



Distr.: General
29 October 2018

Original: English



**United Nations
Environment
Programme**

**Conference of the Parties to the
Minamata Convention on Mercury
Second meeting**

Geneva, 19–23 November 2018

Item 2 (c) of the provisional agenda*

Organizational matters: organization of work

Annotations to the provisional agenda

Item 1

Opening of the meeting

1. The second meeting of the Conference of the Parties to the Minamata Convention on Mercury will be held at the Geneva International Conference Centre, 17 rue de Varembé, Geneva, from 19 to 23 November 2018. The meeting will be opened at 10 a.m. on Monday, 19 November.
2. The President elected at the first meeting of the Conference of the Parties, Mr. Marc Chardonnens (Switzerland), will preside over the meeting in accordance with the rules of procedure adopted by the Conference of the Parties at its first meeting.
3. Opening statements will be delivered.

Item 2

Organizational matters

(a) Election of officers for the intersessional period and the third meeting of the Conference of the Parties

4. At its first meeting, the Conference of the Parties elected the following officers to serve at its first and second meetings, as well as during the intersessional period:

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| President: | Mr. Marc Chardonnens (Switzerland) |
| Vice-Presidents: | Mr. Gregory Bailey (Antigua and Barbuda) |
| | Mr. Karel Bláha (Czechia) |
| | Mr. Serge Molly Allo'o Allo'o (Gabon) |
| | Mr. Mitsugu Saito (Japan) |
| | Mr. Mohammed Khashashneh (Jordan) |
| | Mr. Cesar Juarez (Mexico) |
| | Ms. Svetlana Bolocan (Republic of Moldova) |
| | Ms. Nina Cromnier (Sweden) |
| | Mr. David Kapindula (Zambia) |

* UNEP/MC/COP.2/1.

5. Mr. David Kapindula (Zambia) was elected to serve as rapporteur.

6. As Mr. Cesar Juarez was unable to complete his assigned term, the Government of Mexico nominated Mr. Miguel Ángel Espinosa Luna to replace him for the remainder of the term.

7. At its second meeting, pursuant to the rules of procedure, the Conference of the Parties is to elect a President and nine Vice-Presidents, one of whom will act as Rapporteur, from among the representatives of the parties present at the meeting, to serve from the closure of the second meeting until the closure of the third meeting of the Conference of the Parties, including the intersessional period.

(b) Adoption of the agenda

8. The Conference of the Parties may wish to adopt its agenda on the basis of the provisional agenda set forth in document UNEP/MC/COP.2/1.

(c) Organization of work

9. The Conference of the Parties has before it a scenario note for the meeting prepared by the President (UNEP/MC/COP.2/2).

10. The Conference of the Parties is expected to meet daily from Monday, 19 November until Friday, 23 November from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m., subject to any necessary adjustments.

11. The Conference of the Parties may wish to establish small groups and other in-session working groups as it may deem necessary, and to specify their mandates.

Item 3

Rules of procedure for the Conference of the Parties

12. At its first meeting, the Conference of the Parties adopted its rules of procedure. The second sentence of paragraph 1 of rule 45 and paragraph 3 of rule 45, however, remained in brackets. The Conference of the Parties may wish to consider and adopt the outstanding paragraphs as set out in the annex to document UNEP/MC/COP.2/3.

Item 4

Report on the credentials of representatives to the second meeting of the Conference of the Parties

13. The Conference of the Parties has before it a note prepared by the secretariat on the status of ratification of the Minamata Convention as at 18 September 2018 (UNEP/MC/COP.2/INF/18).

14. In accordance with rule 20 of the rules of procedure, the Bureau will examine the credentials of representatives and report thereon to the Conference of the Parties. In accordance with rule 21, representatives are entitled to participate provisionally in the meeting pending a decision regarding their credentials.

Item 5

Matters for consideration or action by the Conference of the Parties

15. The Conference of the Parties has been given responsibility for considering a number of matters at its second meeting, on the basis of either the text of the Convention or the decisions adopted at its first meeting (UNEP/MC/COP.1/29, annex I), as described below. Sub-items are listed in the order set out in the provisional agenda, arranged in the order of the relevant articles of the Convention, which is not necessarily the order of priority for their consideration by the Conference of the Parties.

(a) Releases

16. Article 9 of the Convention provides that the Conference of the Parties is to, as soon as practicable, adopt guidance on best available techniques and best environmental practices, taking into account any differences between new and existing sources and the need to minimize cross-media effects, and guidance on the methodology for preparing inventories of releases. At its first meeting, the Conference of the Parties considered the development of such guidance and, in its decision MC-1/17, encouraged parties to identify relevant point sources at the national level pursuant to paragraphs 2 (b) and 3 of article 9 as soon as possible, and to submit information to the secretariat on the identified relevant sources.

17. The Conference of the Parties has before it a note by the secretariat on guidance in relation to mercury releases (UNEP/MC/COP.2/4/Rev.1). In response to a call for contributions, submissions were received from three parties, one of which identified potentially relevant sources of releases. The Conference of the Parties may therefore wish to defer any work on the development of guidance until after the first full reports from parties are submitted, pursuant to article 21, by 31 December 2021. Parties may wish to provide relevant information to the secretariat as it becomes available and the Conference of the Parties may wish to reconsider the issue at the first meeting of the Conference of the Parties held after the submission of the full reports.

(b) Environmentally sound interim storage of mercury other than waste mercury

18. Article 10 of the Convention provides that the Conference of the Parties shall adopt guidelines on the environmentally sound interim storage of mercury and mercury compounds, taking into account any relevant guidelines developed under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and other relevant guidance. At its first meeting, the Conference of the Parties considered the development of such guidelines and requested the secretariat to undertake further revision of the draft guidelines presented at the meeting.

19. The secretariat has undertaken such revision, and the revised draft guidelines are set out in document UNEP/MC/COP.2/5 for consideration and possible adoption by the Conference of the Parties.

(c) Mercury waste, in particular consideration of relevant thresholds

20. Article 11 of the Convention provides that the Conference of the Parties will define relevant thresholds for mercury waste, in collaboration with the relevant bodies of the Basel Convention. At its first meeting, the Conference of the Parties considered the issue and established an open-ended process.

21. A report on the outcome of that process is set out in document UNEP/MC/COP.2/6, while information submitted by the nominated experts that may contribute to the development of mercury waste thresholds is compiled in the annex to document UNEP/MC/COP.2/INF/10. The Conference of the Parties may wish to review the progress achieved by the open-ended process and decide on further action, taking into account the most effective modalities for determining relevant thresholds, including the further work needed to establish mercury waste thresholds, as identified by the experts and described in the annex to document UNEP/MC/COP.2/6.

(d) Guidance on the management of contaminated sites

22. Article 12 of the Convention provides that the Conference of the Parties shall adopt guidance on managing contaminated sites. At its first meeting, the Conference of the Parties considered the development of such guidance and requested the secretariat to prepare initial draft guidance on contaminated sites and circulate it electronically to nominated experts, who were to provide comments to the secretariat. In preparing the initial draft guidance, the secretariat was to draw on previously submitted information and work undertaken in other forums, using the outline of the structure and content of the guidance agreed on by the Conference of the Parties as a basis.

23. The draft guidance prepared by the secretariat in consultation with nominated experts is set out in annex II to document UNEP/MC/COP.2/7. Given that it was not possible to undertake the second commenting phase provided for in the road map for the preparation of the draft guidance, the Conference of the Parties may wish to consider the draft guidance and the need for further work.

(e) Operation of the financial mechanism

24. Article 13 of the Convention establishes a mechanism for the provision of adequate, predictable and timely financial resources, which comprises the Global Environment Facility (GEF) Trust Fund and a specific international programme to support capacity-building and technical assistance, both of which, for the purposes of the Convention, operate under the guidance of and are accountable to the Conference of the Parties.

(i) Global Environment Facility

25. At its first meeting, in its decision MC-1/5, the Conference of the Parties adopted the guidance to GEF on the overall strategies, policies, programme priorities and 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. The Conference of the Parties also discussed the issue of a draft memorandum of understanding between the Conference of the Parties and the GEF Council and agreed to defer further consideration of the matter to its second meeting.

26. The Conference of the Parties has before it an update on matters related to the GEF Trust Fund (UNEP/MC/COP.2/8), to be considered alongside the report of GEF to the Conference of the Parties to the Minamata Convention at its second meeting (UNEP/MC/COP.2/INF/3, annex). In the light of the requirement set out in article 13 of the Convention that the Conference of the Parties review the financial mechanism established under that article no later than at its third meeting, the Conference of the Parties may wish to identify at its second meeting how the GEF Trust Fund component of that review might be undertaken and the information required for such a review, and to request GEF, the secretariat of the Minamata Convention and others, as necessary, to provide the information required for consideration of the matter at its third meeting.

(ii) Specific International Programme to Support Capacity-Building and Technical Assistance

27. At its first meeting, the Conference of the Parties decided that the United Nations Environment Programme (UNEP) would host the Specific International Programme and approved the necessary hosting arrangements, guidance on the operations of and duration as well as the terms of reference of the Programme. The Conference of the Parties also requested the Executive Director of UNEP to establish a trust fund for the Programme and to implement the governance arrangements.

28. At its second meeting, the Conference of the Parties will have before it an overall report on the Programme (UNEP/MC/COP.2/9), as well as the application guidelines for the first round of applications to the Programme (UNEP/MC/COP.2/INF/16). In particular, the Conference of the Parties may wish to consider two matters that remained outstanding from its first meeting, namely the issue of non-parties' eligibility for funding and the terms of reference of the Specific International Programme, in which paragraph 1 refers to the Governing Board consisting of 10 members "from" or "nominated by" parties. In the light of the requirement that the Conference of the Parties review the financial mechanism no later than at its third meeting, it may wish to identify at its second meeting how the Specific International Programme component of that review might be undertaken and the information required for such a review, and to request the Governing Board, the secretariat of the Minamata Convention and others, as necessary, to provide the information required for consideration of the matter at its third meeting.

(f) Capacity-building, technical assistance and technology transfer

29. Article 14 of the Convention provides that the Conference of the Parties is to, by its second meeting and thereafter on a regular basis, consider information on existing initiatives and progress made in relation to alternative technologies; consider the needs of parties, particularly developing-country parties, for alternative technologies; and identify challenges experienced by parties, particularly developing-country parties, in technology transfer.

30. In response to the consideration of the issue at the first meeting of the Conference of the Parties, the secretariat sought submissions and reports from parties and other stakeholders on those issues and prepared a note on the matter (UNEP/MC/COP.2/10) and a compilation of the contributions received (UNEP/MC/COP.2/INF/5). The Conference of the Parties may wish to consider the information provided, and to draw the attention of parties and relevant stakeholders to the alternative technologies, existing initiatives and activities mentioned in the submissions as well as to the needs and challenges expressed therein. The Conference of the Parties may also wish to consider the issue further at its fourth meeting, taking into account any further submissions and reports from parties and information provided by other stakeholders, compiled by the secretariat, or reported by parties pursuant to Article 21.

(g) Implementation and Compliance Committee

31. Article 15 of the Convention establishes a mechanism, including a Committee as a subsidiary body of the Conference of the Parties, to promote implementation of, and review compliance with, all its provisions. At its first meeting, the Conference of the Parties elected the first 15 members of the Committee, which met once during the intersessional period, in Geneva on 29 and 30 May 2018.

32. The Conference of the Parties has before it the report on the first meeting of the Implementation and Compliance Committee (UNEP/MC/COP.2/11, annex), including, in appendix I to the report, the rules of procedure developed by the Committee, which, pursuant to paragraph 5 of article 15, are subject to approval by the Conference of the Parties at its second meeting. The Conference of the Parties may wish to consider the report of the Committee and approve the rules of procedure of the Implementation and Compliance Committee.

(h) Cooperation with the World Health Organization and the International Labour Organization

33. Several provisions of the Convention call for cooperation with relevant intergovernmental organizations. In particular, article 16 specifies that the Conference of the Parties, in considering health-related issues or activities, should consult and collaborate with the World Health Organization (WHO), the International Labour Organization (ILO) and other relevant intergovernmental organizations, as appropriate, and should promote cooperation and exchange of information with those organizations, as appropriate.

34. Information on cooperation with WHO and ILO is set out in a note by the secretariat on the matter (UNEP/MC/COP.2/12), which includes in its annex an update on the activities of WHO relevant to the Convention. The Conference of the Parties may wish to request the secretariat to continue active cooperation and collaboration on health-related issues with the relevant intergovernmental organizations, in particular WHO and ILO, and to consider what forms such cooperation might take and how it might be implemented.

35. The Conference of the Parties may also wish to take note of the work of WHO, in particular its work on guidance to address health aspects in the context of developing national action plans on artisanal and small-scale gold mining (UNEP/MC/COP.2/INF/17), and recommend the use of the guidance document in the development of such national action plans.

(i) Effectiveness evaluation

36. Article 22 of the Convention provides for an evaluation of its effectiveness. At its first meeting, in its decision MC-1/9, the Conference of the Parties adopted a road map for establishing arrangements for obtaining comparable monitoring data, and elements of an effectiveness evaluation framework under article 22. The road map included a face-to-face meeting of an ad hoc group of experts to prepare a draft report, including an outline, a plan and elements of the effectiveness evaluation framework. Accordingly, the ad hoc group of experts met in Ottawa from 5 to 9 March 2018.

37. A report on the outline, plan and elements of the effectiveness evaluation framework is set out in the note by the secretariat on the matter (UNEP/MC/COP.2/13), which includes in its annex the recommendations of the expert group. The report of the ad hoc group of experts is set out in the annex to document UNEP/MC/COP.2/INF/8, while a compilation of comments submitted on the group's draft report is set out in document UNEP/MC/COP.2/INF/15. The Conference of the Parties may wish to consider the recommendations and comments mentioned above. It may also wish to request the ad hoc group of experts to continue its work and review its recommendations, taking into account the issues raised and the guidance provided by the Conference of the Parties at its second meeting, and to submit a report elaborating further on proposed arrangements regarding comparable monitoring data and elements of an effectiveness evaluation framework for consideration by the Conference of the Parties at its third meeting.

(j) Financial rules

38. At its first meeting, in its decision MC-1/10, the Conference of the Parties adopted financial rules for itself and any subsidiary bodies it might establish, as well as financial provisions governing the functioning of the secretariat. Bracketed text remained in paragraph 3 (e) of rule 5 of the financial rules, and in paragraphs 2 and 5 of the annex to the financial rules. The Conference of the Parties may wish to consider the bracketed text (UNEP/MC/COP.2/14, annex) with a view to adopting final text.

(k) Secretariat

39. At its first meeting, in its decision MC-1/11, the Conference of the Parties requested the Executive Director of UNEP to perform the secretariat functions for the Minamata Convention initially through a secretariat of the Convention located in Geneva; decided to review the organizational arrangements, including the location and the host country contribution, at its second meeting, in accordance with the spirit of the offer by the Government of Switzerland to host the permanent secretariat; and requested that, in the interim, the secretariat continue to cooperate and coordinate, as appropriate, with other relevant actors, including the secretariat of the Basel, Rotterdam and Stockholm Conventions¹ and the relevant units of UNEP, in order to make full use of relevant experience and expertise.

¹ Secretariat 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 Pollutants.

40. The Conference of the Parties has before it a note by the secretariat on the review of the organizational arrangements of the secretariat (UNEP/MC/COP.2/15/Rev.1), and the addendum thereto setting out in its annex a draft decision proposed by the Bureau reflecting the agreement reached by the Conference of the Parties at its first meeting on elements of the secretariat arrangements (UNEP/MC/COP.2/15/Add.1). The Conference of the Parties also has before it a letter from the then president of Switzerland, Ms. Doris Leuthard, confirming the content of the offer from the Government of Switzerland (UNEP/MC/COP.2/INF/4, annex), a progress report on the activities of the secretariat during the intersessional period (UNEP/MC/COP.2/17), which includes information on cooperation and collaboration between the secretariat of the Basel, Rotterdam and Stockholm Conventions and the Minamata Convention secretariat; information requested by the Bureau on the various services provided by the secretariat, how different services could be purchased from or shared with the secretariat of the Basel, Rotterdam and Stockholm Conventions, and how such purchases would affect the budget of the Minamata Convention (UNEP/MC/COP.2/INF/7), and a report by the secretariat of the Basel, Rotterdam and Stockholm Conventions on cooperative activities with the secretariat of the Minamata Convention in areas of mutual interest (UNEP/MC/COP.2/INF/11). The Conference of the Parties may wish to take note of the information provided in the documents presented for its consideration. It may also wish to adopt the draft decision on the three elements of the secretariat arrangements, as proposed by the Bureau, and establish a contact group to consider the details of those arrangements and cooperation with the secretariat of the Basel, Rotterdam and Stockholm Conventions.

(I) Emissions of mercury resulting from the open burning of waste

41. At its first meeting, the Conference of the Parties considered the issue of mercury emissions related to the open burning of waste and, in its decision MC-1/14, invited parties and other interested entities and organizations to submit to the secretariat information on the matter. It further requested the secretariat to continue to compile information on the issue, particularly from developing countries and countries with economies in transition, including information from inventories and Minamata Convention initial assessments, emission factors and real measurements of emissions submitted by parties, and any relevant information developed by the conferences of the parties to the Basel and Stockholm conventions, and to submit that information to the Conference of the Parties at its second meeting for its consideration of the need for further action.

42. In response to those requests, the secretariat prepared a note on the matter (UNEP/MC/COP.2/16) as well as a compilation of the information received (UNEP/MC/COP.2/INF/6, annex). The Conference of the Parties may wish to consider the information presented and, given the limited number of submissions received, to request the secretariat to continue to compile information on the issue received from parties and other stakeholders, as well as information from its overall consideration of the inventories available. It may also wish to request the secretariat to continue to engage on the issue with the secretariat of the Basel, Rotterdam and Stockholm Conventions, and to update the Conference of the Parties at its third meeting.

Item 6

Programme of work and budget

43. At its first meeting, the Conference of the Parties, in its decision MC-1/15, agreed on a programme of work of the secretariat and budget for the biennium 2018–2019. It also requested the Executive Director of UNEP to perform the secretariat functions initially through a secretariat of the Minamata Convention located in Geneva. The Conference of the Parties further requested the Executive Secretary to provide at its second meeting an update on the programme of work and implementation and, where relevant, cost estimates for actions that have budgetary implications that were not foreseen in the first programme of work but are included in proposed draft decisions, before the adoption of those decisions by the Conference of the Parties, and that therefore have budgetary implications in the first biennium.

44. In response to that request, the secretariat has prepared a note on an update to the programme of work and budget for the biennium 2018–2019 (UNEP/MC/COP.2/18), together with a programme of work and budget detail sheets (UNEP/MC/COP.2/INF/9). The Conference of the Parties also has before it a progress report on the activities of the secretariat in the intersessional period (UNEP/MC/COP.2/17). Other documents pertaining to the work of the secretariat and support to parties include notes by the secretariat on cooperation with WHO and ILO (UNEP/MC/COP.2/12), a report on the activities of relevant international bodies (UNEP/MC/COP.2/INF/2), further information requested by the Bureau on possible services that the secretariat of the Minamata Convention could purchase from or share with the secretariat of the Basel, Rotterdam and Stockholm Conventions (UNEP/MC/COP.2/INF/7), a report by the secretariat of the Basel, Rotterdam and Stockholm

Conventions on cooperative activities with the secretariat of the Minamata Convention in areas of mutual interest (UNEP/MC/COP.2/INF/11), activities of the Special Programme to support institutional strengthening at the national level for implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention on Mercury and the Strategic Approach to International Chemicals Management (UNEP/MC/COP.2/INF/12), a report on activities undertaken within the UNEP Global Mercury Partnership (UNEP/MC/COP.2/INF/13), and an update on the Strategic Approach to International Chemicals Management (UNEP/MC/COP.1/INF/14).

45. The Conference of the Parties may wish to discuss the budget and adopt a decision in that regard. Should the Conference of the Parties decide not to hold its third meeting in 2019, the decision on the work programme and budget would also need to address the biennium 2020–2021 in order to enable the secretariat to continue its work in 2020.

Item 7

Venue and date of the third meeting of the Conference of the Parties

46. In accordance with rule 3 of the rules of procedure, meetings of the Conference of the Parties are to take place at the seat of the secretariat, unless the Conference of the Parties decides otherwise or other appropriate arrangements are made by the secretariat in consultation with the parties. Rule 4 of the rules of procedure provides that unless it decides otherwise, the Conference of the Parties is to hold its second and third ordinary meetings yearly. Consequently, the Conference of the Parties may wish to consider the venue and date of its third meeting.

Item 8

Other matters

47. The Conference of the Parties may wish to consider other matters raised during the meeting. Among other things, it may wish to consider the process for reviewing annexes A and B of the Convention pursuant to paragraph 8 of article 4 and paragraph 10 of article 5.

Item 9

Adoption of the report

48. The Conference of the Parties will be invited to consider and adopt the report of its second meeting, prepared by the rapporteur, at a plenary meeting on Friday, 23 November, with any amendments that may be necessary. Consistent with standard United Nations practice, the meeting may wish to agree that the section of the report pertaining to the plenary meetings that take place on the last day of the meeting will be prepared by the rapporteur, with the support of the secretariat, and incorporated into the report of the meeting under the authority of the President of the Bureau. The final report of the meeting will be circulated after the closure of the meeting.

Item 10

Closure of the meeting

49. It is expected that the second meeting of the Conference of the Parties will conclude its work by 6 p.m. on Friday, 23 November 2018.
