



Distr.: General
1 September 2019

Original: English



United Nations Environment Programme

Conference of the Parties to the Minamata Convention on Mercury Third meeting

Geneva, 25–29 November 2019

Item 5 (a) (i) 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: review of annexes A and B

Review of annexes A and B

Note by the secretariat

1. Articles 4 and 5 of the Minamata Convention on Mercury provide for the review of annexes A and B no later than five years after the date of entry into force of the Convention. The Conference of the Parties considered the matter at its second meeting and agreed to defer further consideration thereof to its third meeting, requesting the secretariat to prepare a document thereon for consideration at that meeting.
2. The present note explains the process for the review of annexes A and B, responding to the request from the Conference.

Review of annex A

3. Annex A to the Convention contains three sections, namely the products excluded from the annex, part I and part II. There are five categories of products excluded from the annex. Part I lists nine mercury-added products subject to paragraph 1 of article 4, which requires parties not to allow, by taking appropriate measures, the manufacture, import or export of such products after the specified phase-out date. Part II lists products subject to paragraph 3 of article 4, and sets out measures that parties shall take for the listed products. Dental amalgam is the only product listed in part II.
4. Paragraph 8 of article 4 provides that, no later than five years after the date of entry into force of the Convention, the Conference shall review annex A and may consider amendments to that annex in accordance with article 27. Paragraph 9 provides that, in reviewing annex A, the Conference shall take into account at least:
 - (a) Any proposal submitted under paragraph 7 of article 4;
 - (b) The information made available pursuant to paragraph 4 of article 4;
 - (c) The availability to the Parties of mercury-free alternatives that are technically and economically feasible, taking into account the environmental and human health risks and benefits.

* UNEP/MC/COP.3/1.

5. Paragraph 7 provides that any party may submit a proposal to the secretariat for listing a mercury-added product in annex A, which shall include information related to the availability, technical and economic feasibility, and environmental and health risks and benefits of the non-mercury alternatives to the product, taking into account information pursuant to paragraph 4.

6. Paragraph 2 provides that a party may, as an alternative to paragraph 1, indicate at the time of ratification or upon entry into force of an amendment to annex A for it, that it will implement different measures or strategies to address products listed in part I of annex A, provided that it can demonstrate that it has already reduced to a de minimis level the manufacture, import and export of the large majority of the products listed in part I of annex A and that it has implemented measures or strategies to reduce the use of mercury in additional products not listed in part I of annex A. The same paragraph also provides that, no later than five years after the date of entry into force of the Convention, the Conference shall, as part of the review process under paragraph 8, review the progress and the effectiveness of the measures taken under paragraph 2.

Review of annex B

7. Annex B to the Convention consists of two parts. Part I lists two manufacturing processes subject to paragraph 2 of article 5, which requires parties not to allow, by taking appropriate measures, the use of mercury or mercury compounds in such processes after the specified phase-out date. Part II lists three manufacturing processes subject to paragraph 3 of article 5, and sets out measures that parties shall take to restrict the use of mercury or mercury compounds in those processes.

8. Paragraph 10 of article 5 provides that, no later than five years after the date of entry into force of the Convention, the Conference shall review annex B and may consider amendments to that annex in accordance with article 27. Paragraph 11 of article 5 provides that, in reviewing annex B, the Conference shall take into account at least:

- (a) Any proposal submitted under paragraph 9 of article 5;
- (b) The information made available under paragraph 4 of article 5;
- (c) The availability to the Parties of mercury-free alternatives which are technically and economically feasible taking into account the environmental and health risks and benefits.

9. Paragraph 9 provides that any party may submit a proposal to amend annex B in order to list a manufacturing process in which mercury or mercury compounds are used, which shall include information related to the availability, technical and economic feasibility and environmental and health risks and benefits of the non-mercury alternatives to the process.

Information made available by the secretariat

10. Paragraph 4 of article 4 and paragraph 4 of article 5 provide that the secretariat shall, on the basis of information provided by parties, collect and maintain information on mercury-added products and processes that use mercury or mercury compounds, respectively, and their alternatives, and shall make such information publicly available. It also provides that the secretariat shall make publicly available any other relevant information submitted by parties.

11. Article 17 provides for information exchange between parties, including information on technically and economically viable alternatives to mercury-added products and manufacturing processes in which mercury or mercury compounds are used. Paragraph 3 of the article provides that the secretariat shall facilitate cooperation in the exchange of information between parties and with relevant organizations, including the secretariats of multilateral environmental agreements and other international initiatives.

12. Information submitted by parties and other stakeholders pursuant to the above-mentioned provisions has been made available on the website of the Convention.¹

Suggested action by the Conference of the Parties

13. A draft decision is set out in the annex to the present note. The Conference of the Parties may wish to consider the process for the review of annexes A and B to the Convention.

¹ <http://www.mercuryconvention.org/Implementation/InformationExchange/tabid/8081/language/en-US/Default.aspx>.

Annex

Draft decision MC-3/[--]: Review of annexes A and B

The Conference of the Parties,

Recalling that paragraph 8 of article 4 and paragraph 10 of article 5 of the Convention require the Conference of the Parties to review annexes A and B respectively no later than five years after the date of entry into force of the Convention,

Recalling also that paragraph 9 of article 4 and paragraph 11 of article 5 establish what the Conference of the Parties shall, at least, take into account in reviewing annexes A and B to the Convention, respectively,

Taking into consideration that paragraph 2 of article 4 of the Convention requires the Conference of the Parties, as part of the review process under paragraph 8 of article 4, to review the progress and the effectiveness of the measures taken under paragraph 2 of article 4,

1. *Decides* to establish an ad hoc group of experts with terms of reference as set out in the appendix to the present decision;
2. *Requests* the secretariat to call for nominations, through the Bureau representatives, for four experts from parties from each of the five United Nations regions by 29 February 2020, and to support the work of the ad hoc group of experts;
3. *Requests* parties that have notified the secretariat at the time of their ratification of the Convention that they will implement different measures or strategies to address products listed in part I of annex A to report, by 30 June 2020, on the measures or strategies they have implemented, including a quantification of the reductions achieved;
4. *Requests* the secretariat to compile the submissions from parties for consideration by the ad hoc group of experts;
5. *Also requests* the secretariat, based on the report from the ad hoc group of experts, to prepare a document for consideration by the Conference of the Parties at its fourth meeting, noting that, should the document include proposed amendments to annexes A or B, the secretariat is to communicate the text of any proposed amendment to the parties at least six months before the meeting of the Conference of the Parties at which it is proposed for adoption, pursuant to the provisions of paragraph 2 of article 26;
6. *Decides* to review at its fourth meeting the progress achieved by the ad hoc group of experts, and to consider further action.

Appendix to decision MC-3/[--]

Draft terms of reference for an ad hoc group of experts on mercury-added products and manufacturing processes in which mercury or mercury compounds are used

I. Mandate

1. The Conference of the Parties to the Minamata Convention on Mercury at its third meeting, by decision MC-3/[--], established an ad hoc group of experts to undertake the following:
 - (a) Review the provisions of annexes A and B to the Convention, taking into account the information submitted by parties pursuant to paragraph 4 of article 4 and paragraph 4 of article 5, any report submitted pursuant to paragraph 2 of article 4, and other information regarding mercury-added products and manufacturing processes in which mercury or mercury compounds are used, and their alternatives;
 - (b) Submit its report on the review of annexes A and B, including the progress and effectiveness of the measures taken under paragraph 2 of article 4, for the consideration by the Conference of the Parties at its fourth meeting;
 - (c) *[Another mandate might be added on the use and harmonization of customs codes to identify and distinguish non-mercury-added and mercury-added products listed in annex A].*

II. Membership

2. The ad hoc group of experts, which at its first meeting will elect two co-chairs, will comprise [technical] experts nominated by parties of the five United Nations regions as follows: [four] from African States, [four] from Asia-Pacific States, [four] from Eastern European States, [four] from Latin American and Caribbean States and [four] from Western European and other States. Before the first meeting of the group, the group and the Convention secretariat will invite [ten] experts from intergovernmental organizations, industry, civil society and the scientific community to participate as observers. The group may also invite input from Governments, intergovernmental organizations, industry and civil society organizations to assist it in its work, as appropriate.

III. Recommended qualifications of members and observers

3. Members and observers of the ad hoc group of experts should have expertise in at least one of the following areas:

- (a) Use of mercury and mercury compounds in products or manufacturing processes;
- (b) Environmental and health impact of exposure to mercury;
- (c) Regulatory policy, to address the human health and environmental risks of mercury;
- (d) [*Expertise in customs codes and/or trade in mercury-added products*].

IV. Officers

4. The ad hoc group of experts will elect two co-chairs to facilitate its meetings.

V. Secretariat

5. The secretariat of the Convention will provide support to the group.

VI. Administrative and procedural matters

6. The rules of procedure of the Conference of the Parties will apply, mutatis mutandis, to the group.

VII. Meetings

7. The ad hoc group of experts will work by electronic means and will meet face to face at least [twice] during the intersessional period preceding the fourth meeting of the Conference of the Parties.

VIII. Language

8. The working language of the group will be English.
