

**Information Session on the 2020 Mercury-added Products Deadline**  
**Thursday, 2 July 2020, 10h00-11h00 and 16h00-17h00 CEST**  
**Summary of questions and answers**

The following summarizes the responses that the Secretariat of the Minamata Convention provided to the questions raised at the information session. It also includes responses to some questions that were not responded to during the session, and other supplementary information.

**Session 1: 10h00-11h00 CEST**

*Q: The financial mechanism of the Convention aims to assist developing countries and countries in transition to fulfill their obligations under the convention. To date, many African countries are Parties, yet many may not yet have the measures in place to phase-out Hg-added products by 2020 as stipulated in Part I of Annex A. What concrete support is envisaged for those Parties?*

A: The financial mechanism of the Convention consists of two components. The first component, the Global Environment Facility, has to date funded 111 Minamata Initial Assessments, and also funds some work on mercury-added products. Among these is work by the World Health Organization, UNDP and other partners on mercury in health care products. The GEF and its implementing agencies are also developing projects on topics such as cosmetics, medical devices and dental amalgam. The second component, the Specific International Programme, has funded some projects on mercury-added products. For more information, please see our [website](#). Parties are also encouraged to reach out to the Secretariat with any specific implementation questions.

*Q: Is it correct that Article 4 does not prevent the Party to use mercury-added products until they become end-of-life? My country has registered for the exemption according to the Article 6 and so we can still export, import or event produce mercury-added products until that date, is that correct? However, we are working on the phasing out regulation and other relevant measures.*

A: That is correct, the use of mercury-added products is not restricted by the Convention. Some Parties may choose to take specific categories of mercury-added products out of use, but that is not required per se by the Convention. The manufacture, import and export of the products listed in Annex A is not allowed after the phase-out date applicable to the Party. That phase-out date is 2020 unless a Party has a registered exemption per Article 6.

*Q: We are in middle of 2020, where do we stand for complying with the deadline? How many countries have banned the products with deadline by 2020?*

A: For an overall assessment, we will need to look at the national reports pursuant to Article 21 to be submitted by the end of 2021. We know measures taken by some Parties through Article

30(4) notifications, and also through information contained in the Minamata Initial Assessments that have been submitted so far (and are available on our [website](#)).

*Q: What are the principal criteria for allowing exemption to a party on registration/application?*

A: For the products now listed in Annex A, there are no criteria stipulated for an exemption to be valid, provided that the country follows the required procedure to notify the Secretariat in writing upon becoming a Party to the Convention, and not after it has become a Party. (Note: According to Art. 31, paragraph 2 the Convention enters into force for the country on the ninetieth day after the date of deposit of the instrument of ratification, acceptance, approval or accession). The notification submitted must include a statement explaining the Party's need for the exemption. The forms for notifications can be found on our [website](#) (see the Article 6 row).

A Party with an exemption may request the Conference of the Parties (COP) to extend its exemption for a maximum of an additional five years. In making its decision on such a request, the COP must take account of:

- (a) A report from the Party justifying the need to extend the exemption and outlining activities undertaken and planned to eliminate the need for the exemption as soon as feasible;
- (b) Available information, including in respect of the availability of alternative products and processes that are free of mercury or that involve the consumption of less mercury than the exempt use; and
- (c) Activities planned or under way to provide environmentally sound storage of mercury and disposal of mercury wastes.

*Q: Are exemptions allowed for phase-out dates or they permanent exclusions, for example as it relates to research and purposes, vaccines, traditional or religious practices?*

A: The exclusions from Annex A of the Convention are permanent exclusions. A Party's registered exemption is time-limited as explained above.

*Q: How do you view the possibility of country to register an exemption for a process that is found to be a significant source of mercury uses and releases, such as gold plating?*

A: Gold plating is not specifically addressed by the Convention. If Parties wish this process may be raised in the process of the review of Annex B on manufacturing processes where mercury or mercury compounds are used.

*Q: How does the Minamata Convention regulate the online trade of cosmetics with mercury higher than the allowable limit?*

A: Controlling online marketing is a considerable implementation challenge, and the Secretariat will make efforts to collect relevant information and support Parties as needed. This is recognized by a number of partners working in the area of implementation support. We would

like to refer you here to the research and actions by the [Zero Mercury Working](#) group in this regard, who worked with three online platforms to remove creams from sales.

*Q: Are there facilities in the CEE region or in the EU that accept metallic mercury and intact thermometers for the final disposal?*

A: End-of-life mercury-added products are regarded as “waste containing mercury” under Article 11. The Secretariat received information on final disposal facilities for “waste consisting of mercury” through Article 21 reporting and is currently in the process of collating the information.

*Q: An example of a medical device that contains significant elemental mercury that is not included in Part 1 of Annex A are sleep test kits that contain a positioning device. Is this device exempt from phase-out?*

A: Regarding specific devices, we need to look at the details of the product to know whether mercury switches are used. If a product is not listed in Annex A, Parties may wish to raise this in the process of the review of Annex A.

## **Session 2: 16h00-17h00 CEST**

*Q: Is there an open register with data on countries that have applied for exclusions or extensions?*

A: Yes. In addition to our [web page](#) where all the notifications under different articles are posted, all the registered exemptions can be found at the following [link](#).

*Q: How can we identify the tariff codes of the products that contain mercury exhaustively, for full compliance with the Convention?*

A: A COP-3 document on customs codes [UNEP/MC/COP.3/INF/12](#) includes examples of tariff codes for mercury-added products used in some countries. As requested by COP-3, the Secretariat and the Global Mercury Partnership are working on a guidance document on the use of customs codes to distinguish mercury-added products.

*Q: Can the Secretariat assist developing countries to implement extending the harmonized system codes (from 6 to 10 or 12 digits) to facilitate the better monitoring of the import of Art. 4 products?*

A: The guidance document mentioned above will include a list of possible customs nomenclature codes of more than 6-digits that could be used by Parties, and examples of good practice.

*Q: A major challenge is the lack of specific harmonized system codes on products. If the World Customs Organization introduces harmonized system codes for all products, it would be easy to manage data. Has the WCO been approached accordingly?*

A: The Secretariat consulted with WCO to develop the COP-3 document, and continues to work closely with the WCO in the development of the guidance document. The intersessional work also includes the assessment of whether the development of six-digit codes would be a useful complement to the guidance document.

*Q: What if a Party has not sought exemption till 2025 and continues the products beyond the 2020 deadline. What are the consequences for such a Party?*

A: The Convention was designed to facilitate and support compliance. The Convention has an Implementation and Compliance Committee that may decide to consider such a situation.

*Q: Is there a work plan for the Secretariat to support Parties after reaching the phase-out limit?*

A: As noted above, the Convention seeks to facilitate compliance, so we encourage Parties to seek information from us or the many partners engaged on the issue of mercury-added products, including the Global Mercury Partnership, UNEP, UNDP, WHO, Zero Mercury Working Group, NRDC, and the EEB. See in particular very useful information on these websites:

- [Global Mercury Partnership products area](#)
- [WHO Developing national strategies for phasing out mercury-containing thermometers and sphygmomanometers in health care](#)
- [NEWMOA Mercury-Added Product Fact Sheets](#)
- [Zero Mercury Working Group mercury in products](#)
- [EEB/ZMWG/NRDC Guide and Checklist for Phasing Out Mercury-added Products](#)

The financial mechanism of the Convention, which includes the GEF (with its implementing agencies) as well as the Specific International Programme, is active on this issue, not only through the Minamata Initial Assessments but also through a number of projects. The World Health Organization and other partners have been active on mercury use in medical devices, for example, and we encourage Parties to reach out for any specific help they need.

*Q: What if Parties are unable to substitute some Annex A products? Some regions may face this challenge.*

A: In developing Annex A, negotiators made use of considerable data and information regarding the availability of non-mercury products. While specific Parties may face specific challenges, we are not aware of widespread challenges in meeting the requirements of the Annex A deadline. The Article 6 exemption procedure was put in place to allow a Party to address a specific challenge.

*Q: Is mercury compound restricted in international trade? Can a Party restrict the entry of some mercury compounds?*

A: The procedure under Article 3 currently only applies to mercury. Article 3, paragraph 13 provides that the COP shall evaluate whether the trade in specific mercury compounds compromises the objective of the Convention.

For more information, see:

- [Global Mercury Partnership products area](#)
- [WHO Developing national strategies for phasing out mercury-containing thermometers and sphygmomanometers in health care](#)
- [NEWMOA Mercury-Added Product Fact Sheets](#)
- [Zero Mercury Working Group mercury in products](#)
- [EEB/ZMWG/NRDC Guide and Checklist for Phasing Out Mercury-added Products](#)

<b>WEB</b>	<b><a href="http://www.mercuryconvention.org">www.mercuryconvention.org</a></b>
<b>E-MAIL</b>	<b><a href="mailto:MEA-MinamataSecretariat@un.org">MEA-MinamataSecretariat@un.org</a></b>
<b>TWITTER</b>	<b><a href="#">@minamataMEA</a></b> <b><a href="#">#MakeMercuryHistory</a></b>