approach to International Chemicals Management, with some independence within that structure and with the aim of developing the sound management of chemicals and wastes globally and applying a synergies approach to the various conventions and programmes in the chemicals and wastes cluster.

162. A number of representatives suggested that the secretariat should be located in Geneva in order to increase cooperation and coordination with other conventions in the chemicals and waste cluster but said that the secretariat of the Minamata Convention should not be fully integrated into the secretariat of the Basel, Rotterdam and Stockholm conventions, with full integration to be considered only at a later stage. One voiced his country's support for option 1 (b) in document UNEP(DTIE)/Hg/INC.7/15, namely, the creation on an interim basis of a new branch within the secretariat of the Basel, Rotterdam and Stockholm conventions for the Minamata Convention, with full merger of the secretariats to take place at a later stage.

163. Many representatives expressed support for an independent secretariat that would, among other things, give visibility and raise awareness about the Minamata Convention across the globe, build on the experience of the interim secretariat, continue to cooperate and collaborate with the secretariat of the Basel, Rotterdam and Stockholm conventions, strengthen the capacity of parties to implement the convention, and have staff dedicated fully to the Convention. One representative said that the recent experience with the synergies process in the chemicals and waste cluster had not resulted in considerable benefits for the conventions involved and had limited the availability of funds and human resources to parties, expressing concern that the integration of the Minamata Convention into the structure of the Basel, Rotterdam and Stockholm Conventions might exacerbate that situation.

164. One representative who expressed support for an independent secretariat said that her country's views were based on an analysis of two issues, namely, which secretariat arrangement would best help to achieve the objective of the Minamata Convention and which arrangement was most cost-effective. On the first question, she said that the maximum level of visibility and political support was needed, especially in the early stages of the convention's life, to promote additional ratifications and ensure that parties received the support that they needed, and she expressed concern that the proposal to integrate the secretariat of the convention into the secretariat of the Basel, Rotterdam and Stockholm conventions suggested that only 20 per cent of the Executive Secretary's time would be dedicated to

the Minamata Convention, which she said was insufficient. With regard to the second question, she requested, supported by several others, that additional information be provided in a revised version of document UNEP(DTIE)/Hg/INC.7/15 on the full costs of running a robust secretariat at each of the proposed locations identified in the document, including the costs of holding meetings at each location, with one requesting in particular that additional analysis be included on the costs and advantages of locating the secretariat in Nairobi, host city of the Ozone Secretariat. In closing, she said that the discussion of the proposed merger of the secretariat into the Basel, Rotterdam and Stockholm conventions should be limited to administrative matters and should not extend to policy synergies or other arrangements taking place in the chemicals and waste cluster.

165. Regarding the secretariat functions set out in the annex to document UNEP(DTIE)/Hg/INC.7/15, one representative speaking on behalf of a group of countries said that a distinction must be drawn in the text between the secretariat function of providing general assistance to parties and that of facilitating the provision of technical assistance and capacity-building, which he said was more specific and resource-intensive and would need to be linked to any decision regarding the specific international programme. Another representative suggested that paragraph 21 of the annex be amended to emphasize the central, rather than merely possible, role of the secretariat in assisting parties to exchange information on technological developments and other ways to reduce or eliminate the use of mercury and mercury compounds.

166. Responding to comments, the representative of Switzerland said that an integrated secretariat in Geneva would cost on the order of \$2.2 million and would therefore be a cost-effective option. As for the costs of secretariat locations considered in document UNEP(DTIE)/Hg/INC.7/15, he said that travel costs would increase considerably should the secretariat be located outside of Geneva, since staff would be required to travel to that city to participate in the many chemicals-and waste-related activities taking place there; the cost of renting meeting facilities, which were free in Geneva, would also have to be included. Other advantages of locating the secretariat in Geneva included the ready availability of competent consultants and the ability of secretariat staff to meet with colleagues in other organizations working on chemicals and waste, as well as with Geneva-based Government representatives, many of whom had expertise in chemicals and waste and could communicate to them regarding convention implementation challenges experienced by their countries.

167. With regard to ensuring the visibility of the Minamata Convention and strong support for parties, he said that the best possible structure for achieving both objectives was to integrate the convention into a strong structure rather than to establish an isolated new structure, suggesting that the Basel, Rotterdam and Stockholm conventions had become stronger and more visible by joining together and by pooling their competencies and expertise. Finally, with regard to the second option set out in document UNEP(DTIE)/Hg/INC.7/15, regarding the utilization of the interim secretariat, he said that the option could not in fact involve the continuation of the interim secretariat arrangements, since a decision had been taken by the governing body of UNEP that once a convention entered into force, its secretariat structure must be independent from the UNEP Chemicals and Waste Branch, where the interim secretariat was housed. As a result, he said, the second option would require the establishment of a fully independent, freestanding structure.

168. Following the above discussion, the chair indicated that the secretariat would revise document UNEP(DTIE)/Hg/INC.7/15, taking into account the above discussion, for consideration by the Conference of the Parties at its first meeting.

(b) Host country of the secretariat – offer by the Government of Switzerland

169. Following the introduction of the sub-item by the representative of the secretariat, the representative of Switzerland introduced an offer by his Government to host the permanent secretariat of the Minamata Convention, as described in document UNEP(DTIE)/Hg/INC.7/INF/5.

170. The offer, he said, derived from the deep commitment of the Government of Switzerland to the Minamata Convention, which it had supported since its inception, and included two parts. The first part involved the provision by Switzerland of rent-free office space in the International Environment House, free meeting space and free access of staff spouses to the Swiss labour market, as well as an initial payment of CHF 100,000 for the consolidation of the secretariat's infrastructure. The second part involved, in addition to the benefits included in the first part, the payment of a yearly host country contribution of CHF 2.5 million, comprising CHF 2 million of unearmarked contributions and CHF 500,000 earmarked contributions to finance a position to support the integration of the secretariat and for joint activities of the four conventions, provided that the conference of the parties decided to place the secretariat within the structure of the Basel, Rotterdam and Stockholm conventions. Should the second part of the offer apply, the Conference of the Parties to the Minamata Convention could use Switzerland's unearmarked contribution as a contribution to the convention's core budget, thereby

lowering the level of assessed contributions by parties, and to support the travel costs of developing country participants in Minamata Convention meetings, in which case the relevant provisions should be included in the financial rules for the Conference of the Parties and its subsidiary bodies.

171. He also said that, regardless of whether the Minamata Convention was established as an independent entity or was integrated into the secretariat of the Basel, Rotterdam and Stockholm conventions, the conferences of the parties to the four conventions could decide to hold either joint or separate meetings. Switzerland was of the view that in the initial years of the Minamata Convention's life the Conference of the Parties should hold separate meetings, given that the treaty was new and would require the full attention of the parties.

172. In the discussion that ensued, all the representatives who spoke expressed their deep appreciation to the Government of Switzerland for its generous offer to host the secretariat and for its longstanding support for the chemicals and waste conventions. Many representatives expressed support for the hosting of the secretariat in Geneva.

173. A number of representatives reiterated their support for the proposal to merge the secretariat of the Minamata Convention into that of the Basel, Rotterdam and Stockholm conventions, which they said would strengthen the Minamata Convention.

174. Many representatives requested that Switzerland further refine its proposal, in particular with regard to the conditionality attached to the second part of the offer, which several said should be better explained, including with regard to how it would apply to the partial rather than the full integration of the secretariat into the secretariat of the Basel, Rotterdam and Stockholm conventions, and that Switzerland might wish to reconsider that aspect of its offer, given that an independent secretariat in Geneva might be a preferable option, especially in the early days of the Minamata Convention. They also asked that the financial aspects of the proposal be more fully explained, including with regard to the amount that Switzerland would contribute to the general trust fund of the Minamata Convention.

175. Several representatives requested Switzerland to bear in mind that, while it was important to continue to build synergies among the chemical-and-waste-related conventions, it was also important that an independent secretariat be established to give its full attention to the Minamata Convention and the significant challenges that its implementation presented to parties. One representative suggested that the Minamata Convention could clearly derive benefits from synergies between chemicals-and-waste-related instruments, but urged Switzerland to devise mechanisms to ensure that the Minamata Convention would not be relegated to a lesser status compared with the other three conventions.

176. Responding to the comments, the representative of Switzerland expressed appreciation for the request for clarification regarding the host country contributions to the core budget of the Minamata Convention, which he said should be defined in the financial rules for the conference of the parties and its subsidiary bodies. Regarding comments that the Minamata Convention's independence should be ensured, and a suggestion by one representative that the decision to integrate the secretariat into the Secretariat of the Basel, Rotterdam and Stockholm conventions was a policy decision that should not be linked to the financial contribution contained in the second part of the offer by the Government of Switzerland, he said that the proposed integration was an administrative decision to enhance the efficiency of the Minamata Convention and would not affect its legal, political or financial independence. In closing, he assured representatives that the Government of Switzerland would make every effort to ensure that the Minamata Convention enjoyed equal status within the chemicals and waste cluster and to facilitate the procurement of Swiss visas for party representatives, which a number of representatives said were difficult to obtain in their countries.

177. The committee requested the Government of Switzerland to consider refining its proposal for consideration by the Conference of the Parties at its first meeting and agreed to continue informal consultations in the period leading up to that meeting to facilitate the adoption of a decision by the Conference of the Parties.

B. Agenda item 3 (d)

1. Article 7: Artisanal and small-scale gold mining

178. The representative of the secretariat introduced the sub-item, drawing attention to document UNEP(DTIE)/Hg/INC.7/17, which contained in its annex draft guidance on developing national action plans to reduce and, where feasible, eliminate mercury use in artisanal and small-scale gold mining, as well as document UNEP(DTIE)/Hg/INC.7/INF/7, which contained a report by WHO on progress in the development of public health strategies on artisanal and small-scale gold mining, including in the context of the Minamata Convention. She recalled that the guidance had been developed as mandated

by the Conference of Plenipotentiaries in its resolution on arrangements for the interim period and that, in accordance with a decision of the committee at its sixth session, had been based on guidance developed under the UNEP Global Mercury Partnership, as revised to address all areas listed in Annex C to the Minamata Convention.

179. The committee at the current session, she said, might 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.

180. The representative of the Natural Resources Defense Council, speaking as co-lead for the UNEP Global Mercury Partnership artisanal and small-scale gold mining partnership area, introduced the draft guidance, outlining the process by which it had been developed. The representative of WHO then reported on progress in the development of public health strategies on artisanal and small-scale gold mining, including in the context of the Minamata Convention, outlining the information in document UNEP(DTIE)/Hg/INC.7/INF/7.

181. All representatives who took the floor in the ensuing discussion voiced appreciation for the draft guidance and the work of the UNEP Global Mercury Partnership artisanal and small-scale gold mining partnership area and WHO.

182. Many representatives, including one speaking on behalf of a group of countries, said that, while guidance on artisanal and small-scale gold mining would not establish legally binding obligations, it was vital to the development of national action plans and the implementation of the Convention with the aim of protecting human health and the environment, with one adding that it was also critical to addressing other negative effects of artisanal and small-scale gold mining such as child labour, human trafficking and poverty.

183. A number of representatives, including several speaking on behalf of groups of countries, called for improvements in the draft guidance. Suggestions were aimed at ensuring the development of accurate inventories; including a reference to work done by the GOMIAM (Gold Mining in the Amazon Region) consortium; providing information on the role of certification bodies; referring to parties rather than countries where appropriate; refining the timing of reduction targets for countries in which conditions varied significantly from one region to another; eliminating references to cyanide; and reflecting the fact that licensing systems were a matter of national discretion. It was also suggested that the secretariat seek further comments from Governments with the aim of improving the guidance in the period leading up to the first meeting of the Conference of the Parties, and one representative said that the guidance should be a living document that was periodically refined and reflected the concerns of all affected countries.

184. Several representatives, including one speaking on behalf of a group of countries, said that the guidance should be completed at the current session, used by countries and adopted at the first meeting of the Conference of the Parties. One representative, speaking on behalf of a group of countries, said that the guidance should be piloted with the aim of identifying and filling any gaps.

185. Several representatives said that developing countries would require financial and technical assistance for the development of national action plans and, one added, for determining when artisanal and small-scale gold mining was “more than insignificant”.

186. Several representatives reported on activities in their countries relating to artisanal and small-scale gold mining, including a bilateral project on gold panning being developed with the assistance of UNEP and GEF; the development of national action plans; participation in the WHO biomonitoring programme; and a project undertaken with UNEP and others to create a traceable supply chain of mineral ore to ensure that gold sold on the international market was legal and traceable and did not come from conflict zones. One representative said that massive amounts of mercury were used in artisanal and small-scale gold mining in his country, with a heavy toll on the environment and human health. Supported by another, he called for the convening of a workshop that could help countries eliminate mercury use in the sector.

187. The representative of a non-governmental organization proposed that a date be set for the review of country experiences in using the guidance and called on countries to provide the secretariat with information on their “more than insignificant” artisanal and small-scale mining activities, including their interpretation of that term. He said that national action plans should look at artisanal and small-scale mining as a complete cycle, paying attention to emerging and active contaminated sites at villages near mining activities, including through a framework for sustainable contaminated site remediation. National action plans should include local action plans, alternative sustainable livelihood opportunities for miners and related communities, bans on the use of mercury recovered

from artisanal and small-scale gold mining tailings or remediated sites, the management of confiscated mercury and the purchase and management of gold from artisanal and small-scale gold miners.

188. The representative of another non-governmental organization expressed support for the Global Mercury Partnership's call for comments and their examination at regional meetings. He said that national action plans should address issues pertaining to migrant miners and their socio-economic impact as well transboundary pollution and the particular circumstances of each region, with the aim of ensuring the participation of all miners in decision-making, awareness raising, training and technology transfer. Another representative of a nongovernmental organization noted the problem of illegal trade in mercury, saying that as countries took action to cut off the supply of mercury for certain activities, mercury for permitted purposes could be traded illegally. In some cases, she said, the amount of dental mercury entering a country far exceeded the amount used in dental amalgam.

189. Following its discussion the committee agreed to the provisional use of the guidance in its current form to assist countries in the preparation of their national action plans in the period between the current session and the first meeting of the Conference of the Parties. In addition, the Committee requested the secretariat to seek further comments from Governments and others to improve the guidance with a view to presenting a revised version of it for consideration and possible adoption by the Conference of the Parties at its first meeting. The Committee took note of the call to hold workshops in regions with significant artisanal and small-scale gold mining and requested the secretariat to convene such workshops within available resources. Finally, the committee took note of the request by WHO for input to its work on the development of public health strategies relating to community exposure from artisanal and small-scale gold mining.

2. Article 10: Environmentally sound interim storage of mercury other than waste mercury

190. The representative of the secretariat introduced the sub-item, outlining the information set out in document UNEP(DTIE)/Hg/INC.7/18, which had been prepared in response to a request by the committee at its sixth session and contained three annexes. Annex I set out a compilation and summary of submissions by Governments on environmentally sound interim mercury storage; annex II identified relevant sections of the Basel Convention technical guidelines for the environmentally sound management of wastes consisting of elemental mercury and wastes containing or contaminated with mercury that might be relevant to the interim storage of non-waste mercury; and annex III presented a draft road map for the development of guidelines on the environmentally sound interim storage of mercury and mercury compounds under the Minamata Convention.

191. The document had been prepared in collaboration with the secretariat of the Basel Convention, particularly with regard to the identification of sections of the Basel Convention technical guidelines that were relevant to the interim storage of non-waste mercury and the timelines of the draft road map, and the UNEP Global Mercury Partnership, in particular in relation to the draft road map. The draft road map, he said, contemplated that the relevant sections of the Basel Convention technical guidelines would be adapted to develop guidance on the interim storage of mercury intended for use and that input from a broad range of experts be sought in the development of the Minamata Convention guidelines, including experts in the storage of mercury intended for use, in mercury transport and use and in mercury waste.

192. The committee at the current session, he said, might wish to take note of the information provided in annexes I and II and consider and agree to the draft road map set out in annex III.

193. In the ensuing discussion, several representatives took note of the information provided in annexes I and II, with one expressing satisfaction at the commonalities among the Government submissions in annex I.

194. There was general support for the draft road map in annex III, but many representatives, including three speaking on behalf of groups of countries, said that there was a need to further refine it. Thus, it was proposed that the road map be amended to clarify that the relevant sections of the Basel Convention technical guidelines be used as a starting point to develop the Minamata Convention guidelines, rather than suggest that the Basel Convention guidelines would be "amended" to refer to mercury interim storage; to have an independent process under the Minamata Convention to draft the guidelines; to invite experts from the Basel and Minamata conventions and other experts to participate in the drafting process rather than the Open-ended Working Group of the Basel Convention, whose competence was limited to waste-related issues; to invite countries to nominate experts to participate in the process; to allow stakeholders to participate in the process as observers; and to ask the proposed group of experts to examine the requirements set out in article 10 of the Minamata Convention when developing the guidelines.

195. One representative, speaking on behalf of a group of countries, recommended that funding be provided to developing countries to facilitate their participation in the drafting process and that regional representatives coordinate the nomination of experts to ensure the representation of all regions in the drafting process.

196. Another representative suggested that the expert group be open-ended and that experts be given the opportunity to discuss the guidelines prior to submitting them for consideration by the Conference of the Parties. Two representatives expressed interest in nominating experts to the drafting process, with one saying that the secretariat should set out a clear process for the selection of experts.

197. With regard to the timelines proposed in the road map, several representatives, including one speaking on behalf of a group of countries, expressed support for the timelines set out in annex III. Another suggested that it was desirable to give Governments additional time to consult on the issue of interim storage, saying that it was not imperative that the guidelines be ready for adoption at the first meeting of the Conference of the Parties and that they could be finalized at a later date.

198. With regard to the guidelines themselves, one representative said that they should be flexible and non-prescriptive and focus on providing technical and administrative information to parties and others on how to store mercury and mercury compounds in an environmentally sound manner.

199. The Executive Secretary of the Basel, Rotterdam and Stockholm Conventions outlined what he said were strong linkages between the work of the Basel Convention and the work of the Minamata Convention on the interim storage of non-waste mercury, in particular with regard to the technical guidelines on mercury waste, which contained key provisions on interim mercury storage, and he said that the timelines proposed in annex III, which had been synchronized with the key meetings and related processes under the Basel Convention, would help to facilitate coordination between the two conventions on the development of mercury interim storage guidelines under the Minamata Convention.

200. Echoing comments made by many representatives, the representative of a non-governmental organization suggested that the road map should explicitly provide for the involvement of Minamata Convention experts, in addition to experts from the Basel Convention, as well as Governments, nongovernmental organizations and other stakeholders, in the process of drafting and reviewing the guidelines.

201. The committee requested the secretariat to consult the delegations whose representatives had made comments during the above discussion and to produce a revised version of the draft road map for its consideration.

202. At a subsequent session, the representative of the secretariat introduced a conference room paper presenting a revised version of the draft road map for consideration by the committee.

203. A brief discussion ensued, during which one representative suggested a further amendment.

204. The committee approved the revised draft road map, as orally amended, to guide the intersessional work. The revised draft road map as so approved is presented in annex X to the present report.

3. Article 11: Mercury wastes

205. The representative of the secretariat introduced the sub-item, outlining the information set out in document UNEP(DTIE)/Hg/INC.7/19, which provided a compilation of information submitted by countries on their use of mercury waste thresholds.

206. The committee at the current session, he said, might wish to consider the information provided in its further discussions on mercury waste thresholds.

207. A representative speaking on behalf of a group of countries said that the information submitted on mercury waste thresholds to date indicated that they posed complex issues and that no directly applicable thresholds had yet been established. He therefore suggested that the secretariat should continue to gather additional information from parties and observers in order to assist the Conference of the Parties in its consideration of the best way forward. Another representative, speaking on behalf of a group of countries and supported by another, suggested that an expert working group might be needed to conduct a detailed analysis of the available information, taking into account the differing circumstances of countries, and highlighted the work already carried out on the subject by the regional centres of the Basel Convention.

208. Describing the information submitted to the secretariat as a useful starting point, one representative proposed on the basis of leach test results that a threshold ranging between 0.1 and 0.2 mg/L might be appropriate and was consistent with the thresholds applied by some countries. Another reported that his country used 0.005 mg/L from leaching tests as a rigid standard for distinguishing between hazardous and non-hazardous waste, consistent with its national effluent standards, and 1,000 mg/kg as a content standard for waste control in accordance with the Basel Convention. The mercury waste threshold to be defined under the Minamata Convention, he said, should be considered together with the requirements of article 11 of the Convention and adopted by the Conference of the Parties in a separate annex. If the requirements adopted included specific treatments such as the recovery of mercury from waste prior to final disposal, the threshold should be set at a value that allowed parties to implement the requirement. A master plan of requirements, he concluded, was needed as the basis for defining a mercury waste threshold. One representative said that the experience under the Basel Convention was extensive and should be taken into account and that a mercury waste threshold should be adopted at the first meeting of the Conference of the Parties. His country used a mercury waste threshold of 0.1 mg/kg. Advocating a low threshold, one representative proposed 5 mg/kg, as used by his country. He also said that it was necessary to take into account emerging technologies for mercury stabilization, whose performance might have implications for the choice of the appropriate threshold. A representative of a non-governmental organization said that the prevention of health and environmental damage should be the primary focus in setting mercury waste thresholds, which should therefore be set at not more than 2 mg/kg, a concentration achievable in soil through the use of current site-remediation techniques.

209. The representative of Switzerland announced that his delegation would introduce a conference room paper setting out a draft decision for consideration by the Conference of the Parties that would welcome the adoption of the Basel Convention technical guidelines on the environmentally sound management of mercury waste by the Conference of the Parties to that Convention, request parties to the Minamata Convention that were also parties to the Basel Convention to apply the guidelines and request parties to the Minamata Convention that were not parties to the Basel Convention to use the guidelines as guidance.

210. Following its discussion, the committee decided that the secretariat should collect additional information on the use of mercury waste thresholds from Governments and others and that informal efforts to propose appropriate thresholds should be pursued by those with the relevant expertise.

211. At a subsequent session the representative of Zambia introduced the draft decision referred to above by the representative of Switzerland, which was cosponsored by African States and Switzerland. Subsequently he reported that informal consultations had been held on the draft decision but no final conclusion had been reached. Another representative said that the consultations had nevertheless resulted in much positive feedback, and one representative proposed alternative text that would merge paragraphs 2 and 3 of the draft decision.

212. The committee decided that both the existing text and the proposed text would be submitted as alternatives for consideration by the Conference of the Parties at its first meeting. The text is set out in annex XI to the present report.

4. Article 12: Contaminated sites

213. The representative of the secretariat introduced the sub-item, outlining the information set out in document UNEP(DTIE)/Hg/INC.7/20, on guidance on managing contaminated sites and the proposed way forward for developing guidance. The information in the document, she said, was the same as had been presented to the committee at its sixth session, at which the committee had decided to defer consideration of the issue to the current session.

214. The committee, she said, might wish to request the secretariat to continue to seek input from Governments and other interested stakeholders and to prepare a draft guidance document in consultation with the relevant chemicals and waste cluster secretariats and other organizations or bodies, as appropriate. The resulting guidance, she added, would be submitted to the Conference of the Parties for consideration at its first meeting.

215. In the ensuing discussion there was general agreement that guidance to assist countries in correctly identifying and remediating mercury-contaminated sites was critical to enable them to mitigate the harm to human health and the environment caused by releases from such sites into water, air and soil, with several representatives highlighting examples from their countries and constituencies, such as indigenous peoples, and several saying that work to complete such guidance should be prioritized.

216. General support was expressed for the secretariat's proposed way forward in developing such guidance, and several representatives, including one speaking on behalf of a group of countries and the representative of a non-governmental organization, endorsed the recommendation regarding consultation with the secretariats of chemicals-and-waste-convention secretariats given their experience in dealing with contaminated sites. One representative, however, noting by way of example that the secretariat of the Stockholm Convention had yet to develop a guidance document specific to the subject, suggested that the secretariat focus instead on consultations with Governments as the primary basis for preparing a draft guidance document.

217. Many representatives, including one speaking on behalf of a group of countries and the representative of a non-governmental organization, highlighted relevant sources of useful information, such as the guidance for mercury-contaminated site identification, characterization and remediation developed by the International POPs Elimination Network and the guidance developed under the Barcelona Convention for the Protection of the Mediterranean Sea against Pollution. Several said that they were ready to share their countries' experience regarding contaminated sites. The Executive Secretary of the secretariat of the Basel, Rotterdam and Stockholm conventions drew attention to the Basel Convention technical guidelines on mercury waste and the guidance documents, toolkit and national case studies developed under the Stockholm Convention.

218. Several representatives, including the representative of a non-governmental organization, called for capacity-building and financial and technical support to assist developing countries, with one saying that some lacked the capacity to distinguish between different kinds of waste at waste disposal sites and several calling for workshops to be held. Another representative said that it was important to ensure that site decontamination was carried out correctly in order to prevent it from compounding instead of resolving the problem, and the representative of a non-governmental organization added that the complexity of the issue was increased by the fact that it encompassed not only economic and technical but also ethical factors. One representative said that contaminated sites represented a cross-cutting issue, and hence required a holistic, multidisciplinary approach, and several representatives said that it was important to take into account existing initiatives and avoid duplication of efforts. One representative, speaking on behalf of a group of countries, called for the establishment of an expert group to work on guidance, which should encompass risk assessment and communication.

219. There was considerable discussion regarding when work on the development of guidance should proceed, with some representatives arguing that it should be prioritized and begin without delay and others, noting the large volume of other work to be completed by the time of the first meeting of the Conference of the Parties and that guidance on contaminated sites was not required by the Convention to be completed by then, suggesting that it could be deferred for a time.

220. At a subsequent session, the representative of Zambia introduced a conference room paper containing a draft decision, cosponsored by African States and other countries, that would request the secretariat, in consultation with Governments, the relevant chemicals and waste cluster secretariats and key stakeholders, to prepare draft guidance on the management of mercury-contaminated sites for consideration and possible adoption by the Conference of the Parties at its first meeting.

221. Subsequently the representative of Zambia reported that the proponents of the draft decision had met with representatives of regions and that no common ground had been reached on fundamental parts of it. The committee was then invited to provide comments on the draft decision. Many representatives, including many of the proponents and one speaking on behalf of a group of countries, expressed support for it, with several saying that mercury-contaminated sites were a serious concern for many countries that were in urgent need of guidance and support under the Minamata Convention to enable them to identify, assess and remediate such sites and thereby minimize the significant environmental and human health risks that they posed. Many representatives expressed the hope that a decision to produce a guidance document on mercury-contaminated sites, which they said had been deferred at previous meetings, would be adopted at the current session, with one suggesting that the development of a guidance document for consideration by the conference of the parties at its first meeting would give visibility to the Minamata Convention as a treaty that tackled global challenges through concrete measures and another suggesting that deferring production of the guidelines would prevent many countries from ratifying the convention.

222. One of the proponents said that guidance on contaminated sites would provide valuable information to parties that would help them to produce their baselines, initial assessments and national implementation plans under the Minamata Convention, requesting that, should it not be adopted at the current session, the draft decision be annexed to the present report.

223. One representative said that there was considerable local experience on which the secretariat could draw when producing the draft guidance document; another suggested that the proposal be strengthened by requesting the secretariat to prepare the guidance using as a basis the *Guidance on the identification, management and remediation of mercury-contaminated sites* produced by the International Network on POPs Elimination. Another suggested that in producing the guidance the secretariat include the elements described in paragraphs 3 and 4 of article 12 of the Minamata Convention.

224. Two representatives, including one speaking on behalf of a group of countries, said that the secretariat already had much to do in the lead-up to the first meeting of the Conference of the Parties and that requesting it to produce draft guidance by the time of that meeting was overly ambitious. They did, however, voice support for requesting the secretariat to produce a compilation of input from Governments, relevant secretariats and other stakeholders for consideration by the Conference of the Parties at its first meeting, saying that such information could be used as the basis for the development of a draft guidance document on mercury-contaminated sites that took into account the elements described in paragraph 3 of article 12 of the Convention. Several representatives objected to requesting the secretariat merely to produce a compilation, which one said would not represent a significant step forward in dealing with the issue of contaminated sites.

225. Following informal consultations among interested delegations, agreement was reached on a revised version of the text relating to contaminated sites, which was endorsed by the committee. The agreed text is set out in annex XII to the present report.

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

226. The representative of the secretariat introduced the item, outlining the information in the progress report on the work of the interim secretariat in the period since the sixth meeting of the committee (UNEP(DTIE)/Hg/INC.7/21) and drawing attention to similar progress reports from GEF (UNEP(DTIE)/Hg/INC.7/INF/3), from partner organizations (UNEP(DTIE)/Hg/INC.7/INF/4 and Add.1) and from the secretariat of the Basel, Rotterdam and Stockholm conventions, which had provided updates on elements of joint guidance (UNEP(DTIE)/Hg/INC.7/INF/8) and the mercury-related activities of the regional centres (UNEP(DTIE)/Hg/INC.7/INF/9).

227. The work of the interim secretariat since the previous meeting, he said, could be divided into two main categories: support for the committee and its activities until the first meeting of the Conference of the Parties and support for the ratification and early implementation of the Convention. The secretariat's activities, he said, had been supported by voluntary contributions from Austria, Belgium, Canada, China, Denmark, France, the European Union, Finland, Germany, Japan, the Netherlands, Norway, Sweden, Switzerland and the United States.

228. Regarding the first category of activities, he drew attention to the organization of the current meeting, including the preparation of meeting documents, in close cooperation with the key chemicals and waste cluster actors, GEF, the United Nations Office for Project Services, the World Health Organization and other stakeholders, and the organization of and support for one teleconference and two face-to-face meetings of the Bureau; a series of regional preparatory consultations, supported by the Basel and Stockholm Convention regional centres and the secretariat of the Basel, Rotterdam and Stockholm conventions; two meetings of the group of technical experts on emissions, with additional expertise from the interim secretariat and the UNEP Global Mercury Partnership; and the October 2015 meeting of the ad-hoc working group of experts on financing.

229. On the second category of activities, he highlighted the interim secretariat's organization of four subregional workshops to enhance knowledge of the Convention, the ratification process, implementation and available sources of support for reporting, information exchange and action, adding that key partners had included UNEP, GEF, the secretariat of the Basel, Rotterdam and Stockholm conventions and a range of United Nations and civil society organizations. The interim secretariat, he said, had also continued to support national and regional pilot projects, including at the country level on the development of mercury inventories, legal and policy reviews and assessments; had developed and disseminated awareness-raising and outreach materials; had organized a high-level event to promote ratification of the Convention, hosted by the Governments of Japan, Switzerland, the United States and Uruguay; and had participated with other key chemicals and waste cluster actors in processes and meetings relevant to mercury and the chemicals and waste agenda.

230. The committee, he said, might wish to take note of the activities of the interim secretariat to date and encourage Governments and others to contribute to, and to provide the interim secretariat with guidance on, any further work that was required and any other issues of concern.
231. Representatives of a number of organizations then reported on activities of their organizations in support of the Convention since the committee's sixth session.
232. The Executive Secretary of the secretariat of the Basel, Rotterdam and Stockholm conventions reported on the cooperative activities undertaken by that secretariat in conjunction with the interim secretariat of the Minamata Convention on a wide range of issues of mutual interest, outlining the information in document UNEP(DTIE)/Hg/INC.7/21 and in annex I of document UNEP(DTIE)/Hg/INC.7/INF/4.Rev.1. With regard to cooperation at the regional and country levels, he drew attention to the essential role of the Basel and Stockholm convention regional centres in supporting the implementation of the global chemicals and wastes conventions, including the Minamata Convention, as indicated in those two documents and in document UNEP(DTIE)/Hg/INC.7/INF/9, which showcased information on the mercury-related activities undertaken by some of those centres. Including as they did the issue of support for implementation of the Minamata Convention in their annual business plans, the centres would continue to enhance their important contributions to the ratification and early implementation of the Minamata Convention, he said.
233. The representative of the United Nations Institute for Training and Research (UNITAR) reported on UNITAR activities in support of the ratification and implementation of the Convention, as outlined in annex II of document UNEP(DTIE)/Hg/INC.7/INF/4.Rev.1, saying that UNITAR would also shortly be assisting countries in the development of national action plans for the reduction of mercury use in artisanal and small-scale gold mining and that, with Swiss financial support, it was also engaged in a growing number of projects to assist numerous countries towards ratification or early implementation.
234. The representative of WHO highlighted the organization's work relevant to the Convention, as described in annex III of document UNEP(DTIE)/Hg/INC.7/INF/4.Rev.1, saying that WHO was seeking support to enable it to offer workshops for the WHO African, South East Asian and Western Pacific Regions along the lines of those described in the document. She also said that WHO member States would have an opportunity at the forthcoming World Health Assembly to discuss health sector engagement in implementation of the Convention, successes achieved and means of addressing remaining challenges.
235. The representative of the United Nations Industrial Development Organization (UNIDO), speaking on behalf of the members of the Mercury Group of the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) participating in the meeting, namely, ILO, UNDP, UNEP, UNIDO, UNITAR and WHO, outlined the work of those members with regard to, inter alia, assisting the preparation and finalization of GEF-approved Minamata Initial Assessments before the first meeting of the Conference of the Parties to the Convention; providing training in the use of the UNEP Toolkit for Identification and Quantification of Mercury Releases; and supporting countries in the development of national action plans relating to artisanal and small-scale gold mining. The IOMC Mercury Group, she said, was committed to continuing its close collaboration with the interim secretariat for the successful implementation of the Convention.
236. The representative of UNDP, speaking of UNDP support to countries in preparation for meeting their commitments under the Minamata Convention, described various mercury management activities, including mercury-waste-related projects, in which UNDP was involved across the globe, which he said were more fully described in a multilingual brochure entitled *Mercury Management for Sustainable Development*. UNDP had also assisted in the production of a guidance note on Minamata Initial Assessment development, as mentioned in annex II of document UNEP(DTIE)/Hg/INC.7/INF/4.Rev.1, and would continue to contribute to efforts to reduce and phase out mercury.
237. The representative of UNEP said that, in addition to hosting the interim secretariat of the Minamata Convention, UNEP was pleased to contribute to the early entry into force of the Convention through the Chemicals and Waste Branch of its Division of Technology, Industry and Economics, which hosted the UNEP Global Mercury Partnership and also included the Osaka-based International Environmental Technology Centre. Welcoming the recognition accorded to the Partnership's technical input to the future work of the Conference of the Parties in such areas as national action plans in respect of artisanal and small-scale gold mining, effectiveness evaluation and environmentally sound interim storage, he said that efforts to strengthen the Partnership would continue with a view to providing further support, as appropriate. UNEP was pleased to have been identified as a suitable

hosting institution for the specific international programme and stood ready to assist in the intersessional work on that subject. It would furthermore continue to work for the reduction of mercury emissions and releases and to enhance knowledge of the risks to human health and environment through a series of projects, which he described briefly. Other UNEP work of relevance to the Convention included publication of the new Global Mercury Assessment in 2018 and updating of the UNEP Toolkit for Identification and Quantification of Mercury Releases, as well as its translation into various languages.

238. The representatives of three non-governmental organizations provided an outline of mercury-related activities pursued by their organizations in such areas as the phase-out of mercury-added products; national action plans concerning artisanal and small-scale gold mining; awareness-raising; mercury-contaminated sites, mercury trade and supply and mercury mapping; biomonitoring; and problems and risks associated with dental amalgam, skin-whitening products and certain cosmetics.

239. In the ensuing discussion one representative, speaking on behalf of a group of countries and supported by another, said that efforts must continue in earnest to promote early implementation of the Convention, including through regional workshops on relevant themes. In also calling for financial support to that end she was joined by two representatives, one of them likewise speaking on behalf of a group of countries and the other underlining the needs of small island developing States and developing countries in that regard. One representative suggested that information concerning all mercury-related projects and activities funded through GEF and, where relevant, the Special Programme and the future specific international programme be made more readily accessible by posting it on the Convention website, a suggestion endorsed by one other representative. One representative, speaking on behalf of a group of countries, welcomed in particular the close collaboration between the secretariat of the Basel, Rotterdam and Stockholm conventions and the interim secretariat. One representative said that procedures for ratification of the Convention were under way in his country and requested assistance from the secretariat in the development of persuasive arguments in favour of ratification for presentation to his national parliament.

V. Other matters

240. The chair reported that the Bureau had discussed the progress achieved at the current session and was proposing that, should it be deemed necessary by the Bureau, the committee hold an eighth session to complete its work in line with the mandate given to it by the Conference of Plenipotentiaries with the aim of ensuring a successful first meeting of the Conference of the Parties.

241. The committee decided that the Bureau should continue to assess the progress achieved at the current session and, should it consider it necessary, request the secretariat to make arrangements for an eighth session of the committee to be held immediately prior to and at the same venue as the first meeting of the Conference of the Parties, in Geneva.

VI. Adoption of the report

242. The committee adopted the present report on the basis of the draft report circulated during the session, on the understanding that it would be finalized by the Rapporteur in consultation with the Chair and with the assistance of the secretariat.

VII. Closure of the session

243. During the closure of the session several representatives made statements, asking that they be reflected in detail in the present report.

244. A representative speaking on behalf of Latin American and Caribbean States said that those States were of the view that insufficient progress had been made at the current session on the establishment of the special international programme and that, due to its importance to developing countries and countries with economies in transition, the programme should be discussed at a session in the lead-up to the first meeting of the Conference of the Parties in order to facilitate the adoption of a decision on the programme at that meeting; that the special circumstances of developing countries should be taken into account when reviewing delays in the payment of their contributions to the Minamata Convention trust fund and that reference to those special circumstances should therefore be maintained in paragraph (3) (e) of rule 5 of the financial rules, while the reference to “special needs” in the same paragraph could be deleted; that a simple reporting format that did not impose additional burdens on parties was needed, as was capacity-building in respect of reporting; that it was important that effective mechanisms to support the management and remediation of contaminated sites be

adopted at the first meeting of the Conference of the Parties and that corresponding financial mechanisms be adopted as soon as possible; that the role of regional centres in support of the work on mercury should be recognized; that regional meetings should be held prior to meetings of the Conference of the Parties; that WHO should explore the possibility of using its network of toxicology centres, the WHO collaborating centres for children's environmental health and the network of centres on health, environment and work of the Programme on Work and Health in Central America (SALTRA) to carry out human biomonitoring activities; that it should be assessed whether unused interpretation services intended for plenary sessions could be used during contact group discussions, which would facilitate the adoption of decisions and promote the active participation of all regions in contact group discussions at no additional cost; and that the accurate translation of documents, especially with regard to legal terms, should be ensured in the future, as inconsistencies had been found in documents translated into Spanish.

245. A representative speaking on behalf of African States drew attention to what his region considered to be outstanding issues. Those issues included the need for a roadmap for building capacity in the region to ensure implementation of the Convention once it came into force, particularly with regard to reporting, data generation, inventories and national action plans for artisanal and small-scale gold mining; assistance from the specific international programme; aligning reporting obligations with those of the other chemicals and wastes conventions to the extent practicable, for example through annual or biennial reporting on mercury production and trade, and reporting on other obligations at a frequency consistent with those of the Stockholm Convention; the need for the secretariat to consult with, and seek inputs from, Governments, relevant secretariats in the chemicals and waste cluster and other stakeholders on guidance documents or recommendations in relation to the management of mercury-contaminated sites; the need for the secretariat to prepare the schedule for drafting guidance documents on the management of mercury-contaminated sites for consideration by the Conference of the Parties at its first meeting, using the draft documents submitted by stakeholders as the basis of that work in line with paragraph 3 of article 12; the provision of expert guidance on addressing the many complicated technical and policy issues related to achieving environmentally sound activities in the artisanal and small-scale gold mining sector; and affording special attention and strengthening collaboration with relevant stakeholders on issues related to contaminated sites, open burning, artisanal and small-scale gold mining, dental amalgam and illegal trafficking in mercury.

246. He suggested that intersessional work be undertaken on those issues with the aim of developing proposals for adoption at the first meeting of the Conference of the Parties. Given the importance of the specific international programme to the success of the Convention, he said, a sustainable resource mobilization mechanism should continue to be a critical undertaking for the secretariat. He also said that it was necessary to subject the work programme to regular review to ensure that it was meeting the objectives of the Convention and that the host institution was poised to implement the work programme effectively and respond to the needs of its constituents. As the structure and hosting of the Convention secretariat would have a significant influence on the success of implementation, an independent secretariat that was dynamic and efficient and reflected an equitable distribution of staff was needed. He concluded by reiterating his region's promise of further ratifications in the coming months to secure the early entry into force of the Convention.

247. The representative of India said that while her country was fully committed to the implementation of its obligations under the Minamata Convention, including those regarding mercury emissions, its dependence on the coal-based thermal power sector, which constituted nearly 61 per cent of its energy supply, made it difficult for it to agree to the adoption of the guidance on BAT/BEP until the technologies identified therein had been shown to be effective in dealing with high ash sub-bituminous Indian coal. Thus, she said, her country preferred to disassociate itself from the adoption of the BAT/BEP guidance, but had not opposed it in a spirit of compromise and in view of the recognition that the guidance was a living document subject to improvement. Her country had held several rounds of informal consultations with some members of the expert group that had developed the guidance and the group had acknowledged that specific technical information on the use of the technologies identified in the guidance to deal with high ash sub-bituminous Indian coal was not available; her country therefore expected that in the period leading up to the first meeting of the Conference of the Parties the expert group and the secretariat would engage in efforts to revise the guidance to accommodate India's concerns. Furthermore, while recognizing its significance as guidance developed under a United Nations convention, India viewed the guidance on BAT/BEP as a guideline that was not binding.

248. In closing remarks following the above statements, the Minister of Environment of Jordan, Mr. Shakhashir, hailed the efforts made at the current session, saying that the committee had overcome challenges and had worked hard to reach agreement for the benefit of current and future generations, which it would have to continue to do in the period leading up to the first meeting of the Conference of

the Parties. Outlining the achievements at the current session, he said that he was fully confident that all efforts had been made, in a positive spirit, to work towards protecting the local and global environment from the harmful effects of mercury. In closing he expressed the hope that the participants' stay in Jordan had contributed to the success of the session, and he wished them safe journeys home.

249. Following the above statements and the customary exchange of courtesies, the session was declared closed at 6.20 p.m. on Tuesday, 15 March 2016.

Annex I

Guidance on completing the forms required under article 3 related to trade in mercury

Part I: Guidance on the use of forms A–D

A. Background

1. The present guidance has been developed to assist Parties with regard to the forms required under article 3 of the Minamata Convention and the registers to be maintained by the secretariat in accordance with paragraphs 7 and 9 of article 3. It seeks to clarify the following matters:
 - (a) Scope of article 3, i.e., what is not covered, namely, mercury wastes (article 11) and products (article 4);
 - (b) Which forms should be used in which circumstances and what considerations should be taken into account before issuing a consent;
 - (c) Information to be provided in each section of the forms;
 - (d) Role of the registers and how to use them;
 - (e) Where to obtain the forms;
 - (f) How to transmit the forms.
2. The forms are to be used for trade in mercury, which includes mixtures of mercury with other substances, including alloys of mercury, with a mercury concentration of at least 95 per cent by weight.
3. The forms are not to be used for trade in:
 - (a) Quantities of mercury to be used for laboratory-scale research or as a reference standard; or
 - (b) Naturally occurring trace quantities of mercury present in such products as non-mercury metals, ores or mineral products, including coal, or products derived from these materials, and unintentional trace quantities in chemical products; or
 - (c) Mercury-added products; or
 - (d) Mercury wastes.
4. Parties should consider the obligations under the Convention before giving consent for, or providing a general consent to, the import of mercury. Once the mercury has entered the territory of a Party, the Party has responsibilities under the Convention. In particular, Parties should undertake measures so that any import is used only for an allowed use, and is stored in an environmentally sound manner, or disposed of in accordance with article 11.

B. Which forms should be used in which circumstances?

5. This guidance addresses the following forms:
 - (a) Form for the provision of written consent by a Party to the import of mercury (Form A);
 - (b) Form for the provision of written consent by a non-Party to the import of mercury (Form B);
 - (c) Form for non-Party certification of the source of mercury to be exported to a Party (Form C) (to be used in conjunction with form A or form D, when required);
 - (d) Form for general notification of consent to the import of mercury (Form D).
6. Form A is to be completed by a Party that consents to the import of mercury either from a Party or from a non-Party as set out in paragraphs 6 (a) and 8 of article 3. Under paragraph 6 (a) of article 3, each Party “shall not allow the export of mercury except” to an importing Party that has provided its written consent and only for a use allowed to the importing Party under the Convention or for environmentally sound interim storage as set out in article 10. Under paragraph 8 of article 3, each Party “shall not allow the import of mercury from a non-Party to whom it will provide its written consent 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. In both of these circumstances,

form A may be used to provide the written consent for the importation of mercury. Form A is not necessary in cases where the importing Party has provided a general notification of consent in accordance with paragraph 7 of article 3.

7. Form B is to be used by a non-Party to provide to the exporting Party its written consent to the import of mercury, as set out in paragraph 6 (b) of article 3. The form must be accompanied by a certification demonstrating that the non-Party has measures in place to ensure the protection of human health and the environment and to ensure its compliance with the provisions of articles 10 and 11; and that such mercury will be used only for a use allowed¹ to a Party under the Convention or for environmentally sound storage as set out in article 10 of the Convention. Form B is not needed when a non-party has submitted a general consent notification.

8. Form C is to be used by a non-Party from which mercury is exported to a Party to certify that the mercury is not from sources identified as not allowed under paragraph 3 or paragraph 5 (b) of article 3 of the Convention. Paragraph 3 refers to mercury sourced from primary mercury mining and paragraph 5 (b) refers to measures to be taken by a Party when it determines that excess mercury from the decommissioning of chlor-alkali facilities is available to ensure that such mercury is disposed of in accordance with the guidelines for environmentally sound management referred to in paragraph 3 (a) of article 11, using operations that do not lead to recovery, recycling, reclamation, direct reuse or alternative uses. This form does not need to be used if the importing party has chosen to apply paragraph 9 of article 3.

9. Form D is to be used by importing Parties or non-Parties who prefer, in accordance with paragraph 7 of article 3, to provide a general notification to the secretariat in lieu of the written consent to the exporting Party required under paragraph 6 of article 3. The general notification must set out any terms and conditions under which the importing Party or non-Party provides its consent and may be revoked at any time by the Party or non-Party submitting it. The secretariat is to keep a public register of all such notifications.

C. What information is to be provided in each section?

10. The forms have been laid out to be, as far as possible, self-explanatory in terms of the information to be supplied in each section; they also provide guidance regarding the information to be provided. The forms are set out in appendices A–D of the present guidance. The guidance is presented in a format that is intended to facilitate the completion of electronic and online versions of forms A–D.

D. Role of the registers and how to use them

11. Two registers are established under article 3. The first is the public register of all general notifications submitted to the secretariat by importing Parties or non-Parties as the written consent required by paragraph 6 of article 3. The second is the public register of notifications provided by Parties who, having submitted general notifications of consent under paragraph 7 of article 3, have decided not to apply paragraph 8 of the article.

12. The register of general notifications is made publically available by the secretariat to allow exporting Parties to consult it prior to initiating exports of mercury. It will also allow an exporting Party to determine any terms and conditions that an importing Party or non-Party applies in granting its consent to import. As the notification serves as the written consent required by paragraph 6 of article 3, the inclusion of a Party or non-Party on the register means that the exporting Party need not seek separate written consent for a specific import and may instead rely on the general consent indicated in the register, subject to any terms and conditions set by the importing country.

13. The register of notifications by Parties that have decided not to apply paragraph 8 may be consulted by a non-Party. The use of Form C is not required for export from a non-Party to Parties listed in this register.

E. Where to obtain the forms

14. The forms are available on the Minamata Convention website (www.mercuryconvention.org). In addition, copies of the forms will be sent electronically to all Parties through the national focal points designated under article 17 of the Convention. Should the forms be amended or updated, the

¹ Paragraph (k) of article 2 of the Convention defines “use allowed” as “any use by a Party of mercury or mercury compounds consistent with this Convention, including, but not limited to, uses consistent with Articles 3, 4, 5, 6 and 7.”

new forms will also be provided to the national focal points. They will also be available upon request to the secretariat.

F. How to transmit the forms

15. The forms providing consent to import (Forms A and B), and the form providing non-Party certification of the sources of mercury to be exported to a Party (Form C), are to be transmitted directly between Parties, using the contact information of the concerned Parties' national focal points. It is recommended that the Parties concerned provide the secretariat with copies of these forms.

16. In accordance with paragraph 7 of article 3, the form for providing general notification of consent to the import of mercury (Form D) is to be provided to the secretariat.

Appendix A**FORM A*****Form for the provision of written consent by a Party to the import of mercury***

(This form is not required by the Convention in cases where the importing Party has provided a general notification of consent in accordance with article 3, paragraph 7)

Section A: Contact information to be provided by the importing Party

Name of Party:

Name of designated national focal point:

Address:

Tel:

Fax:

E-mail:

Section B: Contact information to be provided by the exporting Party or non-Party

Name of Party or non-Party:

Name of designated national focal point or responsible government official:

Address:

Tel:

Fax:

E-mail:

Guidance for sections A and B

For a Party, the contact is the national focal point designated in accordance with article 17. A Party may in some cases have a specific contact for purposes of trade in mercury. In both of these cases the contact information would be made publicly available by the Secretariat. If neither of the above is in place, communication will be effected through the Party's ministry of foreign affairs, for instance through its permanent mission in Geneva.

In the case of non-Parties, it is their responsibility to determine who their responsible government officials will be.

Section C: Shipment information to be provided by the exporting country

Please indicate the approximate total quantity of mercury to be shipped:

Please indicate the approximate date of shipment:

Please indicate if the mercury is from primary mercury mining:

Please indicate if the mercury has been determined by the exporting Party to be excess mercury from the decommissioning of chlor-alkali facilities:

(If the exporting country is a non-Party, the importing Party shall also request that Form C be completed.)

Guidance

Information regarding the approximate total quantity of mercury to be shipped allows the importing country to make an informed decision about any shipment to which it is consenting, while the approximate date of shipping assists in any effort to track the shipment that the country may wish to undertake.

If the mercury is sourced from primary mercury mining it may not be used for artisanal and small-scale gold mining but it may be used, for a limited time as set out in paragraph 4 of article 3, for the manufacturing of mercury-added products in accordance with article 4 or in manufacturing processes in accordance with article 5. It may also be disposed of in accordance with article 11 using operations that do not lead to recovery, recycling, reclamation, direct reuse or alternative uses.

If the mercury has been determined by the exporting Party to be excess mercury from the decommissioning of chlor-alkali facilities the Party is to take measures to ensure that it is disposed of in accordance with the guidelines for environmentally sound management referred to in paragraph 3 (a) of article 11, using operations that do not lead to recovery, recycling, reclamation, direct reuse or alternative uses.

If the mercury is to be disposed of, the procedures for transboundary movements of waste set out in article 11 (3) (c) of the Convention shall be followed. In such cases this form cannot be used.

When the exporting country is a non-Party, the importing Party shall not allow shipment where the mercury originates from one of these two sources, unless it has applied paragraph 9 of article 3.

Section D: Information to be provided by the importing Party

What is the purpose of the import of the mercury? Please select YES or NO:

- i. Environmentally sound interim storage in accordance with article 10:
YES NO

If yes, please specify the intended use if known.

- ii. Use allowed to a Party under the Convention: YES NO
If yes please specify additional details about the intended use of the mercury.

Guidance

This information is to state the purpose of the import of mercury, in accordance with paragraph 6 (a) of article 3. An indication is to be given as to whether the imported mercury is intended for environmentally sound interim storage in accordance with article 10 or whether it is intended for a use allowed to a Party under the convention. If the mercury is intended for interim storage, information on the intended use, if known, is to be provided. If the response to these questions is 'yes', then the importing Party is asked to provide further details on the intended use. Please note that the source of the mercury may restrict the use allowed for the mercury under paragraph 4 and paragraph 5 (b) of article 3 (see guidance box under Section C).

Before issuing consent, Parties are to determine whether appropriate arrangements are in place in accordance with the Convention.

Section E: Shipping information, as appropriate

Importer

Name of business:

Address:

Tel:

Fax:

E-mail:

*Exporter**Name of business:**Address:**Tel:**Fax:**E-mail:***Guidance**

Shipping information should include details of both the importer and the exporter, including for each the name of the business and address, telephone, fax and e-mail contact information. This provides information to the focal point or responsible government official as to who may be contacted should there be any queries in relation to any shipment and also allows follow-up at the national level with regard to the shipment.

Section F: Indication of consent by the importing Party*Has consent been granted? Please select GRANTED or DENIED:***GRANTED****DENIED***Please use the space below to indicate any conditions, additional details or relevant information.*

*Signature of importing party designated national focal point and date**Name:**Title:**Signature:**Date:***Guidance**

This should be the contact point as indicated in section A of this form.

Appendix B

FORM B

Form for the provision of written consent by a non-party to the import of mercury

(This form is not required by the Convention in cases where the importing non-party has provided a general notification of consent in accordance with article 3, paragraph 7)

Section A: Contact information to be provided by the party to the Convention

Name of party:

Name of designated national focal point:

Address:

Tel:

Fax:

E-mail:

Guidance

For a party, the contact is the national focal point designated as per article 17. A party may in some cases have a specific contact for purposes of trade in mercury. In both of these cases the contact information would be made publicly available by the secretariat. If neither of the above is in place, communication will be effected through the Ministry of Foreign Affairs, for instance through its Permanent Mission in Geneva.

Section B: Contact information to be provided by the non-party

Name of country:

Name and agency of government official:

Address:

Tel:

Fax:

Email:

Guidance

In the case of non-parties, it is their responsibility to determine who their responsible government officials will be.

Section C: Shipment information to be provided by the exporting party

Please indicate the approximate total quantity of mercury to be shipped:

Please indicate the approximate date of shipment:

Please indicate if the mercury is from primary mercury mining:

Please indicate if the mercury has been determined by the exporting party to be excess mercury from the decommissioning of chlor-alkali facilities:

Guidance

The information to be provided by the importing non-Party on the use of the mercury to be imported is specified in paragraph 6 (b) of article 3. The first question above relates to paragraph 6 (b) (i), which requires an importing non-Party to provide certification that it has measures in place to ensure the protection of human health and the environment and to ensure compliance with articles 10 and 11 of the Convention. If such measures, including legislation, regulations or other measures, are in place, the non-Party is required to provide appropriate documentation demonstrating that such is the case. The documentation should provide sufficient details to demonstrate the effectiveness of the measures.

The second question above seeks information as to the purpose of the import of mercury, in accordance with paragraph 6 (b) (ii) of article 3, i.e., whether it is intended for environmentally sound interim storage in accordance with article 10 or whether it is intended for a use allowed to a Party under the convention. If the response is yes then the importing Party is asked to provide further details on the intended use. Please note that the source of the mercury may restrict the use allowed for the mercury under paragraph 4 and paragraph 5 (b) of article 3 (see guidance box for section C).

Section E: Shipping information, as appropriate*Importer**Name of business:**Address:**Tel:**Fax:**E-mail:**Exporter**Name of business:**Address:**Tel:**Fax:**E-mail:***Guidance**

Shipping information should include details of both the importer and the exporter, including the name of the business and address, telephone, fax and e-mail contact information. This provides information to the focal point or responsible government official as to who may be contacted should there be any queries in relation to the shipment and allows follow-up at the national level with regard to the shipment.

Section F: Indication of consent by the importing non-Party*Has consent been granted? Please select GRANTED or DENIED:**GRANTED**DENIED**Please use the space below to indicate any conditions, additional details or relevant information:*

*Signature of importing non-Party responsible government official and date:**Name:**Title:**Signature:**Date:***Guidance**

It is the responsibility of each country to determine who will serve as its responsible government official. This should be the same contact point as indicated in section B of this form.

Appendix C

FORM C

Form for non-Party certification of the source of mercury to be exported to a Party To be used in conjunction with form A or form D, when required

Article 3, paragraph 8, of the Convention provides that a Party shall not allow the import of mercury from a non-Party to whom it will provide its written consent 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), i.e., that it is not from primary mercury mining or mercury determined by the exporting non-Party to be excess mercury from the decommissioning of chlor-alkali facilities.

Section A: Shipment information to be provided by the exporting non-Party

Please indicate the approximate total quantity of mercury to be shipped:

Please indicate the approximate date of shipment:

Guidance

Information regarding the approximate total quantity of mercury to be shipped allows the importing country to make an informed decision about any shipments to which it is consenting, while the approximate date of shipping assists in any effort to track the shipment that the country may wish to undertake.

Section B: Shipping information, as appropriate

Importer

Name of business:

Address:

Tel:

Fax:

E-mail:

Exporter

Name of business:

Address:

Tel:

Fax:

E-mail:

Guidance

Shipping information should include details of both the importer and the exporter, including the name of the business and address, telephone, fax and e-mail contact information. This provides information to the focal point or responsible government official as to who may be contacted should there be any queries in relation to the shipment, and also allows follow-up at the national level with regard to the shipment.

Section C: Certification

In accordance with article 3, paragraph 8, of the Convention, my Government certifies that the mercury included in the shipment described in this form is not:

- (i) From primary mercury mining; or*
- (ii) Mercury determined by the exporting non-Party to be excess mercury from the decommissioning of chlor-alkali facilities.*

Supporting information

Signature of responsible government official and date

Name:

Title:

Signature:

Date:

Guidance

This section sets out the requirement for the Government of the exporting non-Party to provide certification that the mercury included in the shipment is not from sources identified as not allowed under paragraph 3 or paragraph 5 (b) of article 3, namely, primary mercury mining or mercury determined by the exporting non-Party to be excess mercury from the decommissioning of chlor-alkali facilities. It allows the exporting non-Party to provide supporting information in relation to the certification. The responsible government official must also sign and date the form. The form should be signed and certified by the same official who was identified in section B of Form A (contact information to be provided by the exporting non-Party).

Appendix D

FORM D

Form for general notification of consent to import mercury

Article 3, paragraph 7, of the Convention provides that an 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 of article 3. Such general notification shall set out any terms and conditions under which the importing Party or non-Party provides its consent. The secretariat maintains a public register of all such notifications.

A notification may be revoked at any time by the Party or non-Party. A Party or non-Party that revokes its notification should provide a written request to the secretariat to be removed from the public register of general notifications and indicate the effective date of the revocation.

Parties are reminded that provision or acceptance of a general notification according to paragraph 7 of article 3 addresses only the requirement for written consent for each shipment of mercury. It does not absolve Parties of other obligations under the Convention, in particular under paragraphs 6 and 8 of article 3 (see form C).

Section A: Contact information for general notifications of consent

Name of Party or non-Party:

Name of designated national focal point
or name of government agency and official:

Address:

Tel:

Fax:

E-mail:

Guidance

For a Party, the contact is usually the national focal point designated in accordance with article 17. In some cases, however, a Party may have a specific contact for purposes of trade in mercury. In both of these cases the contact information would be made publicly available by the Secretariat. If neither of the above is in place, communication will be effected through the Party's ministry of foreign affairs, for instance through its permanent mission in Geneva.

In the case of non-Parties, it is their responsibility to determine who their responsible government officials will be.

Section B: General notification of consent

My Government hereby provides a general notification of consent to imports of mercury. An exporting Party may rely on this general notification as the written consent required by article 3, paragraph 6, of the Convention.

Section C: Terms and conditions of general notification

Please use the space below to specify any terms and conditions:

Guidance

This section provides an opportunity to specify any terms and conditions that an importing Party may wish to specify in connection with a general notification. It is not intended that a Party would specify a requirement for consent prior to import as a condition of a general notification, as a Party could give consent using form A without submitting a general notification.

Section D: Certification by a non-Party (this section is not applicable to Parties)

In accordance with article 3, paragraph 6, of the Convention, my Government certifies that:

It has measures in place to ensure the protection of human health and the environment and to ensure its compliance with the provisions of articles 10 and 11 of the Convention. Please provide appropriate documentation demonstrating such measures. Such documentation may include procedures, legislation, regulations or other measures at the national level and shall provide sufficient detail to demonstrate the effectiveness of such measures; and

The imported mercury covered by this general notification of consent will be used only for a use allowed to a Party under the Convention or for environmentally sound interim storage as set out in article 10 of the Convention.

For uses allowed under the Convention or for environmentally sound interim storage, please provide information if available about the intended use of the mercury.

Guidance

This section provides a certification by a non-Party in relation to measures in place with regard to the protection of human health and the environment. Certification is required to demonstrate the existence of such measures, which may take the form of relevant procedures, legislation or regulations or other measures at the national level that have been put in place. The certification must provide sufficient detail to demonstrate the effectiveness of such measures. A statement that the mercury covered by the general notification of consent will only be used for a use allowed under the Convention is required, and additional information about the intended use of the mercury is also requested.

Signature of responsible government official and date

Name:

Title:

Signature:

Date:

Guidance

It is the responsibility of each non-Party to determine who will serve as its responsible government official. This should be the same contact point as indicated in section A of this form.

Part II: Guidance on the use of form E

Guidance on completing the notification for the register of information supplied by Parties choosing not to apply paragraph 8 of article 3 of the Minamata Convention on Mercury

Form E is to be used in the case where a Party chooses to apply paragraph 9 of article 3.

FORM E

Notification for the register of information supplied by Parties choosing not to apply paragraph 8 of article 3 of the Minamata Convention on Mercury

Name of Party:

Comprehensive 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.

Guidance

The notification for the register of information supplied by Parties choosing not to apply paragraph 8 of article 3 of the Minamata Convention on Mercury requires that any such Party, in accordance with paragraph 9 of article 3, provide details of the comprehensive restrictions on the export of mercury that it has in place, as well as the measures that it has in place to ensure the environmentally sound management of imported mercury. The form also provides for the Party to provide information regarding mercury imported from non-Parties, including the country of origin and the quantity imported. This information is maintained on a public register and is therefore accessible. All measures in place should be described in sufficient detail.

Annex II

Draft guidance on the identification of individual stocks of mercury or mercury compounds exceeding 50 metric tons and sources of mercury supply generating stocks exceeding 10 metric tons per year

Background

1. Paragraph 5 (a) of article 3 of the Minamata Convention on Mercury provides that each Party “shall ... endeavour to identify 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, that are located within its territory”. Paragraph 12 of article 3 requires the Conference of the Parties to provide further guidance in regard to that issue at its first meeting. The present guidance is intended to assist Parties in fulfilling their obligation under paragraph 5 (a) of article 3.
2. In the development of the guidance, emphasis has been placed on the need for each Party to “endeavour to identify” individual stocks of mercury as well as sources of mercury supply. It is recognized that for some Parties the resources available to undertake these activities may be limited, and the guidance therefore includes an initial focus on desk studies. Information may also be collected through the development of mercury inventories, which is being facilitated in many countries through Minamata Convention initial assessment projects funded by the Global Environment Facility.
3. It should also be recognized that Parties have an obligation to take measures to ensure that the stocks are stored in an environmentally sound manner as provided for under article 10 of the Convention.

Definitions

4. In article 3 of the Minamata Convention, “mercury” is defined to include mixtures of mercury with other substances, including alloys of mercury with a mercury concentration of at least 95 per cent by weight, and “mercury compounds” is defined as “mercury (I) chloride (known also as calomel), mercury (II) oxide, mercury (II) sulphate, mercury (II) nitrate, cinnabar and mercury sulphide”. The article does not cover “quantities of mercury or mercury compounds to be used for laboratory-scale research or as a reference standard”, “naturally occurring trace quantities of mercury or mercury compounds present in such products as non-mercury metals, ores, or mineral products, including coal, or products derived from these materials, and unintentional trace quantities in chemical products”, or “mercury-added products.”

Individual stocks of mercury or mercury compounds exceeding 50 metric tons

5. The obligations set out in paragraph 5 (a) of article 3 relate to “individual stocks” of mercury or mercury compounds in the amounts specified. The term “individual stocks”, however, is not defined in the Convention. In the absence of a definition of “stocks” in the convention text, a “stock”, in this context, could be considered to be a quantity of mercury or mercury compounds accumulated or available for future use, but would not include quantities of mercury disposed of and managed as waste, nor mercury at a contaminated site, nor geologic reserves of mercury. In identifying stocks, it is important to consider both mercury and mercury compounds held at active premises and mercury and mercury compounds (that is not waste mercury) stored in decommissioned facilities. An individual stock would be identified when the aggregate weight of mercury or mercury compounds exceeded 50 metric tons. Parties may express the aggregate weight as a sum of the contribution of the various amounts of mercury within the compounds aggregated.
6. Where mercury or mercury compounds are not intended for a use allowed under the Convention, they fall under the definition of mercury wastes set out in Article 11, namely, “substances or objects ... 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 this Convention”. Thus, they should be managed as mercury waste and should therefore be excluded from the requirements of article 3. The particular requirements of paragraph 5 (b) of article 3 in relation to mercury that a Party determines to be excess mercury from the decommissioning of chlor-alkali facilities should be taken into consideration.

7. An “individual stock (not defined in the Convention) of mercury or mercury compounds” could be considered to be the total quantity of mercury or mercury compounds under the control of a Party, or an economic or legal entity, to be determined as the Party deems appropriate. An entity storing mercury in different locations will consider them combined as an individual stock.

8. The obligation in paragraph 5 (a) regarding identifying stocks exceeding 50 tons is an ongoing obligation, not limited to stocks in existence at the time of entry into force of the Convention for a Party. As stocks may be of a dynamic nature, depleted by the use of mercury for allowed uses and replenished by the generation of mercury from sources of mercury supply, it will be useful for a Party to keep track of the movement of mercury through commerce, perhaps by tracking the demand for or sale of mercury by the concerned entities, although ongoing tracking is not required by the Convention.

9. In determining the levels of mercury stocks at any given time, initial actions will rely on the identification of entities that may store or use mercury and related facilities. Such entities and facilities might include:

- (a) Mercury traders that buy and sell, including through imports and exports, mercury or mercury compounds and may have varying amounts on hand at any time;
- (b) Primary mercury mines, which may have stocks of mercury awaiting sale and therefore may have large quantities on hand at certain times, depending on demand;
- (c) Other facilities or activities – for instance recycling – that produce mercury or mercury compounds, including mercury waste treatment facilities, which may also have large stocks on hand, depending on the overall mercury demand or on whether mercury is held pending a final decision on whether it is destined for disposal;
- (d) National Governments, which may have stocks of mercury on hand resulting from the seizure of mercury and from authorized uses such as military storage;
- (e) Production facilities for mercury-added products or facilities that use processes that use mercury or mercury compounds, which may also maintain significant stocks of mercury depending on the supply chain and current demand.

10. The assessment of such facilities may be assisted by considering any registered exemptions under the Convention, as well as data presented under tools such as the global chlor-alkali inventory published by UNEP.¹ As is discussed above, information gathered through a national mercury inventory developed, for instance, under a Minamata Convention initial assessment may also assist in the identification of stocks, as well as in the consideration of permits issued to store mercury or mercury compounds if a system for issuing such permits is in place.

11. Following the identification of relevant facilities it may be useful to undertake a desk evaluation to determine whether the facilities hold stocks of more than 50 metric tons. This determination could be based on a mass balance approach by considering inputs, outputs, material generated and material consumed, e.g.:

- (a) Quantities and makeup of mercury or mercury compounds used;
- (b) Quantities of mercury or mercury compounds purchased;
- (c) Quantities of mercury waste disposed of or managed;
- (d) Quantities of mercury or mercury compounds sold;
- (e) Estimated quantities of mercury or mercury compounds lost to the environment or recovered from processes.

12. Information may be available from national processes for managing imports of mercury, from information on marketing mercury nationally and from registries of facilities subject to environmental permits. Reporting by facilities and the keeping of detailed records may facilitate such assessments. A detailed assessment of records relating to a facility may be useful, along with direct communication and on-site inspection.

¹ Available from www.unep.org/chemicalsandwaste/Mercury/GlobalMercuryPartnership/ChloralkaliSector/Reports/tabid/4495/language/en-US/Default.aspx.

13. In assessing the level of stocks actually held at facilities, visual inspection may be useful to verify the quantities of mercury held in storage. As a guide, a 35 kg flask of mercury would have approximate dimensions of 30 cm height and 12.5 cm diameter. A container for 1 metric ton of mercury would have the dimensions of approximately 50 cm height and 50 cm diameter. Based on this, 50 metric tons of mercury would fill at least 50 containers, which would occupy approximately 12.5 square metres of floor space.

Sources of mercury supply generating stocks exceeding 10 metric tons per year

14. There are a number of possible sources of mercury supply within the territory of a Party that may generate stocks exceeding an aggregate weight of 10 metric tons per year pursuant to Article 3. Such sources could be included in a Party's effort to identify sources of mercury supply. These sources do not include imports of mercury or mercury compounds as such imports are not sources located within the territory of the Party.

15. The identification of possible sources of mercury supply may be undertaken initially as a desk exercise, including an examination of records such as transaction records, evidence of the distribution of mercury or mercury compounds and import or export records that could be compared with estimated quantities used. The intention of such a comparison is to identify any significant discrepancies that may highlight previously unknown uses of mercury or indicate the existence of other sources of supply.

Guiding questions to aid in the identification of stocks of mercury or mercury compounds or sources of mercury supply

16. Taking into account the elements set out above, the following questions may assist in determining whether a country has stocks of mercury or mercury compounds exceeding 50 metric tons or sources of mercury supply that generate more than 10 metric tons per year:

- (a) Is primary mining occurring within the country's territory?
- (b) Are there identified sites where mercury is stored prior to use within the territory?
- (c) Are recycling or recovery activities that may produce mercury undertaken within the territory? If so, what quantity of mercury is produced by those activities?
- (d) Is there any proposed decommissioning of chlor-alkali plants, vinyl chloride monomer plants or other facilities with manufacturing processes in which mercury or mercury compounds are used?
- (e) Are there facilities that may result in the production of by-product mercury within the territory? If so, what quantity of mercury is generated by those facilities?

Annex III

Agreed changes to the guidance in documents UNEP(DTIE)/HG/INC.7/6/Add.1, Add.3 and Add.4

I. UNEP(DTIE)/HG/INC.7/6/Add.1

Annex I: Introduction

1.1 Purpose of document: replace with the following text:

“This document presents guidance related to best available techniques (BAT) and best environmental practices (BEP) to assist parties in implementing Article 8 of the Minamata Convention on Mercury (hereinafter referred to as “the Convention”), which concerns controlling and, where feasible, reducing emissions of mercury and mercury compounds to the atmosphere from the point sources falling within the source categories listed in Annex D to the Convention. The guidance has been prepared and adopted as required by Article 8: it does not establish mandatory requirements, nor does it attempt to add to, nor subtract from, a Party’s obligations under Article 8. Paragraph 10 of Article 8 requires Parties to take the guidance into account, and requires the Conference of the Parties to keep it under review, and update it as appropriate in order to reflect circumstances not currently fully covered in the guidance.

“In determining BAT, each Party will take account of its national circumstances in accordance with the definition of BAT contained in paragraph 2(b) of Article 2 that explicitly takes into account economic and technical considerations for a given Party or a given facility within its territory. It is recognized that some of the control measures described in this guidance may not be available to all Parties for technical or economic reasons. Financial support, capacity building, technology transfer, or technical assistance are made available as elaborated in Articles 13 and 14 of the Convention.

1.2 Structure of the guidance: add the following text between the third and fourth paragraphs (with consequent amendment to the table of contents):

“Appendix A contains information on some technologies that were considered not to be of sufficient maturity to be included in the body of the guidance but which may of be interest in the future.”

Annex III: Monitoring

1 Introduction: add the following text as bis:

“bis. The preparation of the guidance has drawn on relevant experience at national and regional levels. Some of this experience has been referenced for information. The referencing of such information in no way prejudices the autonomy of the Conference of the Parties, or a Party’s autonomy in accordance with Article 8. Any references to costs are based on information at the time of preparation of the guidance document. It is noted that costs are expected to change over time.”

Annex IV: Coal-fired power plants and coal-fired industrial boilers

4 Emerging techniques: move this section to appendix A.

Annex V: Smelting and roasting processes used in the production of non-ferrous metals (lead, zinc, copper and industrial gold as specified in Annex D to the Convention)

4 Emerging and other processes: move this section to appendix A

Annex VI: Waste incineration facilities

4 Emerging techniques: move this section to appendix A

New appendix A: Emerging techniques

Insert the following as an introductory paragraph:

“The technical experts developing the guidance on BAT and BEP identified several techniques that, although they may still be at the bench or pilot stage, have already shown promising mercury control

effectiveness. The emerging techniques are either dedicated to mercury emission control or designed for multi-pollutant emission control. Information on some of these techniques is provided below. It is recognized that these techniques may not yet be widely available and that some parties will require capacity-building and training to enable them to keep such techniques under review and to evaluate their suitability.”

Insert sections moved from Annexes IV, V and VI as indicated above.

II. UNEP(DTIE)/Hg/INC.7/6/ADD.3

Paragraph 6: replace final sentence with the following:

“Each Party should keep under review the sources to be controlled to ensure that this obligation is still met.”

Paragraph 13: delete

III. UNEP(DTIE)/Hg/INC.7/6/ADD.4

Section entitled “Making the data publicly accessible and searchable”: replace the first sentence of the first paragraph with the following (suggested new text is underlined):

“Individual facility emissions data and emissions summary reports containing non-confidential information, as well as the methodologies or monitoring methods used, should be made available to the public, consistent with the parties’ obligation under Article 18 (Public information, awareness and education).”

Annex IV

Draft memorandum of understanding between the Conference of the Parties of the Minamata Convention on Mercury and the Council of the Global Environment Facility

The Conference of the Parties to the Minamata Convention on Mercury (hereinafter the “Conference of the Parties”) and the Council of the Global Environment Facility (hereinafter the “Council”),

Recalling paragraph 5 of Article 13 of the Convention, which defines a Mechanism for the provision of adequate, predictable and timely financial resources to support developing country Parties and Parties with economies in transition in implementing their obligations under the Convention, and paragraph 6 of Article 13, which establishes that the Mechanism “shall include the Global Environment Facility Trust Fund; and a specific international Programme to support capacity-building and technical assistance”;

Recalling also paragraph 7 of Article 13 of the Convention, which states that the Global Environment Facility Trust Fund “shall provide new, predictable, adequate and timely financial resources to meet costs in support of implementation of this Convention as agreed by the Conference of the Parties” and that it “shall be operated under the guidance of and be accountable to the Conference of the Parties”, which “shall provide guidance on overall strategies, policies, programme priorities and eligibility for access to and utilization of financial resources” as well as “guidance on an indicative list of categories of activities that could receive support from the Global Environment Facility Trust Fund”;

Recalling further paragraph 7 of Article 13 of the Convention, which stipulates that the Global Environment Facility Trust Fund “shall provide resources to meet the agreed incremental costs of global environmental benefits and the agreed full costs of some enabling activities”, and paragraph 8 of Article 13, which specifies that in providing resources for an activity, the Global Environment Facility Trust Fund “should take into account the potential mercury reductions of a proposed activity relative to its costs”;

Recalling paragraph 6 of the Instrument for the Establishment of the Restructured Global Environment Facility, as amended at the fifth Assembly of the Global Environment Facility, held in May 2014, which provides that the Global Environment Facility will “[o]perate as one of the entities comprising the financial mechanism of the Minamata Convention on Mercury...”;

Having consulted each other and taking into account the relevant aspects of their governance structures as reflected in their constituent instruments,

Have reached the following understanding:

Definitions

1. For the purpose of the present memorandum of understanding:
 - (a) “Assembly” means the Assembly of the Global Environment Facility (GEF) as defined in the Instrument for the Establishment of the Restructured Global Environment Facility;
 - (b) “Conference of the Parties” means the Conference of the Parties to the Minamata Convention on Mercury;
 - (c) “Convention” means the Minamata Convention on Mercury;
 - (d) “Council” means the Council of the GEF as defined in the Instrument for the Establishment of the Restructured Global Environment Facility;
 - (e) “GEF” means the mechanism established by the Instrument for the Establishment of the Restructured Global Environment Facility;
 - (f) “GEF Instrument” means the Instrument for the Establishment of the Restructured Global Environment Facility;
 - (g) “Party” means Party to the Minamata Convention on Mercury; and
 - (h) “Mercury” means the substances covered under the Minamata Convention on Mercury.

Purpose

2. The purpose of the present memorandum of understanding is to make provision for the relationship between the Conference of the Parties and the Council in order to give effect to the provisions relating to the GEF Trust Fund in paragraphs 5, 6, 7, 8, 10 and 11 of Article 13 of the Convention and paragraphs 6, 26 and 27 of the GEF Instrument.

Guidance from the Conference of the Parties

3. The Conference of the Parties will provide GEF with appropriate guidance in accordance with paragraph 7 of Article 13 of the Convention. The guidance will address overall strategies, policies, programme priorities and eligibility for access to and utilization of financial resources, as well as an indicative list of categories of activities that could receive support from the GEF Trust Fund. No later than at its third meeting, and thereafter on a regular basis, the Conference of the Parties will review such guidance pursuant to paragraph 11 of Article 13 and may on the basis of such review decide to update or revise it. Subsequently, the Conference of the Parties will agree with GEF upon any additional arrangements beyond the present memorandum of understanding that may be necessary.

Conformity with guidance from the Conference of the Parties

4. The Council will ensure the effective operation of GEF as a source of funding activities for the purposes of the Convention in conformity with the guidance provided to it by the Conference of the Parties.

5. The Council may raise with the Conference of the Parties any matter arising from the guidance adopted by the Conference of the Parties. In particular, if the Conference of the Parties provides guidance to GEF subsequent to its first meeting, the Council may consult with the Conference of the Parties to update and clarify existing guidance in light of any new or additional guidance that it receives.

6. Funding decisions for specific projects and activities should be agreed between the developing-country Party or the Party with an economy in transition concerned and GEF in accordance with the overall strategies, policies, programme priorities and eligibility for access to and utilization of financial resources established by the Conference of the Parties. The GEF Council is responsible for approving the GEF work programmes. If a Party considers that a decision of the Council regarding a specific project is not consistent with the guidance provided by the Conference of the Parties in the context of the Convention, and if after consideration the Conference of the Parties decides that the concern of the relevant Party has merit, the Conference of the Parties will seek clarification from GEF and analyse the observations presented to it by the concerned Party and the response by GEF. In the event that the Conference of the Parties considers that the project decision by the GEF Council is not consistent with the overall strategies, policies, programme priorities and eligibility for access to and utilization of financial resources established by the Conference of the Parties, it may request GEF to propose and implement a course of action to address the concern regarding the project in question.

Reporting

7. In order to meet the requirements of accountability to the Conference of the Parties, the Council will prepare and submit reports for consideration by the Conference of the Parties at each of its ordinary meetings. The reports of the Council will be official documents of the meetings of the Conference of the Parties.

8. The reports of the Council will include information on GEF activities related to the Convention and on the consistency of those activities with the guidance provided by the Conference of the Parties, as well as any decision of the Conference of the Parties communicated to GEF, under Article 13 of the Convention.

9. In particular, the reports will provide:

(a) Information on how GEF has responded to the guidance provided by the Conference of the Parties, including, where appropriate, through the incorporation of the guidance into the strategies and operational policies of GEF;

(b) A synthesis of projects approved by the Council and projects being implemented during the reporting period in relation to mercury, with an indication of GEF and other resources allocated to each such project and the implementation status of each project;

(c) In the case of any project proposal included in a work programme that is not approved by the Council, an explanation of why it was not approved.

10. The Council will also report on GEF monitoring and evaluation activities concerning projects in the chemicals and waste focal area in relation to mercury.
11. The Council will also provide information on other matters concerning the discharge of functions under paragraph 5 of Article 13 as it relates to the GEF Trust Fund as may be requested by the Conference of the Parties. If the Council has difficulties in responding to any such request, it will explain its concerns to the Conference of the Parties, and the Conference of the Parties and the Council will find a mutually agreed solution.
12. The Council will include in its reports to the Conference of the Parties any views that it may have regarding the guidance provided by the Conference of the Parties.
13. The Conference of the Parties may raise with the Council any matter arising from the reports received from the Council and seek GEF clarification and explanation.

Monitoring and evaluation

14. As provided for in paragraph 11 of Article 13 of the Convention, the Conference of the Parties will review, no later than at its third meeting, and thereafter on a regular basis, the level of funding, the guidance provided by the Conference of the Parties to GEF as one of the two entities entrusted to operationalize the Mechanism established under Article 13, and the effectiveness of GEF and its ability to address the changing needs of developing-country Parties and Parties with economies in transition. The Conference of the Parties shall, based on such review, take appropriate action to improve the effectiveness of the Mechanism.
15. In preparing its review of GEF as one of the two entities of the financial Mechanism under the Convention, the Conference of the Parties will, as appropriate, take into account the reports of the GEF Independent Evaluation Office and the views of GEF. The GEF Independent Evaluation Office will consult, as appropriate, the secretariat of the Convention when preparing evaluations of the activities of GEF related to mercury.
16. The Conference of the Parties will, on the basis of the above-mentioned reviews, communicate to the Council relevant decisions taken by the Conference of the Parties as a result of such reviews to improve the performance and effectiveness of GEF in assisting developing-country Parties and Parties with economies in transition in the implementation of their obligations under the Convention.

Cooperation between secretariats

17. The secretariat of the Convention and the secretariat of GEF will communicate and cooperate with each other and consult on a regular basis to facilitate the effectiveness of GEF in assisting developing-country Parties and Parties with economies in transition to implement their obligations under the Convention.
18. In particular, in accordance with the GEF project cycle the secretariat of the Convention will be invited to comment on the project proposals related to mercury under consideration for inclusion in a proposed work programme, especially with regard to their consistency with the guidance provided by the Conference of the Parties.
19. The secretariats of the Convention and GEF will consult each other on draft texts of documents relevant to both the Convention and GEF prior to issuing the final texts of such documents and take any comments into account in their finalization.
20. Official documentation of GEF, including information on project activities, and of the Convention will be made available on the respective websites of GEF and the Convention.

Reciprocal representation

21. On a reciprocal basis, representatives of GEF will be invited to attend meetings of the Conference of the Parties and relevant subsidiary bodies as appropriate, and representatives of the Convention will be invited to attend meetings of the Council and Assembly and other relevant meetings.

Amendments

22. The present memorandum of understanding may be amended at any time by written agreement between the Conference of the Parties and the Council.

Interpretation

23. If differences arise in the interpretation of the present memorandum of understanding, any issue may be referred, as appropriate, to the Conference of the Parties and the Council of GEF for consideration. The Conference of the Parties and the Council will make every effort to reach a mutually acceptable solution.

Entry into effect

24. The present memorandum of understanding will come into effect upon approval by the Conference of the Parties and by the Council.

Withdrawal

25. Either the Conference of the Parties or the Council may terminate the present memorandum of understanding at any time upon written notification to the other. The termination will take effect six months after such notification and shall not affect the validity or duration of activities initiated before such termination.

Annex V

Draft guidance to the Global Environment Facility on overall strategies, policies, programme priorities and eligibility for access to and utilization of financial resources as well as on an indicative list of categories of activities that could receive support from the Global Environment Facility Trust Fund

1. Pursuant to article 13 of the Minamata Convention on Mercury, the present guidance is intended to assist the Global Environment Facility (GEF) in fulfilling its role as one of the entities entrusted with the operation of the financial mechanism of the Minamata Convention.

I. Eligibility for access to and utilization of financial resources

2. To be eligible for funding from GEF as one of the entities comprising the financial mechanism of the Minamata Convention on Mercury, a country must be a Party to the Convention and must be a developing country or a country with an economy in transition.

3. Activities that are eligible for funding from the GEF trust fund are those that seek to meet the objectives of the Convention and are consistent with the present guidance.

4. [Signatories to the Convention are eligible for funding from GEF for enabling activities, provided that any such signatory is taking meaningful steps towards becoming a Party as evidenced by a letter from the relevant minister to the Executive Director of the United Nations Environment Programme and to the Chief Executive Officer and Chairperson of the Global Environment Facility.]

II. Overall strategies and policies

5. In accordance with Article 13, paragraph 7, of the Convention, the GEF trust fund shall provide new, predictable, adequate and timely financial resources to meet costs in support of implementation of the Convention as agreed by the Conference of the Parties, including costs arising from activities that:

- (a) Are country-driven;
- (b) Are in conformity with programme priorities as reflected in relevant guidance provided by the Conference of the Parties;
- (c) Build capacity and promote the utilization of local and regional expertise, if applicable;
- (d) Promote synergies with other focal areas;
- (e) Continue to enhance synergies and co-benefits within the chemicals and waste focal area;
- (f) Promote multiple-source funding approaches, mechanisms and arrangements, including from the private sector, if applicable; and
- (g) Promote sustainable national socioeconomic development, poverty reduction and activities consistent with existing national sound environmental management programmes geared towards the protection of human health and the environment.

III. Programme priorities

6. In accordance with article 13, paragraph 7, of the Convention, the GEF trust fund shall provide resources to meet the agreed incremental costs of global environmental benefits and the agreed full costs of some enabling activities.

7. In particular, it should give priority to the following activities when providing financial resources to developing-country Parties and Parties with economies in transition:

- (a) Enabling activities, particularly Minamata Convention initial assessment activities and national action plans for artisanal and small-scale gold mining;
- (b) Activities to implement the provisions of the Convention, affording priority to those that:
 - (i) Relate to legally binding obligations;

- (ii) Facilitate early implementation on entry into force of the Convention for a Party;
- (iii) Allow for reduction in mercury emissions and releases and address the health and environmental impacts of mercury.

8. In providing resources for an activity, GEF should take into account the potential mercury reductions of a proposed activity relative to its costs in accordance with paragraph 8 of article 13 of the Convention.

IV. Indicative list of categories of activities that could receive support

A. Enabling activities

1. **Minamata Convention initial assessments (MIAs)**
2. **Preparation of national action plans for artisanal and small-scale gold mining in accordance with paragraph 3 of article 7 and Annex C**
3. **Other types of enabling activities as agreed by the Conference of the Parties**

B. Activities to implement the provisions of the Convention

1. **Activities to implement the provisions of the Convention that relate to legally binding obligations**

9. When providing financial resources to eligible Parties for activities to implement the provisions of the Convention, GEF should afford priority to those activities that relate to legally binding obligations of Parties under the Convention and should take into account the potential mercury reductions of a proposed activity relative to its costs. Such activities could include those related to the following areas, listed in no particular order:

- Mercury supply sources and trade;
- Mercury-added products;
- Manufacturing processes in which mercury or mercury compounds are used;
- Artisanal and small-scale gold mining;
- Emissions;
- Releases;
- Environmentally sound interim storage of mercury, other than waste mercury;
- Mercury wastes;
- Reporting;
- Relevant capacity-building, technical assistance and technology transfer in relation to the above.

2. **Activities to implement the provisions of the Convention that facilitate early implementation on entry into force of the Convention for a Party**

10. When considering activities to implement the provisions of the Convention that facilitate early implementation on entry into force, GEF should also consider providing support for activities that, although they are not the subject of a legal obligation under the Convention, may significantly contribute to a Party's preparedness to implement the Convention upon its entry into force for that country.

11. Within the context of the GEF mandate, such activities could include, inter alia, support for:

- (a) With regard to emissions, the development by Parties with relevant sources of emissions of national plans setting out the measures to be taken to control emissions and their expected targets, goals and outcomes;
- (b) With regard to releases, the development by Parties with relevant sources of releases of national plans setting out the measures to be taken to control releases and their expected targets, goals and outcomes;
- (c) With regard to contaminated sites, capacity-building for the development of strategies for identifying and assessing sites contaminated by mercury or mercury compounds and, as appropriate, the remediation of those sites;

- (d) Information exchange;
- (e) Public information, awareness and education;
- (f) Cooperation in the development and improvement of research, development and monitoring;
- (g) Development of implementation plans following initial assessments.

3. Activities to implement the provisions of the Convention that allow for the reduction of mercury emissions and releases and address both the health and environmental impacts of mercury

12. Activities to implement the provisions of the Convention that allow for the reduction of mercury emissions and releases and address both the health and environmental impacts of mercury may encompass activities relating to both binding and non-binding provisions, with priority to the legally binding provisions discussed above, that accord with the GEF mandate to deliver global environmental benefits and reflect the GEF chemicals and waste focal area strategy.

V. Review by the Conference of the Parties

13. In accordance with paragraph 11 of article 13, the Conference of the Parties will review, no later than at its third meeting, and thereafter on a regular basis, the level of funding, the guidance provided by the Conference of the Parties to GEF as one of the entities entrusted with operationalizing the mechanism established under this article and the mechanism's effectiveness and ability to address the changing needs of developing-country Parties and Parties with economies in transition. On the basis of such review, the Conference of the Parties will take appropriate action to improve the effectiveness of the financial mechanism, including by updating and prioritizing as necessary its guidance to GEF.

Annex VI

I. Draft decision on the specific international programme to support capacity-building and technical assistance

The Conference of the Parties,

Recalling article 13 of the Minamata Convention on Mercury, which establishes a financial mechanism to support developing-country Parties and Parties with economies in transition in implementing their obligations under the Convention, and that the mechanism includes the Global Environment Facility Trust Fund and a specific international programme to support capacity-building and technical assistance,

Also recalling paragraph 6 of resolution 2 on financial arrangements of the Final Act of the Conference of Plenipotentiaries of the Minamata Convention on Mercury, in which the Conference requested the intergovernmental negotiating committee to develop a legally binding instrument on mercury “to develop for consideration by the Conference of the Parties at its first meeting a proposal for the hosting institution for the specific international programme, including any necessary arrangements with the hosting institution, as well as guidance on the operation and duration of that programme”,

1. *Decides* that the hosting institution referred to in paragraph 9 of article 13 is provided by the United Nations Environment Programme;
2. *Approves* the necessary hosting arrangements, as well as guidance on the operations and duration of that programme, set out in the appendix to the present decision;
3. *Requests* the Executive Director of the United Nations Environment Programme to establish a trust fund for the specific international programme;
4. *Requests* the Executive Director of the United Nations Environment Programme to implement the governance arrangements set out in the appendix to the present decision.

Appendix

Hosting arrangements, guidance on the operations of and duration of the specific international programme

A. Governance arrangements for the specific international programme

1. The Executive Director of UNEP will deliver administrative support to the programme, through the allocation of human and other resources, through the [United Nations Environment Programme¹] [Secretariat of the Minamata Convention].
2. [To facilitate the hosting arrangements, a memorandum of understanding will be developed between the Conference of the Parties to the Convention and the United Nations Environment Programme, clearly defining, among other issues, the roles and responsibilities, cost-effective fees (administrative charges), accountability framework and reporting requirements.]

The Conference of the Parties will establish [an executive board] [a specific international programme committee], which will oversee and implement its guidance, including decision-making on projects and project management.

B. Guidance on the specific international programme

1. Scope

3. The specific international programme is to support capacity-building and technical assistance in accordance with paragraph 6 (b) of article 13.

2. Eligibility

4. Developing-country Parties and Parties with economies in transition are eligible for resources under the financial mechanism in accordance with paragraph 5 of article 13 of the Convention. The specific international programme should also take full account of the specific needs and special

¹ UNEP Division of Technology, Industry and Economics, Chemicals and Waste Branch.

circumstances of Parties that are small island developing States and least developed countries in line with paragraph 4 of article 13.

5. Non-Parties are not eligible to apply for funding but can participate in some activities undertaken by the specific international programme upon invitation by a Party, on a case-by-case basis.

6. In presenting projects, eligible Parties may consider the participation of implementing and executing agencies or other actors, such as non-governmental organizations and the regional and subregional centres of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the Stockholm Convention on Persistent Organic Pollutants.

3. Operations

7. The specific international programme will be guided in its operations as follows. It should:

(a) Be country-driven, taking into consideration national priorities, country ownership and the sustainable implementation of the obligations under the Convention;

(b) Ensure complementarity and avoid duplication with other existing arrangements to provide capacity-building and technical support, in particular the Global Environment Facility and the Special Programme to support institutional strengthening at the national level for implementation of the Basel Convention, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention, the Minamata Convention and the Strategic Approach to International Chemicals Management, as well as other existing assistance frameworks;

(c) Build upon lessons learned and engage at the national and regional levels, including by encouraging South-South cooperation; and

(d) Be consistent with the integrated approach to financing the sound management of chemicals and waste, as relevant to the implementation of the Convention.

4. Resources

8. Resources for the specific international programme shall include financial and in-kind contributions and expertise. Contributions of resources are encouraged from a broad range of sources. This includes all Parties to the Minamata Convention with the capacity to contribute, as well as other relevant stakeholders, including Governments, the private sector, foundations, non-governmental organizations, intergovernmental organizations, academia and other types of civil-society actors;

9. A resource mobilization strategy for the specific international programme should be developed by the secretariat in consultation with the [executive board] [specific international programme committee] with a view to achieving the objective of the Convention and attracting a broad range of donors, building on lessons learned in other areas. It should include approaches whose purpose is to leverage resources, including in-kind resources, from non-State actors;

10. Other sources of resources for the specific international programme may be leveraged through its coordination with other relevant programmes and initiatives, including:

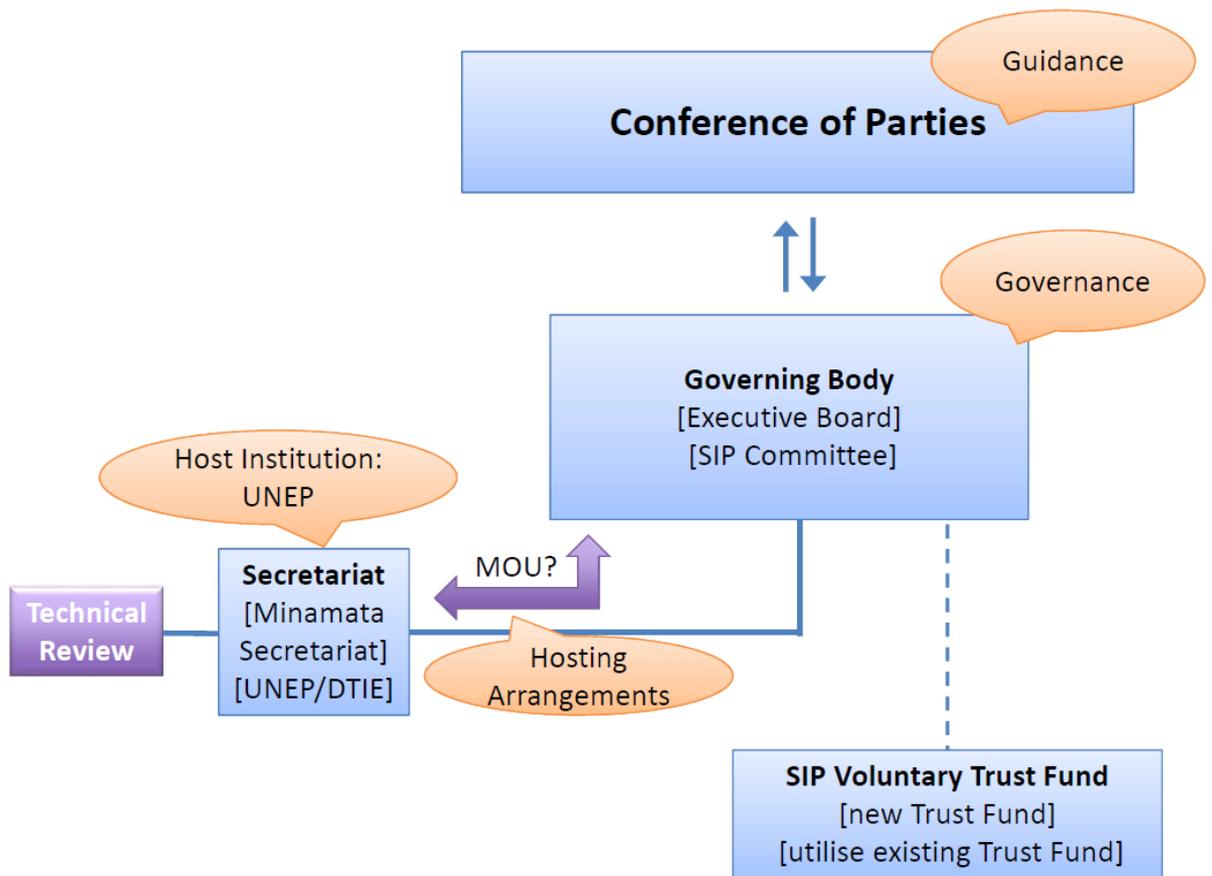
(a) Linkages with existing programmes and initiatives to seek co-benefits where possible;

(b) Promoting and leveraging partnerships and collaboration as appropriate, building on lessons learned from other conventions.

C. Duration

11. The specific international programme will be open to receive voluntary contributions and applications for support for [a fixed time period] [an unlimited period] [a period determined as part of the review of the financial mechanism in accordance with paragraph 11 of article 13].

II. Schematic diagram showing governance options for each possible location of the specific international programme within UNEP



Annex VII

Draft reporting format for the Minamata Convention on Mercury

Reporting on measures to be taken to implement the provisions of the Convention, the effectiveness of such measures and the challenges encountered

INSTRUCTIONS

Pursuant to article 21 of the Minamata Convention on Mercury, each Party to the Convention shall report to the Conference of the Parties on the measures it has taken to implement the provisions of the Convention, on the effectiveness of such measures and on possible challenges in meeting the objectives of the Convention.

Parties are requested to use the attached reporting format to report in accordance with article 21. An electronic version of the format is available for download from the Convention home page: <http://www.mercuryconvention.org>. Hard copies and electronic versions in CD format are also available upon request from the secretariat (see below for contact details). Subsequent to the submission of each party's first report, the secretariat will send out an electronic version of the Party's previous report so that it can be updated as appropriate.

Part A of the reporting format calls for general information on the Party for which the report is being submitted, such as the name and contact details of the national focal point submitting the report on behalf of the Party. It is expected that the national focal point will have been designated by the Party in accordance with article 17, paragraph 4, of the Convention. It is important that all relevant information be provided in order to assist the secretariat in identifying the completed report.

Part B of the format calls for information on the measures taken by the reporting Party to implement the relevant provisions of the Minamata Convention and on the effectiveness of such measures in meeting the objectives of the Convention. [Note that questions that are labelled "supplemental information" are discretionary, but Parties are strongly encouraged to complete these aspects where they have relevant information.]]

Note that the effectiveness of implementing measures that are described by a Party is separate from the evaluation of the effectiveness of the treaty under Article 22. Description of the effectiveness of the implementing measures should be provided based on a Party's particular situation and capabilities, but should nevertheless be handled as consistently as possible in the Party's report. If any requested information is not available, or if the Party would like to provide further information, this should be indicated, along with an explanation.

Part C provides an opportunity to comment on possible challenges in meeting the objectives of the Convention.

Part D provides an opportunity to comment on the reporting format and possible improvements.

Additional information to supplement that requested may be attached.

The reporting forms must be submitted to the Conference of the Parties through the Minamata Convention secretariat. Further information and assistance may be sought from the secretariat at the following address:

Secretariat for the Minamata Convention

United Nations Environment Programme

To be completed

Internet home page: www.mercuryconvention.org

Part A

MINAMATA CONVENTION ON MERCURY NATIONAL REPORT PURSUANT TO ARTICLE 21	
1. 1. INFORMATION ON THE PARTY	
Name of Party	
Date on which its instrument of ratification, accession, approval or acceptance was deposited	<i>(day/month/year)</i>
Date of entry into force of the convention for the Party	<i>(day/month/year)</i>
2. INFORMATION ON THE NATIONAL FOCAL POINT	
Full name of the institution	
Name and title of contact officer	
Mailing address	
Telephone number	
Fax number	
E-mail	
Web page	
3. INFORMATION ABOUT THE CONTACT OFFICER SUBMITTING THE REPORTING FORMAT IF DIFFERENT FROM THE ABOVE	
Full name of the institution	
Name and title of contact officer	
Mailing address	
Telephone number	
Fax number	
E-mail	
Web page	
[4. PERIOD REPORTED]	<i>[First report for the period (day/month/year) to (day/month/year)]</i>
5. DATE THE REPORT WAS SUBMITTED	<i>(day/month/year)</i>

Part B

* Article 3: Mercury supply sources and trade

1. Does the Party have any primary mercury mines that were operating within its territory at the date of entry into force of the Convention for the Party? (Para. 3.)

- Yes
 No

If **yes**, please indicate:

- a) the anticipated date of closure of the mine(s): (*month, year*) OR
 b) the date upon which the mine(s) closed: (*month, year*)
 c) *Total amount mined _____ tons per year

2. Does the Party have any primary mercury mines that are now in operation that were not in operation at the time of entry into force of the Convention for the Party? (Para. 3, para. 11.)

- Yes
 No

If **yes**, please explain.

3. Has the Party endeavoured to identify individual stocks of mercury or mercury compounds exceeding 50 metric tons and sources of mercury supply generating stocks exceeding 10 metric tons per year that are located within its territory? (Para. 5.)

- Yes
 No

a) If the Party answered Yes to Question 3 above:

- i. Please attach the results of your endeavour or indicate where it is available on the internet.
 ii. If available, please provide any related information, for example on the use or disposal of mercury from such stocks and sources.

b) If the Party answered No above, please explain.

4. Does the Party have excess mercury available from the decommissioning of chlor-alkali facilities? (Para. 5. (b).)

- Yes
 No

If **yes**, please explain the measures taken to ensure that the excess mercury was disposed of in accordance with the guidelines for environmentally sound management referred to in paragraph 3 (a) of Article 11 using operations that did not lead to recovery, recycling, reclamation, direct re-use or alternative uses. (Para. 5 (b), para. 11.)

5. Has the Party received consent, or relied on a general notification of consent, in accordance with Article 3, including any required certification from importing non-Parties, for all exports of mercury from the Party's territory in the reporting period. (Para. 6, para. 7.)

- Yes, exports to Parties
 Yes, exports to non-Parties:
 No

If **yes**,

- a. and the Party has submitted copies to the Secretariat, then no further information is needed.

*

[Reporting frequency equal to or less than four years.]

If the Party has not previously provided such copies, it is recommended that it do so.

Otherwise, please provide other suitable information showing that the relevant requirements of paragraph 6 of Article 3 have been met.

If available, please provide information on the use of the exported mercury.

b. If exports were based on a general notification in accordance with Article 3, paragraph 7, please indicate, if available, the total amount exported and any relevant terms or conditions in the general notification related to use.

[Alt 5. For any imports for trade with non-Parties, did the exporting non-Party provide certification that the mercury is not from sources identified under paragraph 3 or paragraph 5(b) of Article 3? (Para. 8, para. 9.)

Yes

No

There were no imports from non-Parties

The Party has applied paragraph 9 of Article 3

If **yes** and the Party has submitted copies to the Secretariat then no further information is requested. If the Party has not provided such copies, it is recommended it do so.

If the Party has applied paragraph 9 of Article 3, has the Party provided information on the quantities and countries of origin of mercury from non-Parties?]

[If available, please provide information on the quantities[, exporters and importers.]

[6. Has the Party allowed the import of mercury from a non-Party?

Yes

No

If **yes**, did the non-Party provide certification that the mercury is not from sources identified under paragraph 3 or paragraph 5 (b) of article 3? (Para. 8.)

Yes

No

If **no**, please explain.]

[7. Has the Party invoked paragraph 9 of article 3 and decided not to apply paragraph 8? (Para. 9.)

Yes

No

If **yes**, has the Party submitted a notification of a decision to not apply paragraph 8 to the secretariat?

Yes

No

If **no**, please explain.]

[8. Do you have any other general comments on Article 3?]

Article 4: Mercury-added products

1. Has the Party taken any appropriate measures to not allow the manufacture, import or export of mercury-added products listed in Part I of Annex A of the Convention after the phase-out date specified for those products? (Para.1.)

(If the Party is implementing paragraph 2, please skip to question 2.)

Yes

No

If **yes**, please provide information on the measures.

If **no**, has the Party registered for an exemption pursuant to Article 6?

Yes

No

If **yes**, for which products (please list)? (Para. 1, para. 2 (d).)

2. If **yes** (implementing paragraph 2 of article 4):
(Para. 2.)

Has the Party reported to the Conference of the Parties at the first opportunity a description of the measures or strategies implemented, including a quantification of the reductions achieved?
(Para. 2 (a).)

Yes

No

Has the Party implemented measures or strategies to reduce the use of mercury in any products listed in Part I of Annex A for which a de minimis value has not yet been obtained?
(Para. 2 (b).)

Yes

No

If **yes**, please provide information on the measures.

Has the Party considered additional measures to achieve further reductions?
(Para. 2 (c).)

Yes

No

If **yes**, please provide information on the measures.

3. Has the Party taken two or more measures for the mercury-added products listed in Part II of Annex A in accordance with the provisions set out therein? (Para. 3.)

Yes

No

If **yes**, please provide information on the measures.

4. Has the Party taken measures to prevent the incorporation into assembled products of mercury-added products whose manufacture, import and export are not allowed under Article 4? (Para. 5.)

Yes

No

If **yes**, please provide information on the measures.

5. Has the Party discouraged the manufacture and the distribution in commerce of mercury-added products not covered by any known use in accordance with Article 4, paragraph 6? (Para. 6.)

Yes

No

If **yes**, please provide information on the measures taken.

If **no**, has there been an assessment of the risks and benefits of the product that demonstrates environmental or health benefits? Has the Party provided to the Secretariat, as appropriate, information on any such product?

Yes

No

If **yes**, please name the product: _____

6. Do you have any other general comments on Article 4?

Article 5: Manufacturing processes in which mercury or mercury compounds are used

1. Are there facilities within the territory of the Party that use mercury or mercury compounds for the processes listed in Annex B of the Minamata Convention in accordance with paragraph 5 (b) of Article 5 of the Convention? (Para. 5.)

- Yes
- No
- Do not know (*please explain*)

If **yes**, please provide information on measures taken to address emissions and releases of mercury or mercury compounds from such facilities.

If available, please provide information on the number and type of facilities and the estimated annual amount of mercury or mercury compounds used in those facilities.

Please provide information on how much mercury (in metric tons) is used in the processes listed in the two first entries of Part II of Annex B in the last year of the reporting period.

2. Are measures in place to not allow the use of mercury or mercury compounds in manufacturing processes listed in Part I of Annex B after the phase-out date specified in that Annex for the individual process? (Para. 2, para. 5 (b).)

Chlor-alkali production:

- Yes
- No
- Not applicable (*do not have these facilities*)

If **yes**, please provide information on these measures.

Acetaldehyde production in which mercury or mercury compounds are used as a catalyst:

- Yes
- No
- Not applicable (*do not have these facilities*)

If **yes**, please provide information on these measures.

If **no** to either of the questions above, has the Party registered for an exemption pursuant to Article 6?

- Yes
- No

If **yes**, for which process(es)? (*please list*)

3. Are measures in place to restrict the use of mercury or mercury compounds in the processes listed in Part II of Annex B in accordance with the provisions set out therein? (Para. 3, Para. 5 (b).)

Vinyl chloride monomer production:

- Yes
- No
- Not applicable (*do not have these facilities*)

If **yes**, please provide information on these measures.

Sodium or potassium methylate or ethylate:

- Yes
- No
- Not applicable (*do not have these facilities*)

If **yes**, please provide information on these measures.

Production of polyurethane using mercury-containing catalysts:

- Yes
- No
- Not applicable (*do not have these facilities*)

If **yes**, please provide information on these measures.

4. Is there any use of mercury or mercury compounds in a facility using the manufacturing processes listed in Annex B that did not exist prior to the date of entry into force of the Convention for the Party? (Para. 6.)

- Yes
- No

If **yes**, please explain the circumstances.

5. Is there any facility that has been developed using any other manufacturing process in which mercury or mercury compounds are intentionally used that did not exist prior to the date of entry into force of the Convention? (Para. 7.)

- Yes
- No

If **yes**, please provide information on how the Party tried to discourage this development or that the Party has demonstrated the environmental and health benefits to the Conference of the Parties and that there are no technically and economically feasible mercury-free alternatives available providing such benefits.

Article 7: Artisanal and small-scale gold mining

1. Have steps been taken to reduce, and where feasible eliminate, the use of mercury and mercury compounds in, and the emissions and releases to the environment of mercury from, artisanal and small-scale gold mining and processing subject to Article 7 within your territory? (Para. 2.)

- Yes
- No
- There is no artisanal and small-scale gold mining and processing subject to Article 7 in which mercury amalgamation is used in the territory.

If **yes**, please provide information on the steps.

2. Has the Party determined and notified the secretariat that artisanal and small-scale gold mining and processing within its territory is more than insignificant?

- Yes
- No

If **no**, please proceed to Article 8 on emissions

3. Has the Party developed and implemented a national action plan and submitted it to the secretariat? (Para. 3 (a), para. 3 (b).)

- Yes
- No
- In progress

4. Attach your most recent review that must be completed under paragraph 3 (c) of Article 7, unless it is not yet due.

5. Has the Party cooperated with other countries or relevant intergovernmental organizations or other entities to achieve the objective of this article? (Para. 4.)

- Yes
- No

If **yes**, please provide information.

Article 8: Emissions

1. Identify any Annex D source categories for which there are new sources of emissions of mercury or mercury compounds as defined in paragraph 2 (c) of Article 8.

For each of those source categories describe the measures in place, including the effectiveness of such measures, to implement the requirements of paragraph 4 of Article 8.

Has the Party required the use of best available techniques or best environmental practices (BAT/BEP) to control and where feasible reduce emissions for new sources no later than 5 years after the date of entry into force of the Convention for the Party? (Para. 4.)

- Yes
- No (*please explain*)

2. Identify any Annex D source categories for which there are existing sources of emissions of mercury or mercury compounds as defined in paragraph 2 (e) of Article 8.

For each of those source categories, select and provide details on the measures implemented under paragraph 5 of Article 8 and explain the progress that these applied measures have achieved in reducing emissions over time in your territory:

- A quantified goal for controlling and, where feasible, reducing emissions from relevant sources;
- Emission limit values for controlling and, where feasible, reducing emissions from relevant sources;
- Use of BAT/BEP to control emissions from relevant sources;
- Multi-pollutant control strategy that would deliver co-benefits for control of mercury emissions;
- Alternative measures to reduce emissions from relevant sources.

Have the measures for existing sources under paragraph 5 of Article 8 been implemented no later than 10 years after the date of entry into force of the Convention for the Party?

- Yes
- No (*please explain*)

3. Has the Party prepared an inventory of emissions from relevant sources within 5 years of entry into force of the Convention for it? (Para. 7.)

- Yes
- No
- Have not been a Party for 5 years

If **yes**, when was the inventory last updated?

[If this information is publicly available, p][P]lease indicate where this inventory is available.
[SUPPLEMENTAL]

[If no such inventory exists, please explain.]

[4. Has the Party chosen to establish criteria to identify relevant sources covered within a source category? (Para. 2 (b).)

- Yes
- No

If **yes**, please explain how the criteria for any category include at least 75 percent of the emissions from that category and explain how the Party took into account guidance adopted by the Conference of the Parties.]

5. Has the Party chosen to prepare a national plan setting out the measures to be taken to control emissions from relevant sources and its expected targets, goals and outcomes? (Para. 3.)

- Yes

No

If **yes**, has the Party submitted its national plan to the Conference of the Parties under this article no later than 4 years after the date of entry into force of the Convention for your Party?

Yes

No (*please explain*)

Article 9: Releases

1. Are there, within the Party's territory, relevant sources of releases as defined in paragraph 2 (b) of Article 9? (Para. 4.)

Yes

No

Do not know (*please explain*)

If **yes**, please indicate the measures taken to address releases from relevant sources and the effectiveness of those measures. (Para. 5.)

2. Has the Party established an inventory of releases from relevant sources within 5 years of entry into force of the convention for it? (Para. 6.)

Yes

Relevant sources do not exist in the territory

Have not been a Party for 5 years

No (*please explain*)

If **yes**, when was the inventory last updated?

Please indicate where the information is available. [SUPPLEMENTAL]

Article 10: Environmentally sound interim storage of mercury, other than waste mercury

1. Has the Party taken measures to ensure that the interim storage of non-waste mercury and mercury compounds intended for a use allowed to a Party under the Convention is undertaken in an environmentally sound manner? (Para 2)

Yes

No

Do not know (*please explain*)

If **yes**, please indicate the measures taken to ensure that such interim storage is undertaken in an environmentally sound manner and the effectiveness of those measures.

Article 11: Mercury wastes[*]

1. Have measures outlined in Article 11, paragraph 3, been implemented for the Party's mercury waste? (Para. 3.)

Yes

No

If **yes**, please describe the measures implemented pursuant to paragraph 3, and please also describe the effectiveness of those measures:

[Are there facilities for managing [mercury waste][waste mercury] in the Party's territory?

Yes

No

Do not know (*please explain*)

If **yes**, please indicate the measures taken to ensure that [mercury waste][waste mercury] is managed in accordance with paragraph 3 of Article 11 and the effectiveness of those measures.]

[How much waste mercury has been subjected to disposal using operations that do not lead to recovery, recycling, reclamation, direct reuse or alternative uses under the reporting period? Please specify the type of final disposal operation?] [SUPPLEMENTAL]

Article 12: Contaminated sites

1. Has the Party endeavoured to develop strategies for identifying and assessing sites contaminated by mercury or mercury compounds in its territory? (Para. 1.)

Yes

No

Please elaborate

Article 13: Financial resources and mechanism

1. Has the Party undertaken to provide, within its capabilities, resources in respect of those national activities that are intended to implement the Convention in accordance with its national policies, priorities, plans and programmes? (Para. 1.)

Yes [(please specify)]

No [(please specify why not)]

[Please provide comments, if any.]

2. Has the Party, within its capability, contributed to the mechanism referred to in paragraph 5 of Article 13? (Para. 12.) [SUPPLEMENTAL]

(Please tick one box only)

Yes [(please specify)]

No [(please specify why not)]

[Please provide comments, if any.]

3. Has the Party provided financial resources to assist developing country Parties and/or Parties with economies in transition in the implementation of the Convention through other bilateral, regional and multilateral sources or channels? (Para. 3.) [SUPPLEMENTAL]

(Please tick one box only)

Yes [(please specify)]

No [(please specify why not)]

[Please provide comments, if any.]

Article 14: Capacity-building, technical assistance and technology transfer

1. Has the Party cooperated to provide capacity-building or technical assistance, pursuant to Article 14, to another Party to the Convention? (Para. 1.)

Yes *(Please specify)*

No *(Please specify)*

2. Has the Party received capacity-building or technical assistance pursuant to Article 14? (Para. 1.) [SUPPLEMENTAL]

Yes *(please specify)*

No *(Please specify)*

Please provide comments, if any.

3. Has the Party promoted and facilitated the development, transfer and diffusion of and access to, up-to-date environmentally sound alternative technologies? (Para. 3.)

(Please tick one box only)

Yes *(please specify)*

- No (*please specify why not*)
- Other (*please provide information*)

Article 16: Health aspects

1. Have measures been taken to provide information to the public on exposure to mercury in accordance with paragraph 1 of Article 16? [SUPPLEMENTAL]

- Yes
- No

If **yes**, describe the measures that have been taken.

If available, please provide information on the effectiveness of the measures.

2. Have any other measures been taken to protect human health in accordance with Article 16? (Para. 1.) [SUPPLEMENTAL]

- Yes
- No

If **yes**, describe the measures that have been taken.

If available, please provide information on the effectiveness of the measures.

Article 17: Information exchange

1. Has the Party facilitated the exchange of information referred to in Article 17, paragraph 1? (Para. 1.)

- Yes
- No

Please provide more information, if any.

Article 18: Public information, awareness and education

1. Have measures been taken to promote and facilitate the provision to the public of the kinds of information listed in Article 18, paragraph 1? (Para. 1.)

- Yes
- No

If yes, please indicate the measures that have been taken and the effectiveness of those measures?

Article 19: Research, development and monitoring

1. Has the Party undertaken any research, development and monitoring in accordance with paragraph 1 of article 19? (Para. 1.)

- Yes
- No

If **yes**, please describe these actions.

Part C: Comments regarding possible challenges in meeting the objectives of the Convention
(Art. 21, para. 1)

Part D: Comments regarding the reporting format and possible improvements
[SUPPLEMENTAL]

Annex VIII

A plan to assist the Conference of the Parties in initiating the establishment of arrangements for providing comparable monitoring data to facilitate the effectiveness evaluation

Mindful that the effectiveness evaluation includes all elements covered in paragraph 3 of article 22, the intergovernmental negotiating committee requests the secretariat, in consultation with national Governments, regional and subregional monitoring programmes and partnerships, the World Health Organization, regional representatives, regional and national institutions, academia, industry, civil society and others as appropriate:

- (a) To compile information on existing monitoring programmes and how they can contribute to an overall monitoring approach, including the availability of baseline information;
- (b) To develop a draft road map to include but not be limited to:
 - (i) Development of an outline of types of data that could be comparable on a regional basis, as well as their availability;
 - (ii) Creation of a draft framework for a global monitoring approach to integrate comparable results of future monitoring that countries and stakeholders may choose to undertake;
 - (iii) Development of a draft strategy for incorporating reports and other monitoring information that can be considered for evaluation of the Convention's effectiveness;
- (c) To draft a report with recommendations on the establishment of arrangements for providing comparable monitoring data on the presence and movement of mercury and mercury compounds in the environment as well as trends in levels of mercury and mercury compounds observed in biotic media and vulnerable populations, as provided for in paragraph 2 of article 22, including references for assessing baselines.

Annex IX

Draft financial rules for the Conference of the Parties, its subsidiary bodies and the secretariat of the Minamata Convention on Mercury

Scope

Rule 1

The present rules shall govern the financial administration of the Conference of the Parties to the Minamata Convention on Mercury, its subsidiary bodies and the Convention secretariat. In respect of matters not specifically provided for by the present rules, the Financial Regulations and Rules of the United Nations shall apply.

Financial period

Rule 2

The financial period shall be a calendar year. The biennial programme of work and budget of the Minamata Convention shall normally consist of two consecutive calendar years, the first of which shall be an even year.

Budget

Rule 3

1. The head of the secretariat of the Minamata Convention on Mercury shall prepare budget estimates for the following biennium in United States dollars showing projected income and expenditures for each year. The budget should be presented in a programmatic format [harmonized with the format used by the secretariats of the Basel Convention on the Control of Transboundary Movements 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 Pollutants¹]. The head of the secretariat shall dispatch the estimates, as well as the actual income and expenditure for each year of the previous biennium and estimates of actual expenditure in the current biennium, to all Parties to the Convention at least 90 days before the opening of the meeting of the Conference of the Parties at which the budget is to be adopted.
2. The Conference of the Parties shall, prior to the commencement of the financial period that the budget covers, consider the budget estimates and adopt an operational budget by consensus authorizing expenditures, other than those referred to in rule 4, paragraphs 3 and 4.
3. The head of the secretariat shall provide the Conference of the Parties with cost estimates for actions that have budgetary implications that are not foreseen in the draft programme of work but are included in proposed draft decisions prior to the adoption of those decisions by the Conference of the Parties.
4. Adoption of the operational budget by the Conference of the Parties shall constitute the authority of the head of the secretariat to incur commitments and make payments for the purposes for which the appropriations were approved and up to the amounts so approved, provided always that, unless specifically authorized by the Conference of the Parties, commitments shall be covered by related received funds.
5. The head of the secretariat may make transfers within each of the main appropriation lines of the approved operational budget. The head of the secretariat may also make transfers between such appropriation lines up to 20 per cent of the main appropriation line from which the transfer is made unless another limit is set by the Conference of the Parties.

¹ Linked to the decision on hosting arrangements for the Secretariat.

Funds

Rule 4²

1. A General Trust Fund for the Convention shall be established by the Executive Director of the United Nations Environment Programme and managed by the head of the secretariat. The fund is to provide financial support for the work of the Convention secretariat. [Contributions made pursuant to rule 5, paragraph 1 (a) [and 1 (b)], shall be credited to this fund.] Contributions made pursuant to rule 5, paragraph 1 (f), by the United Nations Environment Programme shall [also] be credited to this fund. All budget expenditures that are made pursuant to rule 3, paragraph 4, shall be charged to the General Trust Fund.

2. Within the General Trust Fund there shall be maintained a working capital reserve at a level to be determined from time to time by the Conference of the Parties by consensus. The purpose of the working capital reserve shall be to ensure continuity of operations in the event of a temporary shortfall of cash. Following any drawdown of the working capital reserve, it shall be restored to its established level as soon as possible and no later than the end of the following year.

3. A Special Trust Fund shall be established by the Executive Director of the United Nations Environment Programme and managed by the head of the Secretariat. This fund shall receive contributions pursuant to rule 5, paragraphs 1 (c) to 1 (f), to support, in particular:

[(a) Facilitation and promotion of technical assistance, training [and] capacity-building [including institutional strengthening][and technology transfer] in accordance with Article 14;]

[(a) Alt Facilitation and promotion of technical assistance, capacity-building and technology transfer in accordance with Article 14;]

[(a) Bis Facilitation and promotion of technical assistance, capacity-building [including institutional strengthening] and technology transfer in accordance with Article 14;]

(b) Participation of representatives of developing-country Parties, in particular least-developed-country Parties and small island developing States among them, and of Parties with economies in transition in the meetings of the Conference of the Parties and its subsidiary bodies pursuant to the procedure set out in the annex to the financial rules;³

(c) Other appropriate purposes consistent with the objectives of the Convention.

4. Subject to the approval of the Conference of the Parties, the Executive Director of the United Nations Environment Programme may establish other trust funds, provided that they are consistent with the objectives of the Convention.

5. In the event that the Conference of the Parties decides to terminate a trust fund established pursuant to the present rules, it shall so advise the Executive Director of the United Nations Environment Programme at least six months before the date of termination so decided. The Conference of the Parties shall decide, in consultation with the Executive Director of the United Nations Environment Programme, on the distribution of any uncommitted balances after all liquidation expenses have been met.

Contributions

Rule 5

1. The resources of the Conference of the Parties shall comprise:

(a) Contributions made each year by Parties on the basis of an indicative scale adopted by consensus by the Conference of the Parties and based on such a scale of assessments of the United Nations as may be adopted from time to time by the General Assembly, adjusted so as to ensure that no Party contributes less than 0.01 per cent of the total, that no one contribution exceeds 22 per cent of the total and that no contribution from a least developed country Party exceeds 0.01 per cent of the total;

[(b) The [75] [60] per cent of the unarmarked contributions made each year by the Government hosting the Convention secretariat;

² This rule will need adjustment if rule 5 (1) alt is chosen.

³ Linked to the decision on the specific international programme.

(c) The remaining [25] [40] per cent of the unearmarked contributions made each year by the Government hosting the Convention secretariat, which will be prioritized for the purposes set out in rule 4, paragraph 3 (b);

(d) The earmarked contributions made each year by the Government hosting the Convention secretariat.]

[Alt b to d Additional contributions made by the Government hosting the Convention secretariat] [including earmarked contributions made by the Government hosting the Convention secretariat];]

(e) Contributions made each year by Parties in addition to those made pursuant to paragraphs (a)–(d);

(f) Contributions from States not Parties to the Convention, as well as governmental, intergovernmental and non-governmental organizations and other sources;

(g) The uncommitted balance of income received from previous financial periods;

(h) Miscellaneous income.

2. The Conference of the Parties shall, in adopting the indicative scale of contributions referred to in rule 5, paragraph 1 (a), make adjustments to take account of contributions of Parties that are not members of the United Nations, as well as those of regional economic integration organizations that are Parties.

3. In respect of contributions made pursuant to rule 5, paragraph 1 (a):

(a) Contributions for each calendar year are expected by 1 January of that year and should be paid promptly and in full. Parties should be notified of the amount of their contributions for a given year by 15 October of the previous year;

(b) Each Party shall, as far in advance as possible of the date due for the contribution, inform the head of the secretariat of the contribution it intends to make and of the projected timing of that contribution;

(c) If contributions of any Parties have not been received by 31 December of the relevant year, the head of the secretariat shall write to those Parties to impress upon them the importance of paying their respective outstanding contributions for prior periods and shall report to the Conference of the Parties at its next meeting on the consultations with such Parties;

(d) If contributions of any Party have not been received after two or more years, the head of the secretariat shall jointly decide with any Party who has outstanding contributions to develop a payment schedule to permit such Party to pay all outstanding contributions within six years, depending on the financial circumstances of the Party, and to pay future contributions promptly. The head of the secretariat shall report to the Bureau and to the Conference of the Parties at their next meetings on progress under any such schedule;

(e) If a payment schedule is not jointly decided or respected, the Conference of the Parties will decide on appropriate measures, taking into account the [specific needs and the] special circumstances of [developing countries, particularly] least developed countries or small island developing States;

(f) Given the importance of the full and effective participation of developing-country Parties, in particular least developed countries and small island developing States, and Parties with economies in transition, the head of the secretariat shall remind Parties of the need for contributions to the Special Trust Fund at least six months prior to each ordinary meeting of the Conference of the Parties, reflecting on the financial need, and urge Parties in a position to do so to ensure that any contributions are paid at least three months before the meeting.

4. Contributions made pursuant to rule 5, paragraphs 1 (b) and (c), shall be used in accordance with such terms and conditions, consistent with the objectives of the Convention and the Financial Regulations and Rules of the United Nations, as may be agreed between the head of the secretariat and the contributors.

5. Contributions made pursuant to rule 5, paragraph 1 (a), from States and regional economic integration organizations that become Parties to the Convention after the beginning of a financial period shall be made pro rata temporis for the balance of that financial period. Consequent adjustments shall be made at the end of each financial period for other Parties.

6. All contributions shall be paid in United States dollars or the equivalent in a convertible currency. They shall be paid into a bank account to be designated by the Executive Director of the United Nations Environment Programme in consultation with the head of the secretariat. In conversion into United States dollars, the United Nations operational rate of exchange shall be used.
7. The head of the secretariat shall acknowledge promptly the receipt of all pledges and contributions and shall inform the Parties by publishing on the Convention website up-to-date information on the status of pledges and payments of contributions.
8. Contributions not immediately required shall be invested in accordance with applicable United Nations rules at the discretion of the Executive Director of the United Nations Environment Programme, in consultation with the head of the secretariat. In case both are not in agreement the Executive Director shall decide the further course of action. The resulting income shall be credited to the relevant Convention trust fund.

Accounts and audit

Rule 6

1. The accounts and financial management of all funds governed by the present rules shall be subject to the internal and external audit process of the United Nations.
2. An interim statement of accounts for the financial period shall be provided to the Conference of the Parties, and a final audited statement of accounts for the full financial period shall be provided to the Conference of the Parties as soon as possible after the accounts for the financial period are closed.
3. The Conference of the Parties shall be informed of any relevant remarks in the reports of the United Nations Board of Auditors on financial statements of the United Nations Environment Programme and remarks in reports resulting from external audits.

Administrative support costs

Rule 7

The Conference of the Parties shall reimburse the United Nations Environment Programme for the services provided to the Conference of the Parties, its subsidiary bodies and the Convention Secretariat from the funds referred to in rule 4, paragraphs 1, 3 and 4, on such terms as may from time to time be agreed upon between the Conference of the Parties and the United Nations Environment Programme or, in the absence of such agreement, in accordance with the general policy of the United Nations.

Amendments

Rule 8

Any amendment to the present rules shall be adopted by the Conference of the Parties by consensus.

[Annex to the financial rules

Procedure for the allocation of funding from the voluntary Special Trust Fund (SV) for facilitating the participation of Parties in meetings of the Conference of the Parties

1. The procedure for facilitating the participation of eligible delegates in meetings under the Convention should aim at the full and active participation of developing-country Parties, in particular least developed countries and small island developing States, and Parties with economies in transition in the activities of the Convention to broaden the scope of experiences and information available to Convention Parties and encourage the implementation of the Convention at the local, national, regional and international levels.
2. The procedure should give [priority][special attention] to least developed countries and small island developing States and thereafter aim at ensuring adequate representation of all eligible Parties. It should continue to be guided by established United Nations practice.
3. The Secretariat should notify Parties as soon as possible, and preferably six months in advance, of the dates and venues of meetings of the Conference of the Parties.

4. Following the dispatch of a notification that a meeting will take place, eligible Parties should be invited to inform the Secretariat, through official channels of communication, as soon as possible and no later than three months before the meeting, whether funding is requested.
5. Based on the availability of financial resources and the number of requests received, the head of the Secretariat shall prepare a list of sponsored delegates. The list shall be established in accordance with paragraphs 1 and 2 above with a view to ensuring adequate geographical representation of eligible regions, with [priority][special attention] given to least developed countries and small island developing States.
6. The Secretariat should, four weeks in advance of the meeting, notify eligible countries that will not be sponsored, inviting them to seek other alternative sources of funding.
7. The head of the Secretariat is invited to liaise with the Executive Director of the United Nations Environment Programme with a view to ensuring a waiver of the programme support costs on contributions to the technical cooperation trust fund for the participation of representatives from developing countries and countries with economies in transition, with the understanding that the additional money secured will be used to enhance the representation of eligible Parties.]

Annex X

Draft road map for the development of guidelines on the environmentally sound interim storage of mercury and mercury compounds

The interim secretariat of the Minamata Convention and 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 on Persistent Organic Pollutants have discussed the preparation of guidelines on the environmentally sound interim storage of mercury and mercury compounds. The Basel Convention technical guidelines on the environmentally sound management of mercury wastes have information relevant to this, covering the key areas of concern addressed by countries with regard to their national controls relating to the storage of mercury and mercury compounds. The main task in preparing guidelines on interim storage under the Minamata Convention, therefore, is to develop guidelines on environmentally sound interim storage of mercury and mercury compounds that refer specifically to the interim storage of mercury and mercury compounds that are not mercury waste as defined in Article 11 of the Minamata Convention, using, as a starting point, submissions from countries and relevant sections of the Basel Convention technical guidelines.

Possible requirements for environmentally sound interim storage of mercury and mercury compounds may be developed after the first meeting of the Conference of the Parties, in accordance with article 27.

Taking into account the scope of the work, and recognizing the need for expert input in some areas, the following road map is proposed.

<i>Activity</i>	<i>Timeframe</i>
The intergovernmental negotiating committee at its seventh meeting establishes a process for developing the guidelines and invites parties and observers to the committee, the UNEP Global Mercury Partnership, and the parties to the Basel Convention to nominate relevant experts to participate in the process.	March 2016
Nominations of experts are submitted to the interim secretariat of the Minamata Convention.	April 2016
The interim secretariat prepares, in consultation with the nominated experts as appropriate, an initial draft of the guidelines on interim storage, using as a starting point submissions from governments, identified relevant sections of the Basel Convention technical guidelines and other relevant sources. The initial draft will be circulated electronically to all nominated experts and stakeholders for comments.	July 2016
Comments are provided electronically to the interim secretariat.	November 2016
The interim secretariat, in consultation with nominated experts as appropriate, prepares a revised draft of the guidelines, taking into consideration all comments, and makes the revised draft available electronically to nominated experts and stakeholders for further comment.	December 2016
Comments are received electronically by the interim secretariat.	April 2017
The draft guidelines are submitted for consideration by the Conference of the Parties to the Minamata Convention on Mercury at its first meeting. The Conference of the Parties notes the progress in preparing the guidelines at its first meeting and determines the path forward for finalizing the guidelines.	To be determined, based on date of entry into force of the Convention

Annex XI

Text proposed to be adopted by the Conference of the Parties at its first meeting on article 11, Mercury waste

The Conference of the Parties to the Basel Convention on the Transboundary Movement of Hazardous Wastes and Their Disposal has prepared under the leadership of the Government of Japan technical guidelines on the environmentally sound management of mercury waste. The guidelines were adopted at the twelfth meeting of the Conference of the Parties to the Basel Convention last year. They are ready to be applied. It is important that the guidelines be used in a coherent manner in order to ensure the sound management of these hazardous wastes. The parties to the Minamata Convention should use them in this sense and in accordance with the Minamata Convention. Therefore the following text is proposed for a decision on this matter at the first meeting of the Conference of the Parties to the Minamata Convention.

The Conference of the Parties

1. *Welcomes* with appreciation decision BC-12/4 of the Conference of Parties to the Basel Convention on the Transboundary Movement of Hazardous Wastes and Their Disposal, on the technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with mercury;
 2. [Requests Parties to this Convention who are Party to the Basel Convention to apply these Guidelines.
 3. Invites Parties to this Convention who are not Party to the Basel Convention to use these Guidelines as guidance.]
- [2. *Recalls* Article 11 of the Minamata Convention, which requests Parties to the Minamata Convention who are Party to the Basel Convention to apply the guidelines referred to in the preceding paragraph and invites Parties to the Minamata Convention who are not Party to the Basel Convention to use the guidelines as guidance.]

Annex XII

Draft guidance on the management of contaminated sites

The secretariat should consult, and seek input from, Governments, the relevant secretariats in the chemicals and waste cluster and other stakeholders on guidance documents or recommendations in relation to the management of mercury-contaminated sites.

The secretariat should prepare a compilation to be used as a basis for a draft guidance document on the management of mercury-contaminated sites and an outline of its structure and content together with a road map for consideration by the Conference of the Parties at its first meeting, using the submitted documents as the basis of its work and including the elements described in article 12, paragraph 3, taking also into account article 12, paragraph 4.
