



MINAMATA
CONVENTION
ON MERCURY



Moving towards effective implementation



MINAMATA CONVENTION ON MERCURY



- This presentation has been developed to provide an overview of the Minamata Convention on Mercury.
- It is not intended to interpret nor to substitute the adopted text of the Convention, but rather aims at assisting countries and other stakeholders involved in preparing for ratification and early implementation of the Convention by giving them a rapid outline of some of its main obligations.



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Highlights of the Convention

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35 Articles and 5 Annexes, in **4 main categories** :

- **Operational articles** - describing obligations to reduce anthropogenic emissions and releases of mercury and mercury compounds to the environment, covering the entire life-cycle of mercury
- **Support to Parties** - financial resources, capacity building, technical assistance and technology transfer, implementation and compliance committee
- **Information and awareness raising**, including actions to reduce impacts of mercury
- **Administrative matters**



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Highlights of the Convention

- Preamble – sets background for the Convention, establishes previous relevant decision, cooperative actions
- Objective (article 1) – to protect the human health and the environment from anthropogenic emissions and releases of mercury
- Definitions (article 2) – sets out definitions used in more than one Article of the Convention. Some articles include definitions specific to that article



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Summary of operational articles

Article 3 – Mercury supply sources and trade

Primary mercury mining

- Each Party shall not allow primary mercury mining that was not being conducted at the date of entry into force of the Convention for it (EIF)
- Each Party shall only allow primary mercury mining that was being conducted (at EIF) for a period of up to 15 years
- Uses of mercury from existing primary mines limited to products and processes according to Articles 4 and 5 or disposal – no use in ASGM

Stocks

- Parties to endeavour to identify individual mercury stocks (>50 tonnes) and sources of stocks (>10 tonnes pa) and to take measures for the disposal of excess mercury from the decommissioning of chlor-alkali plants



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Article 3 – Mercury supply sources and trade

Trade - No export of mercury except:

To a Party that has provided the exporting Party with its written consent, and only for the purpose of: a use allowed or environmentally sound interim storage (Article 10)

To a non-Party that has provided the exporting Party with its written consent, including certification demonstrating that measures are in place to ensure the protection of human health and the environment and to ensure its compliance with Articles 10 and 11; and only for a use allowed or for environmentally sound interim storage.

No import of mercury from non-Parties unless – written consent and certification that the mercury is not from sources identified as not allowed (primary mercury mining or excess mercury from the decommissioning of chlor-alkali facilities)

➤ ***Possibility to rely on general notification***

Requirements for reporting under Article 21



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Article 3 – Mercury supply sources and trade

At its first meeting, the COP shall:

- provide further guidance on identification of stocks and sources of supply, trade with Parties and non Parties
- develop and adopt the required content of the certification provided by non Parties

The COP shall evaluate whether the trade in specific mercury compounds compromises the objective of this Convention and consider whether specific mercury compounds should, by their listing in an additional annex adopted in accordance with Article 27, be made subject to paragraphs 6 and 8.



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Article 4 – Mercury-added products

- Parties shall not allow manufacture, import or export of mercury-added products in part 1 of Annex A after the phase out date
- Under certain conditions (*de minimis level*), possibility to implement different measures or strategies to address products listed in Part I of Annex A
- Parties shall take measure for products in Part II of Annex A
- Parties shall discourage new mercury-added products, unless there is an environmental or human health benefits
- Parties may propose new products and the Conference of the Parties shall review Annex A



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Article 5 – Manufacturing processes in which mercury or mercury compounds are used

- Parties shall not allow use of mercury or mercury compounds in process listed in part 1 of Annex B after the phase out date
- Parties shall take measures to restrict the use of mercury or mercury compounds in the processes listed in Part II of Annex B in accordance with the provisions listed.
- Secretariat shall collect information on processes using mercury and alternatives and make it publically available.
- Parties using processes listed in Annex B shall address emissions and releases, report, and identify facilities and report.
- No new facilities to be built for processes in Annex B after entry into force of the Convention
- Discourage development of facilities with new manufacturing processes using mercury



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Article 6 – Exemptions

- Any State or regional economic integration organization may register for an exemption from the phase-out dates listed in Annex A and Annex B on becoming a Party
- The registration shall be accompanied by a statement explaining the Party's need for the exemption.
- Forms for registering an exemption, as well as the structure of the register of exemptions, were adopted on a provisional basis at INC6.



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Article 7 – Artisanal and small-scale gold mining

- Parties with ASGM and processing in which mercury amalgamation is used shall take steps to reduce, and where feasible eliminate, the use of mercury and mercury compounds and the emissions and releases of mercury to the environment
- Parties who determine they have more than insignificant ASGM must notify the Secretariat, develop and implement a national action plan (Annex C), and review the plan every 3 years.
- Parties may cooperate to achieve objectives of the article on a number of measures.



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Article 8 – Emissions (to air)

- Relevant sources: at least 75% of the sources in the categories listed in Annex D
 - Coal-fired power plants
 - Coal-fired industrial boilers
 - Smelting and roasting processes used in the production of non-ferrous metals
 - Waste incineration facilities
 - Cement clinker production facilities



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Article 8 – Emissions (to air)

- Differentiated measures between new and existing sources:

For new sources –

- BAT/BEP required no later than 5 years after entry into force of the Convention for that Party

For existing sources –

- choice of measures within 10 years : quantified goal, emission limit values, BAT/BEP, multi-pollutant control strategy that would deliver co-benefits for control of mercury emissions or alternative measures
 - Whatever measures used should achieve reasonable progress in reducing emissions over time.
- Possibility to prepare a national plan
 - Inventory of emissions within 5 years
 - Reporting on implementation, particularly on measures taken and their effectiveness



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Article 9 – Releases (to water and land)

- A Party with relevant sources shall take measures to control releases, including one or more of the following listed measures :
 - Release limit values
 - BAT/BEP
 - Multi-pollutant control strategy that would deliver co-benefits for control of mercury releases
 - Alternative measures
- Relevant sources: significant anthropogenic point source of release as identified by a Party that is not addressed in other provisions of this Convention
- Possibility to prepare a national plan
- Inventory of releases within 5 years
- Reporting on implementation, particularly on measures taken and their effectiveness



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Article 10 – Environmentally sound interim storage of mercury other than waste mercury

- Interim storage of mercury and mercury compounds intended for a use allowed to a Party under this Convention
- Environmentally sound interim storage, taking into account any guidelines, and in accordance with any requirements, adopted by the COP
- Cooperation, as appropriate, between Parties and with relevant IGOs and other entities, to enhance capacity-building for the environmentally sound interim storage of such mercury and mercury compounds



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Article 11 – Mercury wastes

Reference to the relevant definitions of the Basel Convention

Definition of “mercury wastes”, which means substances or objects:

- (a) Consisting of mercury or mercury compounds;
- (b) Containing mercury or mercury compounds; or
- (c) Contaminated with mercury or mercury compounds,

in a quantity above the relevant thresholds defined by the COP (...) that are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law or this Convention.



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Article 11 – Mercury wastes

Parties obligations pertaining to :

- Environmentally sound management of mercury wastes:
 - Taking into account the guidelines developed under the Basel Convention and,
 - In accordance with requirements that the COP adopts
- Recovery, recycling, reclamation or direct re-use only for a use allowed under the Convention or for environmentally sound disposal
- Transport across international boundaries

Cooperation encouraged to develop and maintain global, regional and national capacity for the management of mercury wastes in an environmentally sound manner



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Article 12 – Contaminated Sites

- Each Party shall endeavour to develop appropriate strategies for identifying and assessing contaminated sites
- Actions to reduce risks shall be performed in an environmentally sound manner, incorporating, where appropriate, an assessment of the risks to human health and the environment
- COP shall adopt guidance on managing contaminated sites
- Parties encouraged to cooperate



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Summary of articles relating to support to Parties

Article 13 - Financial resources and mechanism

- Each Party undertakes to provide, within its capabilities, resources in respect of those national activities that are intended to implement this Convention
- Overall effectiveness of implementation of the Convention by developing country Parties will be related to the effective implementation of Article 13



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Article 13 - Financial resources and mechanism

- Mechanism established for the provision of adequate, predictable and timely financial resources, comprising :
 - The Global Environment Facility Trust Fund
 - A specific international programme (SiP) to support capacity building and technical assistance
- GEF Trust Fund shall provide new, predictable, adequate and timely financial resources
- Mechanism operates under the guidance of, and is accountable to the Conference of the Parties
- Details for the SiP to be decided by the COP at its first meeting



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Article 14 - Capacity-building, technical assistance and technology transfer

- Cooperation to provide timely and appropriate capacity-building and technical assistance to developing country Parties and countries with economies in transition
- Capacity-building and technical assistance delivered through regional, subregional or national arrangements, other multilateral and bilateral means, or partnerships
- Developed country Parties and other Parties within their capabilities shall promote and facilitate development, transfer and diffusion of, and access to, up-to-date environmentally sound alternative



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Article 14 – Conference of the Parties

COP by its 2nd meeting and thereafter on a regular basis to:

- 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.

COP to make recommendations on how capacity-building, technical assistance and technology transfer could be further enhanced under this Article.



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Overview of information and awareness raising articles

Information and awareness raising

- Health aspects (Article 16)
- Information exchange (Article 17)
- Public information, awareness and education (Article 18)
- Research, development and monitoring (Article 19)
- Implementation plans (Article 20)
- Reporting – required by all Parties (Article 21)
- Effectiveness evaluation (Article 22)



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Health issues in the Minamata Convention

- Key objective of the Convention is to **protect the human health** and the environment from anthropogenic emissions and releases of mercury and mercury compounds
- Greatest overall health benefits are likely to result from reduction of environmental levels of mercury through decreasing emissions and releases
- Implementation of other substantive articles of the Convention will produce substantial health benefits
- Specific article on health aspects (Article 16)



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Article 16 – Key provisions

- Focus on populations at risk, particularly vulnerable populations
- No obligation on Parties but encouragement to:
 - Identify and protect populations at risk
 - Promote education and prevention programmes
 - Promote appropriate health care services
 - Establish and strengthen Institutional and health professional capacities
- COP to consult, collaborate and promote cooperation and information exchange with WHO, ILO and other IGOs



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Overview of articles relating to administrative matters

Administrative Articles

- Establish Conference of the Parties (Article 23)
- Establish Secretariat, hosted by UNEP (Article 24)
- Standard operational articles (Articles 25 to 35):
 - Settlement of disputes
 - Amendments to the Convention
 - Adoption and amendment of annexes
 - Right to vote, signature, ratification etc., entry into force, reservations, withdrawal, depositary, authentic texts



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