



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

Online, 1–5 November 2021*

Item 3 of the provisional agenda**

**Rules of procedure for the Conference of the Parties:
consideration of rule 45****Rules of procedure for the Conference of the Parties to the
Minamata Convention on Mercury: consideration of rule 45****Note by the secretariat**

1. At its first meeting, the Conference of the Parties to the Minamata Convention on Mercury adopted, in decision MC-1/1, its rules of procedure, with the exception of the second sentence of paragraph 1 of rule 45 and paragraph 3 of rule 45, which remained in brackets.
2. At its second and third meetings, the Conference of the Parties considered the text of rule 45, as set forth in decision MC-1/1 (UNEP/MC/COP.2/3 and UNEP/MC/COP.3/3), without reaching any agreement on the matter. At its third meeting, the Conference of the Parties agreed to defer further consideration of the bracketed text in rule 45 to its fourth meeting.
3. Accordingly, the text of rule 45, as set forth in decision MC-1/1, is reproduced in annex I to the present note for ease of reference. The bracketed text remaining in paragraph 1 relates to the option to take a decision on matters of substance by means of voting should all efforts to reach consensus fail. The bracketed text in paragraph 3 relates to the mechanism used to decide whether a matter before the Conference of the Parties should be considered a matter of substance or a matter of procedure.
4. A draft decision providing for the adoption of the outstanding paragraphs of the rule is set out in annex II to the present note.

Suggested action by the Conference of the Parties

5. The Conference of the Parties may wish to consider and agree on the outstanding issues pertaining to rule 45 with a view to adopting final text.

* 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.

Annex I

Rule 45 of the rules of procedure for the Conference of the Parties to the Minamata Convention on Mercury

Rule 45

1. The parties shall make every effort to reach agreement on all matters of substance by consensus. [If all efforts to reach consensus have been exhausted and no agreement has been reached, the decision shall, as a last resort, be taken by a two-thirds majority of the parties present and voting, unless otherwise provided by the Convention, by the financial rules referred to in paragraph 4 of article 23 of the Convention or by the present rules of procedure.]
2. Decisions of the Conference of the Parties on matters of procedure shall be taken by a majority of the parties present and voting.
- [3. If the question arises of whether a matter is of a procedural or a substantive nature, [this matter shall be considered as a matter of substance.] [the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately [and the President's ruling shall stand unless overruled by a majority of the parties present and voting.]] [and the matter shall be treated as substantive unless determined to be procedural by a two-thirds majority of the parties present and voting.]]
4. If, on matters other than elections, a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as rejected.

Annex II

Draft decision MC-4/[--]: Rules of procedure

The Conference of the Parties,

Recalling paragraph 4 of article 23 of the Minamata Convention on Mercury,

Having resolved the outstanding issues pertaining to rule 45 of the rules of procedure for the Conference of the Parties,

Decides to adopt rule 45 of the rules of procedure for the Conference of the Parties as set out in the annex to the present decision.
