



MINAMATA
CONVENTION
ON MERCURY



Implementation of key operational articles of the Minamata Convention



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- **Mercury supply sources and trade (Article 3), Environmentally sound interim storage of mercury, other than waste mercury (Article 10)**
- **Mercury added products (Article 4), Processes using mercury (Article 5), Exemptions (Article 6)**
- **Artisanal and small-scale gold mining (Article 7)**
- **Emissions and releases (Article 8 and Article 9)**
- **Mercury wastes (Article 11) and contaminated sites (Article 12)**
- **Health Aspects (Article 16)**



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Mercury supply sources and trade (Article 3)
**Environmentally sound interim storage of
mercury, other than waste mercury (Article 10)**

Article 3 – Definitions and scope

Specific definitions of mercury and mercury compounds for the purposes of Article 3

Specific list of mercury compounds controlled

Specific exemptions from the scope for:

- Uses for laboratory-scale research or as a reference standard
- Naturally occurring trace quantities in such products as non-mercury metals, ores, or mineral products, including coal, or products derived from these materials
- Unintentional trace quantities in chemical products
- Mercury-added products.



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Article 3 - Key provisions on 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
- Each Party shall **only allow primary mercury mining that was being conducted** for a period of **up to 15 years** after entry into force of the Convention for it
- **Uses of mercury from existing primary mines limited** to products and processes according to Articles 4 and 5 or disposal – **no use in ASGM**



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Article 3 - Key provisions on stocks

Parties shall:

- Endeavour to identify **mercury stocks >50 tonnes** and **sources of supply** generating stocks **>10 tonnes/year**
- **Take measures to ensure disposal** of excess mercury from the **decommissioning of chlor-alkali facilities**, using operations that do not lead to recovery, recycling, reclamation, direct re-use or alternative uses



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Article 3 - Key provisions on 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 to the importing Party under this Convention
- 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
- Only for a use allowed or for environmentally sound interim storage.

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



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Article 3 - Key provisions on trade

- **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)



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Article 3 – Conference of the Parties

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 3 – Reporting

Each Party shall include in its reports submitted pursuant to **Article 21** information showing that the **requirements of this Article have been met.**

Article 10 – Definition and scope

The Article deals with the **environmentally sound interim storage of mercury and mercury compounds as defined in Article 3** (*Mercury supply sources and trade*) that **do not fall within the meaning of mercury wastes**, as set out in Article 11 (*Mercury Wastes*).



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Article 10 – Key provisions

- 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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**Mercury added products (Article 4)
Processes using mercury (Article 5)
Exemptions (Article 6)**

Article 4. Key provisions

- “Mercury-added product” means a product or product component that contains mercury or a mercury compound that was intentionally added (article 2)
- **Phase-out date (2020)** for the manufacture, import or export of mercury-added products **in part 1 of Annex A** except exclusion specified in Annex A or registered exemption pursuant to Article 6
- Under certain conditions (*de minimis level*), possibility to implement different measures or strategies to address products listed in Part I of Annex A



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Article 4. Key provisions

Parties **shall** :

- take measures for products in Part II of Annex A
- take measures to prevent inclusion into assembled products of products listed in Annex A
- Discourage the manufacture and distribution in commerce of new mercury-added products, unless environmental or human health benefits



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Article 4. Key provisions

- Any Party may submit a proposal to the Secretariat for listing a mercury-added product in Annex A
- No later than five years after the date of entry into force of the Convention, the COP shall review Annex A and may consider amendments to that Annex in accordance with Article 27



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Article 5. Key provisions

- Parties **shall not** allow use of mercury or mercury compounds in processes listed in part 1 of Annex B after the phase out date - except for exemptions
- 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
- Parties with 1 or more facilities using processes listed in Annex B **shall** take measures to address emissions and releases, report, and endeavour to identify facilities



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Article 5. Key provisions

- **No new facilities** to be built that include processes listed in Annex B after entry into force of the Convention
- Parties **shall** discourage the development of any facility using any other manufacturing process in which mercury or mercury compounds are intentionally used that did not exist prior to the date of entry into force of the Convention (noting exception)



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Article 5. Key provisions

- 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
- No later than 5 years after the date of entry into force of the Convention, COP shall review Annex B and may consider amendments to that Annex in accordance with Article 27



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Artisanal and small-scale gold mining (Article 7)

Definitions and scope

- “Artisanal and small-scale gold mining” means gold mining conducted by individual miners or small enterprises with limited capital investment and production (Article 2)
- Measures in Article 7 and in Annex C shall apply to **artisanal and small-scale gold mining and processing** in which **mercury amalgamation is used** to extract gold from ore



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Article 7 - Key provisions

Each Party that has artisanal and small-scale gold mining and processing subject to this Article within its territory **shall take steps to reduce, and where feasible eliminate, the use of mercury** and mercury compounds in, **and the emissions and releases** to the environment of mercury from, such mining and processing



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Article 7 - Key provisions

If at any time the Party determines that ASGM and processing in its territory is **more than insignificant**, it shall notify the Secretariat and:

- Develop and implement a **national action plan** (Annex C)
- **Submit it** to the Secretariat **within 3 years**
- Provide a **review every three years** of the progress made and include such reviews in its reports pursuant to Article 21

Parties **may** cooperate to achieve objectives of the article on a number of measures (para 4 a-f).



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Annex C – National action plan

- National objectives & reduction targets (paragraph 1a)
- List of worst practices to be eliminated (paragraph 1b)
- Formalization or regulation of the sector (paragraph 1c)
- Baseline estimates of the quantities of mercury used and the practices employed (paragraph 1d)
- Schedule for implementation of the national action plan (paragraph 1k)
- A series of strategies (paragraphs e to j)
- Additional strategies to achieve its objectives (paragraph 2)

NB. Annex C explicitly calls for a public health strategy, which encompasses health surveillance, health care worker training and awareness raising.



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Article 7 - Opportunities for cooperation

Parties may cooperate with each other and with relevant intergovernmental organizations and other entities, as appropriate, **to achieve the objectives of Article 7**, including through:

- Strategies to prevent the diversion of mercury or mercury compounds for use in ASGM and processing (paragraph 4a)
- Education, outreach & capacity building initiatives (paragraph 4b)
- Promotion of research (paragraph 4c)
- Provision of technical and financial assistance (para 4d)
- Partnerships to assist in the implementation of their commitments under Article 7 (paragraph 4e)
- Information exchange (paragraph 4f)



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Emissions (Article 8) and releases (Article 9)

Overview

- Both articles contain definitions of key terms
- Article 2 provides a definition for BAT/BEP
- Regarding **emissions**:
 - Controls on new sources
 - Controls on existing sources
- Regarding **releases**: identification of relevant point source categories within 3 years
- Inventory required for both emissions and releases
- Conference of the Parties (COP) shall agree on a range of guidance, and keep under review and update these as appropriate



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Article 8 - Key provisions

- Relevant sources: categories listed in **Annex D**
- **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:** panel of measures within 10 years
- Possibility to prepare a **national plan**
- **Inventory of emissions** within 5 years



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Article 8 - Relevant sources of emissions

See source categories 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 - Key provisions

For **existing sources**, a Party shall implement one or more of the following listed measures, no more than 10 years after entry into force of the Convention for it:

- Quantified goal
- Emission limit values
- BAT/BEP
- Multi-pollutant control strategy that would deliver co-benefits for control of mercury emissions
- Alternative measures

Whatever measures used should achieve reasonable progress in reducing emissions over time.



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Article 9 - Key provisions

- 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



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Article 9 - Key provisions

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



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Articles 8 & 9 - Inventories on emissions and releases

- Each Party shall establish, as soon as practicable and no later than 5 years of entry into force of the Convention for it, and maintain thereafter, inventories of emissions and releases from respective relevant sources
- Each Party shall include information on its implementation of Articles 8 and 9 in its reports (article 21), particularly on measures taken and their effectiveness



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Article 8 - Conference of the Parties

For emissions

At its first meeting, adopt guidance on :

- BAT/BEP, taking into account any difference between new and existing sources and the need to minimize cross-media effects
- Support for Parties in implementing the measures set out in paragraph 5, in particular in determining goals and in setting emission limit values

As soon as practicable, adopt guidance on :

- Criteria that Parties may develop pursuant to paragraph 2 (b)
- Methodology for preparing inventories of emissions.



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Article 9 - Conference of the Parties

For releases

As soon as practicable, adopt guidance on :

- BAT/BEP, taking into account any difference between new and existing sources and the need to minimize cross-media effects
- Methodology for preparing inventories of releases



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Group of technical experts

- Established by resolution of the Diplomatic Conference
- Mandated to develop the guidance called for in Article 8
- Regions nominated experts
- Addressing all the issues in paragraphs 8 and 9
- Guidance has potential relevance for Article 9 as well



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Introduction to the UNEP Mercury Toolkit

Mercury inventories with UNEP Toolkit

Inventories are the **basis for prioritizing actions**

UNEP Toolkit for the identification and quantification of mercury releases :

- Assists governments in conducting their inventories
- Provides information about the characteristics of mercury sources
- Standard methodology for comparable data



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UNEP toolkit – 2 levels

Level 1 :

- Default factors and guidance provided
- Simplified and standardized procedure and tools for basic inventories

Level 2 : Standardized procedure but open framework - encourages use of specific national data (default factors can be used when data is absent)

- Level 1 and 2 can be combined
- E-Learning platform developed in cooperation with UNITAR



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Mercury wastes (Article 11) and Contaminated sites (Article 12)

Article 11 – Definition and scope

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 – Key provisions

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 11 – Conference of the Parties

- **Defines the thresholds** relating to mercury wastes
- **Adopts requirements** on environmentally sound management of mercury wastes in an additional annex
- **Seeks to cooperate** with the relevant bodies of the Basel Convention in the **review and update of the guidelines developed under the Basel Convention**



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Article 12 – Key provisions

- 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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Health Aspects (Article 16)

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



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Article 16 – Conference of the Parties

Conference of the Parties, in considering health-related issues or activities, should:

- Consult and collaborate with WHO, ILO and other IGOs
- Promote cooperation and information exchange with WHO, ILO and other IGOs



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