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MINAMATA CONVENTION ON MERCURY

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Conference of the Parties to the Minamata Convention on Mercury
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Item 4 (a) (iv) of the provisional agenda***

Matters for consideration or action by the Conference of the Parties: mercury-added products and manufacturing processes in which mercury or mercury compounds are used: proposals for amendments to annexes A and B

Proposals for amendments to annexes A and B to the Minamata Convention on Mercury

Note by the secretariat

1. Article 26 of the Minamata Convention on Mercury sets out the provisions for amendments to the Convention. According to paragraph 1 of the article, amendments may be proposed by any party. Amendments are to be adopted at a meeting of the Conference of the Parties as stipulated in paragraph 2 of the article, in accordance with the procedure set out in its paragraph 3.

2. Article 27 of the Convention provides for the adoption and amendments of annexes to the Convention. According to paragraph 1 of the article, annexes to the Convention form an integral part of the Convention.

I. Proposals for amendments to annexes A and B for consideration by the Conference of the Parties at its fourth meeting

3. The secretariat has received three proposals for amendment to annexes A and B. Paragraph 2 of article 26 of the Convention provides that the text of any proposed amendment is to be communicated to the parties by the secretariat at least six months before the meeting at which it is proposed for adoption. Accordingly, the Executive Secretary communicated the three proposals to all the parties and signatories on Friday, 30 April 2021. The secretariat also communicated the proposed amendments, for information purposes, to the depositary.

4. Proposals were received from:

(a) The European Union (see document UNEP/MC/COP.4/26/Add.1);

(b) Botswana, Burkina Faso and Madagascar, on behalf of the Africa region (see document UNEP/MC/COP.4/26/Add.2);

(c) Canada and Switzerland (see document UNEP/MC/COP.4/26/Add.3).

* Reissued for technical reasons on 14 September 2021.

** The resumed fourth meeting of the Conference of the Parties to the Minamata Convention on Mercury is to convene in person in Bali, Indonesia, and is tentatively scheduled for the first quarter of 2022.

*** UNEP/MC/COP.4/1.

5. For each proposal, the proponents provided the text of the proposed amendment (see annex I to the respective addenda) and an explanatory note on the proposal (see annex II to the respective addenda).

6. For ease of reference, the secretariat has reflected the text of the three proposals against the text of annexes A and B to the Convention in annexes I and II to the present note. The annexes do not replace the actual proposals, which are set out in the respective addenda.

7. For further reference, the provisions for the review of annexes A and B and the outcome of work undertaken in response to decision MC-3/1, to which some of the proponents refer in their proposals, are set out in the note by the secretariat on the review of annexes A and B (UNEP/MC/COP.4/4).

II. Process once an amendment to the Convention has been adopted

8. Paragraph 4 of article 26 stipulates that an adopted amendment is to be communicated by the depositary to all the parties for ratification, acceptance or approval. Paragraph 5 provides that an amendment adopted in accordance with paragraph 3 is to enter into force for the parties having consented to be bound by it on the ninetieth day after the date of deposit of instruments of ratification, acceptance or approval by at least three-fourths of the parties that were parties at the time at which the amendment was adopted. Thereafter, the amendment is to enter into force for any other party on the ninetieth day after the date on which that party deposits its instrument of ratification, acceptance or approval of the amendment.

9. According to paragraph 4 of article 27, the proposal, adoption and entry into force of amendments to the annexes to the Convention are to be subject to the same procedures as for the proposal, adoption and entry into force of additional annexes to the Convention, except that entry into force of an amendment to an annex for any party that had made a declaration with regard to amendment of annexes in accordance with paragraph 5 of article 30 is subject to the separate procedure.[1] The procedure for the proposal and adoption of additional annexes to the Convention is set out in subparagraph (a) of paragraph 3 of article 27, by which the procedure concerning amendments to the Convention laid down in paragraphs 1 to 3 of article 26 is made applicable, and subparagraph (c) of which provides that, on the expiry of one year from the date of the communication by the depositary of the adoption of an additional annex, the annex is to enter into force for all parties that have not submitted a notification of non-acceptance in accordance with the provisions of subparagraph (b).

10. Further provisions relevant to the process are contained in articles 26 and 27.

III. Suggested action by the Conference of the Parties

11. The Conference of the Parties may wish to consider the proposed amendments.

[1] See the Minamata Convention website's page on article 30 (5) notifications (https://www.mercuryconvention.org/en/parties/notifications).

Annex I

Annex A to the Minamata Convention on Mercury, with proposed amendments (reflected in grey in the table for overview purposes)

Mercury-added products

1. The following products are excluded from this annex:

(a) Products essential for civil protection and military uses;

(b) Products for research, calibration of instrumentation, for use as reference standard;

(c) Where no feasible mercury-free alternative for replacement is available, switches and relays, cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for electronic displays, and measuring devices;

(d) Products used in traditional or religious practices; and

(e) Vaccines containing thiomersal as preservatives.

Part I: Products subject to Article 4, paragraph 1

Mercury-added products	*Date after which the manufacture, import or export of the product shall not be allowed (phase-out date)*	*Proponent*
Batteries, except for button zinc silver oxide batteries with a mercury content < 2% and button zinc air batteries with a mercury content < 2%	2020	
[Button zinc silver oxide batteries with a mercury content < 2% and button zinc air batteries with a mercury content < 2%]	[2023]	European Union
Switches and relays, except very high accuracy capacitance and loss measurement bridges and high frequency radio frequency switches and relays in monitoring and control instruments with a maximum mercury content of 20 mg per bridge, switch or relay	2020	
[Very high accuracy capacitance and loss measurement bridges and high frequency radio frequency switches and relays in monitoring and control instruments with a maximum mercury content of 20 mg per bridge switch or relay]	[2025]	Canada and Switzerland
Compact fluorescent lamps (CFLs) for general lighting purposes that are ≤ 30 watts with a mercury content exceeding 5 mg per lamp burner	2020	
[Compact fluorescent lamps with an integrated ballast (CFL.i) for general lighting purposes that are ≤ 30 watts]	[2024]	Africa region
Linear fluorescent lamps (LFLs) for general lighting purposes: (a) Triband phosphor < 60 watts with a mercury content exceeding 5 mg per lamp; (b) Halophosphate phosphor ≤ 40 watts with a mercury content exceeding 10 mg per lamp	2020	
[Halophosphate phosphor linear fluorescent lamps (LFLs) for general lighting purposes]	[2023]	European Union
[Linear fluorescent lamps (LFLs) for general lighting purposes, (a) Triband phosphor ≤ 60 watts; (b) Halophosphate phosphor ≤ 40 watts]	[2025]	Africa region

Mercury-added products	*Date after which the manufacture, import or export of the product shall not be allowed (phase-out date)*	*Proponent*
High pressure mercury vapour lamps (HPMV) for general lighting purposes	2020	
Mercury in cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for electronic displays: (a) short length (≤ 500 mm) with mercury content exceeding 3.5 mg per lamp (b) medium length (> 500 mm and ≤ 1 500 mm) with mercury content exceeding 5 mg per lamp (c) long length (> 1 500 mm) with mercury content exceeding 13 mg per lamp	2020	
[Cold cathode fluorescent lamps (CCFL) and external electrode fluorescent lamps (EEFL) for electronic displays of all lengths]	[2024]	Africa region
Cosmetics (with mercury content above 1ppm), including skin lightening soaps and creams, and not including eye area cosmetics where mercury is used as a preservative and no effective and safe substitute preservatives are available[a]	2020	
Pesticides, biocides and topical antiseptics	2020	
The following non-electronic measuring devices except non-electronic measuring devices installed in large-scale equipment or those used for high precision measurement, where no suitable mercury-free alternative is available: (a) barometers; (b) hygrometers; (c) manometers; (d) thermometers; (e) sphygmomanometers.	2020	
[The following non-electronic measuring devices: (a) strain gauges to be used in plethysmographs; (b) tensiometers]	[2023]	European Union
[The following electrical and electronic measuring devices: (a) melt pressure transducers, transmitters and sensors; (b) mercury vacuum pumps]	[2023]	European Union
[Counter balancing devices including tire balancers and wheel weights]	[2025]	Canada and Switzerland
[Photographic film and paper]	[2025]	Canada and Switzerland
[Propellant for satellites and spacecraft]	[2025]	Canada and Switzerland
[Polyurethane, including canisters for the application of polyurethane]	[2023]	European Union

[a] The intention is not to cover cosmetics, soaps or creams with trace contaminants of mercury.

Part II: Products subject to Article 4, paragraph 3

Mercury-added products	*Provisions*
Dental amalgam	Measures to be taken by a Party to phase down the use of dental amalgam shall take into account the Party's domestic circumstances and relevant international guidance and shall include two or more of the measures from the following list: (i) Setting national objectives aiming at dental caries prevention and health promotion, thereby minimizing the need for dental restoration; (ii) Setting national objectives aiming at minimizing its use; (iii) Promoting the use of cost-effective and clinically effective mercury-free alternatives for dental restoration; (iv) Promoting research and development of quality mercury-free materials for dental restoration; (v) Encouraging representative professional organizations and dental schools to educate and train dental professionals and students on the use of mercury-free dental restoration alternatives and on promoting best management practices; (vi) Discouraging insurance policies and programmes that favour dental amalgam use over mercury-free dental restoration; (vii) Encouraging insurance policies and programmes that favour the use of quality alternatives to dental amalgam for dental restoration; (viii) Restricting the use of dental amalgam to its encapsulated form; (ix) Promoting the use of best environmental practices in dental facilities to reduce releases of mercury and mercury compounds to water and land.
Proponent: The European Union proposes adding the following text to part II of annex A:	
[Dental amalgam]	[By 1 January 2024, Parties shall: (i) Provide that dental amalgam is only used in pre-dosed encapsulated form;1 (ii) Prohibit the use of mercury in bulk form by dental practitioners; (iii) Ensure that operators of dental facilities in which dental amalgam is used or dental amalgam fillings or teeth containing such fillings are removed, equip their facilities with amalgam separators with a retention efficiency level of 95%2, for the retention and collection of amalgam particles, including those contained in used water; (iv) No longer allow the use of dental amalgam for the dental treatment of deciduous teeth, of children under 15 years and of pregnant or breastfeeding women, except when deemed strictly necessary by the dental practitioner based on the specific medical needs of the patient. *1 Amalgam capsules such as those described in international standards ISO 13897:2018 and 24234:2015 are considered suitable for use by dental practitioners.* *2 Compliance of amalgam separators shall be based on relevant international standards, including ISO 11143:2008.*]
Proponent: The Africa region proposes deleting the heading and current text in the second column of part II of annex A, replacing it with the following text:	
[Dental amalgam]	[1. By 1 January 2023, each Party to the Minamata Convention on Mercury shall issue a communication recommending that only non- mercury dental filling materials be used in children and in women of childbearing age. 2. By 1 January 2025, each Party to the Minamata Convention on Mercury shall set out a national plan concerning the measures it intends to implement to phase out the use of dental amalgam. Parties shall make their national plans publicly available on the internet and shall transmit them to the Secretariat. 3. By 1 January 2027, the manufacture and import of amalgam shall cease. To account for exceptions and accommodate the transition to mercury-free dentistry, Parties may permit domestic sales inside their country for two more years. 4. By 1 January 2029, domestic sales of amalgam inside countries, as stipulated in point 3 above shall also cease.]

Annex II

Annex B to the Minamata Convention on Mercury, with proposed amendments (reflected in grey in the table for overview purposes)

Manufacturing processes in which mercury or mercury compounds are used

Part I: Processes subject to Article 5, paragraph 2

Manufacturing processes using mercury or mercury compounds	*Phase-out date*	*Proponent*
Chlor-alkali production	2025	
Acetaldehyde production in which mercury or mercury compounds are used as a catalyst	2018	
[Production of polyurethane using mercury-containing catalysts]	[2023]	European Union

Part II: Processes subject to Article 5, paragraph 3

Mercury using process	*Provisions*
Vinyl chloride monomer production	Measures to be taken by the Parties shall include but not be limited to: (i) Reduce the use of mercury in terms of per unit production by 50 per cent by the year 2020 against 2010 use; (ii) Promoting measures to reduce the reliance on mercury from primary mining; (iii) Taking measures to reduce emissions and releases of mercury to the environment; (iv) Supporting research and development in respect of mercury-free catalysts and processes; (v) Not allowing the use of mercury five years after the Conference of the Parties has established that mercury-free catalysts based on existing processes have become technically and economically feasible; Reporting to the Conference of the Parties on its efforts to develop and/or identify alternatives and phase out mercury use in accordance with Article 21.
Sodium or Potassium Methylate or Ethylate	Measures to be taken by the Parties shall include but not be limited to: (i) Measures to reduce the use of mercury aiming at the phase out of this use as fast as possible and within 10 years of the entry into force of the Convention; (ii) Reduce emissions and releases in terms of per unit production by 50 per cent by 2020 compared to 2010; (iii) Prohibiting the use of fresh mercury from primary mining; (iv) Supporting research and development in respect of mercury-free processes; (v) Not allowing the use of mercury five years after the Conference of the Parties has established that mercury-free processes have become technically and economically feasible; Reporting to the Conference of the Parties on its efforts to develop and/or identify alternatives and phase out mercury use in accordance with Article 21.
Production of polyurethane using mercury containing catalysts	Measures to be taken by the Parties shall include but not be limited to: (i) Taking measures to reduce the use of mercury, aiming at the phase out of this use as fast as possible, within 10 years of the entry into force of the Convention; (ii) Taking measures to reduce the reliance on mercury from primary mercury mining; (iii) Taking measures to reduce emissions and releases of mercury to the environment; (iv) Encouraging research and development in respect of mercury-free catalysts and processes;

Mercury using process	*Provisions*
	(v) Reporting to the Conference of the Parties on its efforts to develop and/or identify alternatives and phase out mercury use in accordance with Article 21. Paragraph 6 of Article 5 shall not apply to this manufacturing process.