Guidance for completing the national reporting format for the Minamata Convention on Mercury

NOTE: This edition of the guidance is for use by Parties in preparing their second full report covering the reporting period from 1 January 2021 to 31 December 2024. This edition has been developed on the basis of the reporting guidance adopted by the Conference of the Parties in its decision MC-5/13. As requested in that decision, the Secretariat has reflected the amendments to the reporting format, with additional guidance in underscore, in this edition.

I. Article 21 reporting obligations under the Minamata Convention

The Minamata Convention on Mercury, in article 21 on reporting, provides that each party shall report to the Conference of the Parties, through the secretariat, on the measures it has taken to implement the provisions of the Convention, and on the effectiveness of such measures and the possible challenges in meeting the objectives of the Convention.

In decision MC-1/8, on timing and format of reporting by the parties, the Conference of the Parties adopted the reporting format set out in the annex to that decision, entitled "Reporting format for the Minamata Convention on Mercury: reporting on measures to be taken to implement the provisions of the Convention, the effectiveness of such measures and the challenges encountered". The instructions in the reporting format indicated that the national reports must be submitted to the Conference of the Parties through the Minamata Convention secretariat in any of the six official languages of the United Nations.

The Conference of the Parties further decided that each party shall report every four years using the full format, and every two years with respect to the questions in the format marked by an asterisk.

The Conference of the Parties also decided that each party shall submit the first short reports (i.e., the responses to questions in the format marked by an asterisk) by 31 December 2019 for consideration by the Conference of the Parties at its subsequent meeting.

It therefore follows that for the first short reports the reporting period covers 16 August 2017 (the date of entry into force of the Convention)-31 December 2018 (to be submitted by 31 December 2019) and for the first full reports the reporting period covers 16 August 2017-31 December 2020 (to be submitted by 31 December 2021). The cycle will then be repeated, with the subsequent short reports covering 1 January 2021-31 December 2022 (due by 31 December 2023) and the subsequent full reports covering 1 January 2021-31 December 2024 (due by 31 December 2025), and so on.

The Conference of the Parties draws on the reports in its reviews and evaluations of the implementation of the Convention pursuant to paragraph 5 of article 23 of the Convention, and in its evaluation of the effectiveness of the Convention pursuant to paragraph 3 (b) of article 22. Further, the Implementation and Compliance Committee may consider issues pursuant to paragraph 4 (b) of article 15 on the basis of the reports. The Committee is tasked, in paragraph 2 of article 15, to examine both individual and systemic issues of implementation and compliance and make recommendations, as appropriate, to the Conference of the Parties.

It is important that the information reported by the party be officially endorsed and submitted formally. The national focal point of each party plays an important role in the reporting process in that regard. The national focal point is designated by each party according to paragraph 4 of article 17 on information exchange. The party's report is to be submitted by or through the designated national focal point. All

information on the national focal points designated by parties to the Minamata Convention is available on the Convention website,[1] including information on how to complete the formalities of such a designation.

Parties are encouraged to use the secretariat's **online reporting tool**[2] to submit their reports. The national focal points of parties are provided password-secured access to this tool. Parties are able to access the tool and submit their reports in any of the six official languages of the United Nations. While all parties are encouraged to use the online reporting tool, in cases where this may not be possible a party may submit its report through an **offline paper version.**[3] Kindly contact the secretariat for more detailed information on submitting reports through the online reporting tool and/or by electronic paper version at MEA-MinamataSecretariat@un.org.

The reports submitted by parties for the respective reporting periods will be checked by the secretariat for completeness and thereafter made available on the Convention website.[4] Should the secretariat consider the reports submitted by parties to be incomplete, the secretariat shall indicate the relevant part to the party and include suggestions for follow-up by the party. Whether the party follows-up in response to the suggested comments remains at the discretion of the party.

II. Overview of the draft guidance for completing the national reporting format

The purpose of the draft guidance is to clarify the information being sought in the national reporting format, and in this way to assist parties in their obligation to report on the measures taken to implement the provisions of the Convention. The draft guidance has been prepared in response to the requests of the Conference of the Parties in decisions MC-3/13, MC-4/8 and MC-5/13.

The draft guidance follows the structure of the reporting format as adopted by the Conference of the Parties at its first meeting.[5] The reporting format consists of the following five sections:

- **Part A:** General information on the party for which the report is being submitted
- **Part B**: Information on measures taken by the reporting party to implement the relevant provisions and on the effectiveness of such measures in meeting the objectives of the Convention
- **Part C**: Opportunity to comment on possible challenges in meeting the objectives of the Convention
- **Part D**: Opportunity to comment on the reporting format and possible improvements
- **Part E:** Additional comments on each of the articles in free-form text (at the option of the party)

[1] At www.minamataconvention.org/Countries/Parties/FocalPoints/tabid/7708/language/en-US/Default.aspx.

[2] The pilot online reporting tool has been further developed by the secretariat into a fully-fledged online reporting tool, which is now active for each reporting cycle. In the online reporting tool, a party can find its submissions from previous reporting cycles; pre-populated part A.1 information, including dates of instrument deposit and entry into force; and national focal point information based on the official designation of national focal points pursuant to article 17.4 of the Convention. The pre-populated information will be updated for each reporting cycle.

[3] While all parties are strongly encouraged to use the online reporting tool, the secretariat has prepared an offline paper version of both the short and the full reporting formats for cases where it may not be possible for a party to report online. This offline paper version may also be useful to parties in the preparation stage of collecting and collating information, to enter thereafter using the online reporting tool.

[4] National Reporting pursuant to Article 21 | Minamata Convention on Mercury.

[5] In decision MC-4/8, the Conference of the Parties made clarifications to some questions in the reporting format. In decision MC-5/13, the Conference of the Parties adopted the reporting guidance incorporating those changes and adopted amendments to the reporting format. The amendments to the reporting format, as well as further clarification in other decisions of the Conference, have been included in this updated edition ~~version~~ of the reporting guidance.

To be clear, this draft guidance is not intended as a manual on how to implement the articles and obligations of the Convention to which the questions refer, but solely as guidance to parties for the collection and collating of the information needed to complete parts A–E.

In particular, the draft guidance seeks to provide greater clarity on the information sought in the 43 questions under part B that relate to the measures taken by the reporting party to implement the relevant provisions of the Convention and the effectiveness of such measures in meeting the objectives of the Convention. The questions relate to the following articles of the Convention:

- Article 3 (Mercury supply sources and trade)
- Article 4 (Mercury-added products)
- Article 5 (Manufacturing processes in which mercury or mercury compounds are used)
- Article 7 (Artisanal and small-scale gold mining)
- Article 8 (Emissions)
- Article 9 (Releases)
- Article 10 (Environmentally sound interim storage of mercury, other than waste mercury)
- Article 11 (Mercury wastes)
- Article 12 (Contaminated sites)
- Article 13 (Financial resources and mechanism)
- Article 14 (Capacity-building, technical assistance and technology transfer)
- Article 16 (Health aspects)
- Article 17 (Information exchange)
- Article 18 (Public information, awareness and education)
- Article 19 (Research, development and monitoring)

The draft guidance is set out part by part, and for part B is structured question by question. In part B, each question is presented as adopted in the reporting format[6] and, with a few exceptions, is followed by **notes to provide background information and/or clarification** and a **suggested approach for responding to the question**.

For the **short reports**, in addition to part A, part C, part D and part E, parties are to respond to the following questions (marked by an asterisk in the format) in part B for the two years of the reporting period:

- Question 3.1 (c)
- Question 3.3 (a)
- Question 3.5
- Question 11.2

For the **full reports**, in addition to part A, part C, part D and part E, parties are to respond to all 43 questions in part B for the four years of the reporting period.

It should be noted that many of the **43 questions in part B** are multi-tiered. Parties are to respond on their measures using the "yes" and "no" answer boxes and, in some instances, additional answer boxes such as "other" or "don't know". For questions where further details (or details in addition to the answer boxes) are requested, parties are requested to fill in the details as narrated text in the comment boxes, upload attachments or provide links to specific other documents or specific information sources. To enhance information clarity, if detail that is to be reported by a party is part of larger documents, studies or reports

[6] For ease of reference, the 43 questions in part B have been numbered to refer to the articles to which they relate.

held by the party,[7] the party is requested to extract the exact information required for reporting purposes and submit that information rather than submitting the entire document, study or report.

The secretariat draws parties' attention to items noted in the instructions for part B in the adopted reporting format:

- Mandatory information forms the core of the adopted reporting format.
- A limited number of questions are labelled as "supplemental". Additional information would facilitate the evaluation of the effectiveness of the Convention, and additional questions have been added to the format to obtain this information. These additional questions are identified as supplemental information, and responses can be provided voluntarily at the party's discretion, but parties are encouraged to answer items for which they have relevant information.
- The format calls for information on measures taken by the reporting party to implement the relevant provisions of the Minamata Convention and on the effectiveness of such measures in meeting the objectives of the Convention.
- Descriptions of the effectiveness of the implementing measures should be provided based on a party's particular situation and capabilities but should nonetheless be as consistent as possible in the party's report.
- The effectiveness of implementing measures described by a party is related to its implementation and compliance under article 15, and is separate from the effectiveness of the Convention to be evaluated under article 22.

Note to complete the national reports:

- ✓ Plan ahead in order to secure the information required for all parts of the reporting format, and particularly for the questions in part B, as well as the attachments and links that may be needed, in good time to ensure that reports are submitted in full by the deadline.
- ✓ Use the offline reporting paper to collect and collate information prior to entering it in the online reporting tool.
- ✓ When reporting annual data, specify the year(s). Where the reporting period is not 1 January-31 December, specify the period.
- ✓ When answering open questions, ensure that the responses are succinct while at the same time offering a "meaningful story".
- ✓ Check for consistency between the responses to different questions.
- ✓ Note the units in which information on amounts are to be provided (e.g., metric tons).

III. Completing the reporting format for the Minamata Convention

Reporting on measures to be taken to implement the provisions of the Convention, the effectiveness of such measures and the challenges encountered

Part A: General information on the party

Part A captures general information on the party for which the report is being submitted. It is divided into four parts where first, information on the party status is set; then, the details of the national focal point are noted; next, as necessary, the information of an additional contact officer is noted; and last, the date the report was submitted is entered. Much of the information in part A will be pre-filled in the online reporting tool but is to be confirmed and/or updated as required by the reporting party.

[7] These could include Minamata Initial Assessment reports, national action plans and other such documents.

MINAMATA CONVENTION ON MERCURY NATIONAL REPORT PURSUANT TO ARTICLE 21	
1. INFORMATION ON THE PARTY	
Name of party	
Date on which its instrument of ratification, accession, approval or acceptance was deposited	*(day/month/year)*
Date of entry into force of the Convention for the party	*(day/month/year)*

NOTES: The date of entry into force of the Convention for a party that deposited its instrument of ratification, accession, approval or acceptance prior to the date of deposit of the fiftieth instrument of ratification, accession, approval or acceptance (i.e., 18 May 2017) is the date of entry into force of the Convention (i.e., 16 August 2017).

For a party that deposited its instrument of ratification, accession, approval or acceptance after 18 May 2017, the date of entry into force of the Convention is the ninetieth day after the date of deposit of its instrument of ratification, accession, approval or acceptance (article 31). It should be noted that this refers to 90 calendar days.

The date of deposit of the instrument of ratification, accession, approval or acceptance of the Convention for a party can be found on the Convention website.[8]

2. INFORMATION ON THE NATIONAL FOCAL POINT	
Full name of the institution	
Name and title of contact officer	
Mailing address	
Telephone number	
Fax number	
Email address	
Website	

NOTES: Article 17, paragraph 4 requires that each party designate a national focal point for the exchange of information under the Convention. The secretariat maintains the list of all designated national focal points on the Convention website.[9] Parties are requested to check that the information shown on the national focal point list is correct and to alert the secretariat immediately of any updates. The form for designating a national focal point (including a model letter) is available on the Convention website. It is important that the information reported by the party be officially endorsed and submitted formally. The

[8] At www.minamataconvention.org/Countries/Parties/tabid/3428/language/en-US/Default.aspx.

[9] At www.minamataconvention.org/Countries/Parties/FocalPoints/tabid/7708/language/en-US/Default.aspx.

national focal point plays an important role in the reporting process in that regard. The party's report is to be submitted by or through the designated national focal point.

3. INFORMATION ABOUT THE CONTACT OFFICER SUBMITTING THE REPORTING FORMAT IF DIFFERENT FROM THE ABOVE	
Full name of the institution	
Name and title of contact officer	
Mailing address	
Telephone number	
Fax number	
Email address	
Website	

NOTES: Filling in these fields is optional. In cases where the party's report is submitted through (not by) the designated national focal point, the contact officer submitting the information in the reporting format would be identified here. Requests for clarification or follow-up will be referred to both the national focal point and the additional contact officer.

4. DATE THE REPORT WAS SUBMITTED	*(day/month/year)*

NOTES: In the online reporting tool, once the submitting officer has completed and confirmed the submission, the system will assign the date and time of the report submitted automatically in this field.

If a party submits its report through the electronic paper version, the secretariat notes the date and time on receipt of the report.

In both cases, a copy of the completed report will be made available to the reporting party. Thereafter, reports are made available on the Convention website.

Part B: Information on measures taken by the reporting party to implement the relevant provisions and on the effectiveness of such measures in meeting the objectives of the Convention

Part B captures the reporting party's responses on measures taken by the party to implement the relevant provisions and on the effectiveness of such measures in meeting the objectives of the Convention. This part consists of 43 questions. For the short report, only four questions are to be answered, namely those marked by asterisks. For the full report, all questions are to be answered. The questions are set out by article and in this guidance have been numbered to refer to the article to which they relate. For part B, it should be noted that in relation to various questions, parties may wish to use the opportunities provided in part C and part E to add comments, explanations, clarifications, concerns or any other information regarded by the party as pertinent to note for the specific article or question.

Article 3: Mercury supply sources and trade

Question 3.1: Does the party have any primary mercury mines that were operating within its territory at the date of entry into force of the Convention for the party? (para. 3)

- ☐ Yes – primary mercury mining with available data
- ☐ Yes – primary mercury mining with no available data
- ☐ No

If the party answered **yes** to either option above, please indicate:

a) The anticipated date of closure of the mine(s): (*month*, *year*) OR

b) The date on which the mine(s) closed: (*month*, *year*)

c)*Total amount of mercury mined _____ metric tons per year

NOTES: "Mercury" is defined in article 2 (d) of the Convention as "…elemental mercury (Hg(0), CAS No. 7439-97-6)…". Article 2 (i) defines primary mercury mining as "mining in which the principal material sought is mercury". Accordingly, this question does not seek information about mines from which mercury is obtained as a by-product or waste (question 3.3 below addresses mercury from other such sources).

Paragraph 4 of article 3 allows a party with primary mercury mining within its territory at the date of entry into force of the Convention for it to continue to allow those existing mines to operate for up to 15 years after that date. Paragraph 11 of article 3 requires each party to include in its reports submitted pursuant to article 21 information showing that the requirements of this article have been met. Parties are encouraged to report on all primary mercury mining activities being carried out in their territories, irrespective of their status as formal, informal or illegal.

SUGGESTED APPROACH FOR RESPONSE:

- If the party does not have primary mercury mines that were operating at the date of entry into force of the Convention for it, the party would reply "**no**" and move to the next question.

- If the party has primary mercury mines that were operating at the date of entry into force of the Convention for it and the party has relevant information about the operation of the mine(s), the party would reply "**yes – primary mercury mining with available data**" and would indicate, for each mine:

  - The anticipated date of closure for the mine(s) OR the date when the mine(s) closed;

  - The total amount mined per year of the reporting period (in metric tons of mercury metal produced by primary mining, rather than the total amount of mercury-containing ore that was excavated). Data should be provided for each year the mine(s) operated since the date of entry into force for the party. Data for partial years can be included if data for full years are unavailable. In that case, or when data are completely unavailable, and for any other information the party regards as pertinent, there is an opportunity to provide an explanation and/or further information in *part C: Comments regarding possible challenges in meeting the objectives of the Convention* and/or *part E: Additional comments on each of the articles.*

- If the party has primary mercury mines that were operating at the date of entry into force of the Convention for it but does not have relevant information about the operation of the mine(s), the party would reply "**yes – primary mercury mining with no available data**" and might clarify its response either in *part C: Comments regarding possible challenges in meeting the objectives of the Convention* and/or *part E: Additional comments on each of the articles.*

Question 3.2: Does the party have any primary mercury mines that are now in operation that were not in operation at the time of entry into force of the Convention for the party? (para. 3, para. 11)

- ☐ Yes – primary mercury mining with available data
- ☐ Yes – primary mercury mining with no available data
- ☐ No

If the party answered **yes** to either option above, please explain.

NOTES: Paragraph 3 of article 3 requires each party to not allow primary mercury mining that was not being conducted within its territory at the date of entry into force of the Convention for it. Parties are encouraged to report on all primary mercury mining activities being carried out in their territories, irrespective on their status as formal, informal or illegal.

SUGGESTED APPROACH FOR RESPONSE:

- If the party does not have primary mercury mines that commenced operation after the date of entry into force of the Convention for it, the party would reply "**no**" and move to the next question.

- If the party has primary mercury mines that commenced operation after the date of entry into force of the Convention for it and the party has relevant information about the operation of the mine(s), the party would reply "**yes - primary mercury mining with available data**" and would explain, including, if available:

  - The number of such mines;
  - The date(s) the mine(s) commenced operation;
  - The total amount of mercury metal produced by primary mining (in metric tons) for each year since the date of entry into force of the Convention for the party;
  - Proposed actions to meet the obligation in paragraph 3 of article 3;
  - The anticipated closure date(s) for the mine(s).

  The party may also wish to provide an explanation and/or further information in *part C*: *Comments regarding possible challenges in meeting the objectives of the Convention* and/or *part E: Additional comments on each of the articles.*

- If the party has primary mercury mines that commenced operation after the date of entry into force of the Convention for it but does not have relevant information about the operation of the mine(s), the party would reply "**yes – primary mercury mining with no available data**" and might clarify its response either in *part C: Comments regarding possible challenges in meeting the objectives of the Convention* and/or *part E: Additional comments on each of the articles.*

Question 3.3: **(A)** Has the party endeavoured to identify individual stocks of mercury or mercury compounds exceeding 50 metric tons that are located within its territory? (para. 5)

- ☐ Yes – with new data* (also to be selected by parties reporting for the first time)
- ☐ Yes – endeavoured and indicates same stocks as reported in the previous report
- ☐ No

a) *If the party answered **yes – with new data** to the question:

i. Please attach the results of your endeavour or indicate where it is available on the internet.

ii. Supplemental: Please provide any related information – for example, on the use or disposal of mercury from such stocks.

b) If the party answered **no** to the question, please explain.

(B) Has the party endeavoured to identify individual sources of mercury-supply-generating stocks exceeding 10 metric tons per year that are located within its territory? (para. 5)

☐ Yes – with new data* (also to be selected by parties reporting for the first time)

☐ Yes – endeavoured and indicates same sources as reported in the previous report

☐ No

a) *If the party answered **yes – with new data** to the question:

i. Please attach the results of your endeavour or indicate where it is available on the internet.

ii. Supplemental: Please provide any related information – for example, on the use or disposal of mercury from such sources.

b) If the party answered **no** to the question, please explain.

NOTES: For the purposes of article 3, "mercury" includes mixtures of mercury with other substances, including alloys of mercury, with a mercury concentration of at least 95 per cent by weight. Note that for the purposes of articles 3 and 10, "mercury compounds" are defined more narrowly than the definition in article 2 (e) and refer only to mercury (I) chloride (known also as calomel), mercury (II) oxide, mercury (II) sulphate, mercury (II) nitrate, cinnabar and mercury sulphide (see the following table).

Name	*Chemical formula*	*Other names*	*CAS Number*[a]
Mercury (I) chloride	Hg_2Cl_2	Mercurous chloride, calomel	10112-91-1
Mercury (II) oxide	HgO	Mercuric oxide or simply mercury oxide	21908-53-2
Mercury (II) sulphate	$HgSO_4$	Mercury (II) sulfate, mercuric sulfate	7783-35-9
Mercury (II) nitrate	$Hg(NO_3)_2$	Mercury dinitrate, mercuric nitrate	10045-94-0, 7783-34-8
Cinnabar Mercury sulphide	HgS	Mercuric sulfide, mercury sulfide, mercury (II) sulfide, vermillion	1344-48-5

[a] Chemical Abstracts Service Registry Number.

In decision MC-1/2, on guidance in relation to mercury supply sources and trade, the Conference of the parties adopted the guidance on the identification of individual stocks of mercury or mercury compounds exceeding 50 metric tons and sources of mercury supply generating stocks exceeding 10 metric tons per year.[10] The guidance clarifies that a "stock", in this context, could be considered to be a quantity of mercury or mercury compounds brought together or aggregated for future use, but would not include quantities of mercury disposed of and managed as waste, nor mercury at a contaminated site, nor geologic reserves of mercury. Further, an "individual stock" would be identified when the aggregate weight of mercury or mercury compounds exceeded 50 metric tons.

[10] UNEP/MC/COP.1/5, annex IV, available at www.minamataconvention.org/en/documents/guidance-identification-individual-stocks-mercury-or-mercury-compounds-exceeding-50-0.

Individual stocks may include existing inventories or stockpiles of governments, traders or operating chlor-alkali facilities. Some further examples of entities that might use or store mercury or mercury compounds are provided in paragraph 9 of the guidance, namely:

(a) Mercury traders that buy and sell, including through imports and exports, mercury or mercury compounds and may have varying amounts on hand at any given time;

(b) Primary mercury mines, which may have stocks of mercury awaiting sale and therefore may have large quantities on hand at certain times, depending on demand;

(c) Other facilities or activities – for instance, recycling – that produce mercury or mercury compounds, including mercury waste treatment facilities, which may also have large stocks on hand, depending on the overall mercury demand or on whether mercury is held pending a final decision on whether it is destined for disposal;

(d) National Governments, which may have stocks of mercury on hand resulting from the seizure of mercury and from uses such as military storage;

(e) Production facilities for mercury-added products or facilities that use processes that use mercury or mercury compounds, which may also maintain significant stocks of mercury.

An entity storing mercury in different locations should consider them combined as an individual stock. If an entity has two or more facilities within a country's territory and the sum total of their mercury stocks exceeds 50 metric tons, then this stock is to be included in the report.

Paragraph 16 of the guidance provides guiding questions to assist a party in determining whether it has stocks of mercury or mercury compounds exceeding 50 metric tons.

Paragraph 16 also provides guiding questions to assist a party in determining whether it has sources of mercury supply generating stocks exceeding 10 metric tons per year. Mercury supply sources generating stocks can include mercury catalyst recyclers and waste treatment facilities, mercury mines, mercury compound producers and mercury by-product generation locations, including non-mercury mines that produce mercury as a by-product. It should be noted that "sources" do not include imports of mercury or mercury compounds as such imports are not sources located within the territory of the party.

The obligation for parties set out in paragraph 5 of article 3 and reflected in question 3.3 refers to "…endeavour to identify…". Parties may implement the obligation as they see fit, including, for example, through one or more of the following actions:

- A specific survey or inventory;
- Implementation of national hazardous substances regulations;
- Development of the party's implementation plan (if one has been developed pursuant to article 20 of the Convention);
- Development of the party's Minamata Initial Assessment (if undertaken).

The information used by the party in responding to this question may be available from one or more of the following:

- Any national reporting arrangement established to provide information on mercury supply and trade;
- Any national trade licensing that includes mercury or mercury compounds;
- Reporting under regulatory measures in areas such as hazardous substances control, environmental protection or mining;
- The party's implementation plan (if one has been developed pursuant to article 20);
- The party's Minamata Initial Assessment (if undertaken).

It should be noted that, in accordance with decision MC-4/8, the obligation to endeavour to identify individual stocks and sources of mercury in accordance with paragraph 5 of article 3 of the Convention is a continuing obligation. It should be noted also that, to facilitate reporting, the question makes a distinction between the "endeavour" undertaken for "stocks" and that for "sources".

SUGGESTED APPROACH FOR RESPONSE:

In relation to stocks Question 3.3 (A):

- If the party has identified stocks pursuant to paragraph 5 (a) of article 3 that were not identified in previous reporting periods or it is the first time for the party to report, the party would reply "**yes – with new data**", and provide information under question 3.3 (A) (a) (i), for example:
  - The process used to identify the stocks;
  - The amounts (in metric tons) of mercury or mercury compounds in those stocks;
  - The date of the most recent assessment;
  - Whether the result of the assessment is available online and where it can be accessed (if it is not available online, the party may wish to attach the result of the assessment).
- If the party has attempted to identify stocks pursuant to paragraph 5 (a) of article 3 but has determined that:
  - there are no stocks, or
  - any stocks did not exceed the thresholds

  and this outcome is either a different outcome from that reported previously or it is the first time for the party to report, the party would reply "**yes – with new data**", and could provide clarification in *part E: Additional comments on each of the articles.*
- If the party has attempted to identify stocks pursuant to paragraph 5 (a) of article 3 but either has been unable to complete the task, or the party has completed the task but the results are not comprehensive or conclusive, the party would reply "**yes – with new data**" and provide an explanation under question 3.3 (A) (a) (i), for example:

  If the party has identified some stocks:
  - The amounts (in metric tons per year) of mercury or mercury compounds in those stocks;
  - The date of the most recent assessment;
  - Whether the result of the assessment is available online and where it can be accessed *(if it is not available online, the party may wish to attach the result of the assessment)*.

  If the party has been unable to complete the task:
  - The anticipated date for completion of the task; or
  - The reasons preventing completion of the task

  If the party has attempted to identify stocks pursuant to paragraph 5 (a) of article 3 but the results are not comprehensive or conclusive:
  - Any proposed steps to conclude the task, and the anticipated date for completion of the task; or
  - If no further steps are contemplated, the party may wish to attach the result of the assessment to date

- If the party has attempted to identify stocks pursuant to paragraph 5 (a) of article 3 and has determined that the result is the same outcome from that reported in the immediately preceding reporting period, namely:
    - there are no stocks,
    - any stocks did not exceed the thresholds, or
    - there is no change in the quantity of stocks reported

  the party would reply "**yes – endeavoured and indicates same stocks as reported in the previous report**", and could provide clarification in *part E: Additional comments on each of the articles.*

- If the party has not "…endeavoured to identify…" stocks pursuant to paragraph 5 (a) of article 3, the party would reply "**no**" and explain the reasons preventing the party from implementing paragraph 5 (a) of article 3; the proposed actions to meet the obligation; and the anticipated date for completion of the actions.

In relation to sources Question 3.3 (B):

- If the party has identified sources pursuant to paragraph 5 (a) of article 3 that were not identified in previous reporting periods or it is the first time for the party to report, the party would reply "**yes – with new data**", and provide information under question 3.3 (B) (a) (i), for example:
    - The process used to identify the sources;
    - The amounts (in metric tons) of mercury or mercury compounds generated by those sources;
    - The date of the most recent assessment;
    - Whether the result of the assessment is available online and where it can be accessed (if it is not available online, the party may wish to attach the result of the assessment).

- If the party has attempted to identify sources pursuant to paragraph 5 (a) of article 3 but has determined that:
    - there are no sources, or
    - any sources did not exceed the thresholds

  and this outcome is either a different outcome from that reported previously, or it is the first time for the party to report, the party would reply "**yes – with new data**", and could provide clarification in *part E: Additional comments on each of the articles.*

- If the party has attempted to identify sources pursuant to paragraph 5 (a) of article 3 but either has been unable to complete the task, or the party has completed the task but the results are not comprehensive or conclusive, the party would reply "**yes – with new data**" and provide an explanation under question 3.3 (B) (a) (i), for example:

  If the party has identified some sources:
    - The amounts (in metric tons per year) of mercury or mercury compounds generated by those sources;
    - The date of the most recent assessment;
    - Whether the result of the assessment is available online and where it can be accessed (if it is not available online, the party may wish to attach the result of the assessment).

  If the party has been unable to complete the task:
    - The anticipated date for completion of the task; or
    - The reasons preventing completion of the task.

If the party has attempted to identify sources pursuant to paragraph 5 (a) of article 3 but the results are not comprehensive or conclusive:

- Any proposed steps to conclude the task, and the anticipated date for completion of the task; or
- If no further steps are contemplated, the party may wish to attach the result of the assessment to date.

- If the party has attempted to identify sources pursuant to paragraph 5 (a) of article 3 but has determined that the result is the same outcome from that reported in the immediately preceding reporting period, namely:
  - there are no stocks,
  - any stocks did not exceed the thresholds, or
  - there is no change in the quantity of stocks reported

  the party would reply "**yes – endeavoured and indicates same sources as reported in the previous report**", and could provide clarification in *part E: Additional comments on each of the articles.*

- If the party has not "…endeavoured to identify…" sources pursuant to paragraph 5 (a) of article 3, the party would reply "**no**" and explain the reasons preventing the party from implementing paragraph 5 (a) of article 3; the proposed actions to meet the obligation; and the anticipated date for completion of the actions.

Question 3.4: Has the party determined that it has excess mercury available from the decommissioning of chlor-alkali facilities? (para. 5 (b))

- ☐ Yes
- ☐ No – has determined it has no excess mercury
- ☐ No – has not made a determination

If **yes**, please explain the measures taken to ensure that the excess mercury was disposed of in accordance with the guidelines for environmentally sound management referred to in paragraph 3 (a) of article 11 using operations that did not lead to recovery, recycling, reclamation, direct re-use or alternative uses. (para. 5 (b), para. 11)

NOTES: Article 3, paragraph 5 (b), requires a party to "…take measures to ensure that, where the party determines that excess mercury from the decommissioning of chlor-alkali facilities is available, such mercury is disposed of in accordance with the guidelines for environmentally sound management referred to in paragraph 3 (a) of article 11, using operations that do not lead to recovery, recycling, reclamation, direct re-use or alternative uses".

Accordingly, when a chlor-alkali plant is decommissioned, the party may determine that the mercury that becomes available from the decommissioning is "excess" to its requirements. If the party determines that such mercury is excess, the party must take measures to ensure that such mercury is disposed of in accordance with paragraph 3 of article 11, either within the party's territory or by export to another party for disposal in accordance with paragraph 3 (a) of article 11.

The guidelines developed under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal that are referred to in paragraph 3 (a) of article 11 are available on the Basel Convention website.[11]

SUGGESTED APPROACH FOR RESPONSE:

- If the party does not have chlor-alkali facilities that have been decommissioned or has determined that it does not have excess mercury from any chlor-alkali facilities that have been decommissioned, it would reply "**no – has determined it has no excess mercury**" and move to the next question.

- If the party has chlor-alkali facilities that have been decommissioned, and has determined that there is excess mercury available from that decommissioning, the party would reply "**yes**" and provide an explanation of the measures taken pursuant to paragraph 5 (b) of article 3.

- If the party has chlor-alkali facilities that have not been decommissioned, or that have been decommissioned but the party has not made a determination that the mercury from that decommissioning is excess, it would reply "**no – has not made a determination**" and would provide an explanation in *part C: Comments regarding possible challenges in meeting the objectives of the Convention* and could add any other information in *part E: Additional comments on each of the articles*.

Question 3.5: *Has the party received consent, or relied on a general notification of consent, in accordance with article 3, including any required certification from importing non-parties, for all exports of mercury from the party's territory in the reporting period? (para. 6, para. 7)

- ☐ Yes - exports to parties
- ☐ Yes - exports to non-parties
- ☐ No – no export took place
- ☐ No – consent was not given

If the party answered **yes**,

(a) and the party has submitted copies of the consent forms to the secretariat, then no further information is needed.

If the party has not previously provided such copies, it is recommended that it do so.

Otherwise, please provide other suitable information showing that the relevant requirements of paragraph 6 of article 3 have been met.

Supplemental: Please provide information on the use of the exported mercury.

(b) If exports were based on a general notification in accordance with article 3, paragraph 7, please indicate, if available, the total amount exported and any relevant terms or conditions in the general notification related to use.

If the party answered **no – consent was not given**, please provide information on the trade which was not in compliance with the Convention, the challenges met by the party and/or its needs in meeting the requirements of paragraphs 6 and 7 of article 3.

NOTES: This question relates solely to the export of mercury, which includes mixtures of mercury with other substances, including alloys of mercury, with a mercury concentration of at least 95 per cent by

[11] At www.basel.int/Implementation/TechnicalMatters/DevelopmentofTechnicalGuidelines/TechnicalGuidelines/tabid/8025/Default.aspx.

weight. It does not relate to export of mercury compounds, mercury-added products or mercury wastes. Further, as set out in paragraph 2 of article 3, it does not apply to:

(a) Quantities of mercury or mercury compounds to be used for laboratory-scale research or as a reference standard; or

(b) Naturally occurring trace quantities of mercury or mercury compounds present in such products as non-mercury metals, ores or mineral products, including coal or products derived from these materials, and unintentional trace quantities in chemical products; or

(c) Mercury-added products.

The forms[12] referred to in question 3.5 (a) and (b) are the forms adopted by the Conference of the Parties at its first meeting that may be used by parties and non-parties for providing consent for trade in mercury under article 3, namely:

(a) **Form A:** Form for the provision of written consent by a party to the import of mercury;

(b) **Form B:** Form for the provision of written consent by a non-party to the import of mercury;

(c) **Form D:** Form for general notification of consent to import mercury.

The list of parties to the Convention is available on the Convention website,[13] as is the list of designated national focal points[14] with regard to the consent of importing parties under Article 3.

Paragraph 6 of article 3 requires parties to allow exports only with written consent from the importing parties or importing non-parties, and only for allowed purposes. Therefore, if mercury is exported by a party, the party should have received written consent (e.g., through *form A: Form for the provision of written consent by a party to the import of mercury*) or relied on the general notification provided for under article 3, paragraph 7 (i.e., *form D: Form for general notification of consent to import mercury*). It should be noted that exports from a party to a non-party require the party to receive, in addition to the written consent of the non-party, certification demonstrating that the non-party has measures in place to ensure the protection of human health and the environment and to ensure its compliance with the provisions of articles 10 and 11, and that the mercury will be used only for a use allowed to a party under the Convention or for environmentally sound interim storage as set out in article 10.

In decision MC-1/2, on guidance in relation to mercury supply sources and trade, the Conference of the parties adopted the guidance on completing the forms required under article 3 related to trade in mercury.[15] This guidance includes information on the scope of article 3 (i.e., what is not covered, namely mercury waste (article 11) and mercury-added products (article 4)); which forms can be used in which circumstance and what considerations should be taken into account before issuing consent; information to be provided in each section; the role of the registers and how to use them; where to obtain the forms; and how to transmit the forms. The guidance makes clear that parties should consider the obligations under the Convention before giving consent, as once mercury has entered the territory of a party, the party has responsibilities under the Convention. Parties should undertake measures so that any import is used only for an allowed use, and is stored in an environmentally sound manner or disposed of in accordance with article 11.

[12] Available at https://minamataconvention.org/en/documents/forms-related-article-3-mercury-trade.

[13] At www.minamataconvention.org/Countries/Parties/tabid/3428/language/en-US/Default.aspx.

[14] At www.minamataconvention.org/Countries/Parties/FocalPoints/tabid/7708/language/en-US/Default.aspx.

[15] UNEP/MC/COP.1/5, annexes II and III, available at www.minamataconvention.org/sites/default/files/documents/forms_and_guidance_document/guidance_forms_article3_EN.pdf.

The list of parties that have given general notification of consent to import are held in a public register by the secretariat that is accessible on the Convention website.[16]

SUGGESTED APPROACH FOR RESPONSE:

- If the party has exported mercury to either a party or a non-party, or both, and has received consent or relied on a general notification of consent in accordance with article 3, including any required certification from importing non-parties, for all exports of mercury from the party's territory to a party or non-party in the reporting period, it would reply "**yes, exports to parties**" and/or "**yes, exports to non-parties**", and, for each export:

  - If the party has not previously provided copies of such consent received, paragraph 4 of decision MC-4/8, "[c]alls on parties that have received consent to export mercury to parties and/or non-parties to provide to the secretariat either copies of the consent forms used or other suitable information in their reports submitted pursuant to article 21 of the Convention to show that the relevant requirements of article 3 of the Convention have been met~~." it is recommended that it do so at the time of reporting~~.

  - ~~If the party cannot provide copies, it is requested to provide information showing that the relevant requirements of paragraph 6 of article 3 have been met. Unless the export was made to a party or non-party under a general notification, the information sought under question 3.5 (a) should be available from *form A: Form for the provision of written consent by a party to the import of mercury*, which should have been provided by the importing party, or *form B: Form for the provision of written consent by a non-party to the import of mercury*, which should have been provided by the importing non-party.~~ If the party chooses to respond to the supplemental aspect of question 3.5 (a), the party could specify whether the imported mercury was intended for environmentally sound interim storage in accordance with article 10 or whether it was intended for a use allowed to a party under the Convention. If the mercury was intended for interim storage, information on the intended use, if known, could be provided;

  - If the export of mercury was based on a general notification of consent by an importing party or non-party, the party should specify the export as such and include any terms and conditions under which the importing party or non-party has provided such consent. The information on relevant terms or conditions may be found in section C of *form D: Form for general notification of consent to import mercury* that was provided by the party or non-party to the secretariat as its written consent to import mercury.

- If the party has exported mercury to either a party or a non-party, or both, and has not received consent, it would answer "**no – consent was not given**" and in line with paragraph 2 of decision MC-5/2, are encouraged to provide more information, if any, in their next national reports, including on measures taken to prevent exports which are not in compliance with the Convention. The information can be added in *part E: Additional comments on each of the articles*. The party may also wish to provide in *part C: Comments regarding possible challenges in meeting the objectives of the Convention*, the challenges met by the party and/or its needs in meeting the requirements of paragraphs 6 and 7 of article 3.

- If the party has not exported mercury or mercury compounds from its territory, the party would reply "**no – no export took place**".

[16] At www.minamataconvention.org/Countries/Parties/Notifications/tabid/3826/language/en-US/Default.aspx.

Question 3.6: Has the party allowed the import of mercury from a non-party?

☐ No

☐ Yes

If **yes**, and the party has submitted copies of the consent forms to the secretariat, then no further information is needed.

If the party has not previously provided such copies, it is recommended that it do so.

Otherwise, please provide other suitable information showing that the relevant requirements of paragraph 8 of article 3 have been met.

Supplemental: Please provide information on the quantities and countries of origin.

☐ The importing party has relied on paragraph 7 of article 3.

☐ If **yes**, or if the party relied on paragraph 7 of article 3, did the non-party provide certification that the mercury is not from sources identified under paragraph 3 or paragraph 5 (b) of article 3? (para. 8)

- ☐ Yes
- ☐ No
- ☐ The party has submitted its general notification of consent, applied paragraph 9 of article 3, and provided information on the quantities and countries of origin.
  - ☐ If **no,** please explain.

NOTES: This question relates solely to the export of mercury, which includes mixtures of mercury with other substances, including alloys of mercury, with a mercury concentration of at least 95 per cent by weight. It does not relate to the export of mercury compounds, mercury-added products or mercury wastes. Further, as set out in paragraph 2 of article 3, it does not apply to:

(a) Quantities of mercury or mercury compounds to be used for laboratory-scale research or as a reference standard; or

(b) Naturally occurring trace quantities of mercury or mercury compounds present in such products as non-mercury metals, ores, or mineral products, including coal, or products derived from these materials, and unintentional trace quantities in chemical products; or

(c) Mercury-added products.

Paragraph 8 of article 3 requires a party to not allow the import of mercury from a non-party to which it will provide its written consent unless the non-party has provided certification that the mercury is not from sources identified as not allowed under paragraph 3 or paragraph 5 (b) – in other words, that it is not from primary mining or mercury determined by the exporting non-party to be excess mercury from the decommissioning of chlor-alkali facilities.

The consent forms[17] referred to in question 3.6 are the forms adopted by the Conference of the Parties at its first meeting and to be used by parties and non-parties for providing consent for trade in mercury under article 3, namely:

(a) **Form A:** Form for the provision of written consent by a party to the import of mercury;

[17] Available at https://minamataconvention.org/en/documents/forms-related-article-3-mercury-trade.

(b) **Form C:** Form for non-party certification of the source of mercury to be exported to a party (to be used in conjunction with form A and form D, when required);

(c) **Form D:** Form for general notification of consent to import mercury.

The list of parties to the Convention is available on the Convention website,[18] and as are the designated national focal points.[19] In some cases, non-parties have also notified the secretariat of their national focal point.

In the case of a party allowing imports from a non-party, the party would have provided its written consent by using *form A: Form for the provision of written consent by a party to the import of mercury.* The information that is required to be reported under this question is necessary to confirm that the requirements of paragraph 8 of article 3 have been met, namely that the mercury that has been imported is neither from primary mercury mining nor mercury determined by the exporting non-party to be excess mercury from the decommissioning of chlor-alkali facilities.

The non-party exporting country should have provided a *form C: Form for non-party certification of the source of mercury to be exported to a party* regardless of whether the importing party had provided consent through a *form A: Form for the provision of written consent by a party to the import of mercury* or through a general notification.

Paragraph 9 of article 3 allowed a party that submitted a general notification to waive the restrictions imposed by the Convention on the imports of mercury from a non-party, provided that it maintained comprehensive restrictions on the export of mercury and had domestic measures in place to ensure that imported mercury is managed in an environmentally sound manner. The party was required to provide a notification of such decision to the secretariat, including information describing its export restrictions and domestic regulatory measures, as well as information on the quantities and countries of origin of mercury imported from non-parties. The above procedure was available until the conclusion of the second meeting of the Conference of the Parties. Parties that notified the secretariat in that regard are listed on the Convention website.[20]

SUGGESTED APPROACH FOR RESPONSE:

- If the party has not imported mercury or mercury compounds from a non-party it would reply "**no**" and move to the next question.

- If the party has imported mercury or mercury compounds from a non-party either by providing consent using form A or by a general notification form D, accompanied by form C from the non-party to certify that the mercury was not from sources identified under paragraph 3 or paragraph 5 (b), the party would reply "**yes**" and, for each import:

  - If the party has not previously provided copies of its consent it is recommended that the party do so. It is worth noting that the Conference of Parties in paragraph 4 of decision MC-4/8, "[c]alls on parties that have received consent to export mercury to parties and/or non-parties to provide to the secretariat either copies of the consent forms used or other suitable information in their reports submitted pursuant to article 21 of the Convention to show that the relevant requirements of article 3 of the Convention have been met."

  - If the party cannot provide copies of the consent, the party would provide information to demonstrate that it provided its consent, and that it had determined that the mercury to be imported from the non-party did not come from primary mining or mercury determined to be excess mercury from the decommissioning of chlor-alkali facilities;

[18] At www.minamataconvention.org/Countries/Parties/tabid/3428/language/en-US/Default.aspx.

[19] At www.minamataconvention.org/Countries/Parties/FocalPoints/tabid/7708/language/en-US/Default.aspx.

[20] At www.minamataconvention.org/Countries/Parties/Notifications/tabid/3826/language/en-US/Default.aspx.

- Parties are encouraged to provide relevant information (in metric tons) on the quantity of mercury imported from a non-party for the respective annual periods and countries of origin in response to the supplemental question;

- If the non-party provided certification that the mercury was not from sources identified under paragraph 3 or paragraph 5 (b) of article 3, it is recommended that the importing party provide this. If it is not possible to provide this, it is recommended that the importing party provide other suitable information showing that the relevant requirements of paragraph 8 of article 3 have been met.

- If the party has submitted its general notification of consent and applied paragraph 9 of article 3 (including having provided the requisite information), the party would select this option, and no further information is required.

Article 4: Mercury-added products

Question 4.1: Has the party taken any appropriate measures to not allow the manufacture, import or export of mercury-added products listed in part I of annex A to the Convention after the phase-out date specified for those products? (para. 1)

If the party is implementing paragraph 2, please skip to question 4.2.

☐ Yes

☐ No

If **yes**, please provide information on the measures.

If either **yes** or **no**, has the party registered for an exemption pursuant to article 6?

☐ Yes

☐ No

If **yes**, for which products (please list)? (para. 1, para. 2 (d))

NOTES: A party implementing paragraph 2 of article 4 need not address this question and would move to the next question.

Article 2 (f) defines a "mercury-added product" as a product or product component that contains mercury or a mercury compound that was intentionally added.

Paragraph 1 of article 4 requires each party not to allow, by taking appropriate measures, the manufacture, import or export of mercury-added products listed in part I of annex A after the phase-out date specified for those products, except where an exclusion is specified in annex A or the party has a registered exemption pursuant to article 6. For the purposes of the Convention, the phase-out date refers to 31 December of the year specified.

The Conference of the Parties in decision MC-4/3 amended annex A to the Convention to include additional products.[21] The amendment adopted in decision MC-4/3 entered into force on 28 September for all parties except the following:

(a) One party that notified the Depositary in accordance with subparagraph 3 (b) of article 27 of the Convention;

[21] The Conference of the Parties, in decision MC-5/4, further amended part 1 of annex A.

(b) Parties that made a declaration in accordance with paragraph 5 of article 30 of the Convention with regard to the amendment of the annex. For a full list of parties and the applicable entry into force dates for them, kindly refer to: https://minamataconvention.org/en/amendments

Paragraph 1 of article 6 provides for any State or regional economic integration organization to register for one or more exemptions from the phase-out dates listed in annex A by notifying the secretariat in writing on becoming a party to the Convention or, in the case of any mercury-added product that is added by an amendment to annex A, no later than the date upon which the applicable amendment enters into force for the party.

A list of parties' exemptions can be found on the Convention website.[22]

The measures a party may have taken could include relevant measures under environmental law, hazardous substances management law or laws and regulations covering medical, cosmetic, electrical or other products, and product standards.

SUGGESTED APPROACH FOR RESPONSE:

- If the party has taken appropriate measures not to allow the manufacture, import or export of mercury-added products listed in part I of annex A to the Convention after the phase-out date specified for those products, the party would reply "**yes**" and describe the measures taken. The party may wish to include, for each of the categories of product listed in part I for which it has taken a measure:
  - A description of the measure taken and the reference to the legal authorities, where applicable;
  - The date the measure was taken;
  - The date the measure took effect (or is expected to take effect).
- If the party has not taken appropriate measures not to allow the manufacture, import or export of mercury-added products listed in part I of annex A to the Convention after the phase-out date specified for those products, the party would reply "**no**" and might wish to provide, in *part C: Comments regarding possible challenges in meeting the objectives of the Convention*, an explanation of why it has not taken such measures, including an estimate of when it expects to have taken them.
- If the party has answered either "**yes**" or "**no**" and has registered for an exemption (para. 1 (a) of article 6) for one or more of the phase-out dates listed in part I, the party would reply "**yes**" to the second part of the question.
- If the party has taken measures in relation to some or all of the categories of product listed in part I but also has an exemption for one or more categories, it would reply "**yes**" to the first part of the question (and provide the information requested), and would reply "**yes**" to the second part of the question and list the products for which it has an exemption.
- If the party has neither taken appropriate measures not to allow the manufacture, import or export of mercury-added products listed in part I of annex A to the Convention after the phase-out date specified for those products nor registered for an exemption on becoming a party (para. 1 (a) of article 6) for one or more of the phase-out dates listed in part I, the party would reply "**no**" to both parts of the question and might wish to explain the reasons it has done neither in *part C: Comments regarding possible challenges in meeting the objectives of the Convention* or in *part E: Additional comments on each of the articles*

[22] At www.minamataconvention.org/Countries/Parties/Exemptions/tabid/5967/language/en-US/Default.aspx.

Question 4.2: If **yes** (implementing paragraph 2 of article 4): (para. 2)

Has the party reported to the Conference of the Parties at the first opportunity a description of the measures or strategies implemented, including a quantification of the reductions achieved? (para. 2 (a))

☐ Yes

☐ No

Has the party implemented measures or strategies to reduce the use of mercury in any products listed in part I of annex A for which a de minimis value has not yet been obtained? (para. 2 (b))

☐ Yes

☐ No

If **yes**, please provide information on the measures.

Has the party considered additional measures to achieve further reductions? (para. 2 (c))

☐ Yes

☐ No

If **yes**, please provide information on the measures.

NOTES: Only a party that at the time of its ratification provided a notification that it was implementing paragraph 2 of article 4 needs to respond to this question. A party not implementing paragraph 2 would move to the next question.

Paragraph 2 of article 4 states that a party may, as an alternative to paragraph 1 of article 4, indicate, at the time of ratification by it or upon the entry into force for it of an amendment to annex A, that it will implement different measures or strategies to address products listed in part I of annex A. The party may choose this alternative only if 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 at the time when it notifies the secretariat of its decision to use this alternative.

The list of parties implementing paragraph 2 of article 4 can be found on the Convention website.[23]

Question 4.3: (A) Has the party taken two or more measures listed in subparagraphs (i) to (ix) of part II of annex A for the mercury-added products listed in part II of annex A in accordance with the provisions set out therein? (para. 3)

☐ Yes

☐ No

If **yes**, please provide information on the measures.

(B) If the amendment to annex A adopted in decision MC-4/3 has entered into force for the party, has the party (please check the appropriate box below) taken relevant measures:

[23] At www.minamataconvention.org/Countries/Parties/Notifications/tabid/3826/language/en-US/Default.aspx.

☐ Yes – excluded or not allowed, by taking measures as appropriate, the use of mercury in bulk form by dental practitioners

☐ Yes – excluded or not allowed, by taking measures as appropriate, or recommended against, the use of dental amalgam for the dental treatment of deciduous teeth of patients under 15 years of age and of pregnant and breastfeeding women, except when such use is considered necessary by the dental practitioner based on the needs of the patient

☐ No

☐ Not applicable

If the party answered **yes** to either option above, please provide information on the measures.

If the party answered **no** to question (A) or (B) above, please explain.

NOTES: Dental amalgam is the only mercury-added product listed in part II of annex A. Part II of annex A provides a list of measures to be taken in phasing down the use of dental amalgam. A party is required to implement at least two measures from that list. In decision MC-3/2, the Conference of the Parties encouraged parties to take more than two measures in accordance with part II of annex A.

The Conference of the Parties, in decision MC-4/3, amended part II of annex A to include two additional measures that parties are to implement in relation to the use of mercury in bulk form by dental practitioners and the use of dental amalgam for the dental treatment of deciduous teeth of patients under 15 years of age and of pregnant and breastfeeding women, except when such use is considered necessary by the dental practitioner based on the needs of the patient.[24]

SUGGESTED APPROACH FOR RESPONSE:

- If the party has taken two or more measures, it would reply "**yes**" to question 4.3 (A) and provide information on the measures taken. Such information could include which measures were taken, the date on which each measure was implemented and the effectiveness of the measures.

- If a party has not taken two such measures, it would reply "**no**" to question 4.3 (A) and might wish to provide an explanation in *part C: Comments regarding possible challenges in meeting the objectives of the Convention* or in *part E: Additional comments on each of the articles*.

- If the amendments to annex A adopted in decision MC-4/3 have entered into force for the party, and the party has:

  - taken the measures specified, it would answer "**yes**" to both options in question 4.3 (B).
  - not taken the measures specified, it would answer "**no**" to question 4.3 (B) and provide an explanation in the space provided.
  - taken one, but not both, of the measures specified, it would answer "**yes**" to the measure it has taken in question 4.3 (B), and "**no**" to question 4.3 (B) and provide an explanation in the space provided.

[24] The Conference of the Parties, in decision MC-5/4, further amended part II of annex A to require parties that have not yet phased out dental amalgam to submit to the secretariat a national action plan or a report based on available information with respect to progress they have made or are making to phase down or phase out dental amalgam every four years as part of national reporting.

- If the amendments to annex A adopted in decision MC-4/3 have not entered into force for the party, the party would reply "not applicable" to the question (b).

- If the party has not used mercury in dental treatment after the entry into force of the Convention for it, it would reply "**not applicable**" to question 4.3 (B).

- The reporting format has not reflected decision MC-5/4 on the amendment of part II of annex A. Parties that have not yet phased out dental amalgam are to submit to the secretariat a national action plan or a report based on available information with respect to progress they have made or are making to phase down or phase out dental amalgam in *part E: Additional comments on each of the articles*.

Question 4.4: Has the party taken measures to prevent the incorporation into assembled products of mercury-added products whose manufacture, import and export are not allowed for it under article 4? (para. 5)

☐ Yes

☐ No

☐ No – not applicable (*do not have facilities assembling products using mercury-added products*)

If **yes**, please provide information on the measures.

NOTES: Some of the products in the categories listed in part I of annex A (e.g., switches, relays, batteries) can be used as components of consumer, commercial and industrial products, including automobiles, appliances, space heaters, ovens, air handling units, security systems, levelling devices and pumps.

SUGGESTED APPROACH FOR RESPONSE:

- If the party has taken measures to prevent the incorporation of those mercury-added products into assembled products, the party would reply "**yes**" and describe the measures it has taken to prevent that use.

- If the party has not taken measures to prevent the incorporation of those mercury-added products into assembled products, the party would reply "**no**" and might wish to explain the reasons it has not done so in *part C: Comments regarding possible challenges in meeting the objectives of the Convention* or in *part E: Additional comments on each of the articles.*

- If the party does not have facilities or processes that incorporate mercury-added products whose manufacture, import and export are not allowed for it under article 4, the party would reply "**no – not applicable (do not have facilities assembling products using mercury-added products)**".

Question 4.5: Has the party discouraged the manufacture and the distribution in commerce of mercury-added products not covered by any known use in accordance with article 4, paragraph 6? (para. 6)

- ☐ Yes
- ☐ No – no action taken
- ☐ No – an assessment of the risks and benefits of the product demonstrates benefits to human health or the environment

If **yes**, please provide information on the measures taken.

If the party answered **no – no action taken**, please explain.

If the party answered **no – an assessment of the risks and benefits of the product demonstrates benefits to human health or the environment**, has the party provided to the secretariat, as appropriate, information on any such products?

- ☐ Yes
- ☐ No

If **no**, please name the product and add relevant information here_____.

NOTES: This question does not refer to any products that were known at the time the Convention entered into force for each party. The question refers to new mercury-added products that have become known after the entry into force of the Convention for the party. Each party has an obligation to discourage the manufacturing and distribution in commerce of such mercury-added products, unless it undertakes an assessment of the risks and benefits of the product, and that assessment demonstrates environmental or human health benefits. Paragraph 6 of article 4 requires the party to provide to the secretariat, as appropriate, information on any such product, including any information on the environmental and human health risks and benefits of the product.

A party should report on the measures it has taken to discourage the manufacturing and distribution in commerce of such mercury-added products, such as:

- Provision of information on mercury-free alternatives (e.g., under articles 17 and 18 of the Convention);
- Informing industry of the need to report and the interests of the government to pursue products that do not contain mercury;
- Administrative or regulatory measures related to the introduction of new, previously unknown mercury-added products.

SUGGESTED APPROACH FOR RESPONSE:

- If the party has discouraged the manufacture and the distribution in commerce of such mercury-added products, the party would reply "**yes**" and provide information on the measures taken. Such information could include, for example:
  - The effectiveness of the measures taken;
  - The date the measures came into effect.
- If the party has not taken action to discourage the manufacture and the distribution in commerce of such mercury-added products, and has not undertaken an assessment of the risks and benefits to human health or the environment, the party would reply "**no – no action taken**" and explain, in *part C: Comments regarding possible challenges in meeting the objectives of the Convention*, the challenges it has in implementing this measure, or provide additional explanation in *part E: Additional comments on each of the articles.*
- If the party has not discouraged the manufacture and the distribution in commerce of such mercury-added product(s) on the basis that its assessment of the risks and benefits of the product(s)

demonstrates benefits to human health or the environment, the party would reply "**no – an assessment of the risks and benefits demonstrates benefits to human health or the environment**", and:

- If the party has provided the secretariat with information on any such product, it would reply "**yes**" to the subsequent question.

- If the party has not provided the secretariat with information on any such product, it would reply "**no**" to the subsequent question and would provide the name and relevant information in *part E: Additional comments on each of the articles.*

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

Question 5.1: Are there facilities within the territory of the party that use mercury or mercury compounds for the processes listed in annex B to the Minamata Convention in accordance with paragraph 5 of article 5 of the Convention? (para. 5)

- ☐ Yes
- ☐ No
- ☐ Do not know (*please explain*)

If **yes**, please provide information on measures taken to address emissions and releases of mercury or mercury compounds from such facilities.

If available, please provide information on the number and type of facilities and the estimated annual amount of mercury or mercury compounds used in those facilities.

Please provide information on how much mercury (in metric tons) is used in the processes listed in the two first entries of part II of annex B in the last year of the reporting period.

NOTES: For the purposes of article 5 and annex B, manufacturing processes in which mercury or mercury compounds are used do not include processes using mercury-added products, processes for manufacturing mercury-added products or processes that process mercury-containing waste. Also, for the purposes of article 5 and annex B, the definitions of "mercury" and "mercury compounds" are those contained in article 2.

Each party is to endeavour to identify facilities within its territory that use mercury or mercury compounds for processes listed in annex B and submit to the secretariat, no later than three years after the date of entry into force of the Convention for it, information on the number and types of such facilities and the estimated annual amount of mercury or mercury compounds used in those facilities.

The process of endeavouring to identify facilities within the party's territory could include a reference to any licensing or registration schemes for facilities using mercury or mercury compounds, the party's implementation plan developed pursuant to article 20 (if one was developed) or the Minamata Initial Assessment (if one was undertaken).

SUGGESTED APPROACH FOR RESPONSE:

- If the party has determined that it has no facilities within its territory that use mercury or mercury compounds for the processes listed in annex B to the Minamata Convention, the party would reply "**no**" and move to the next question.

- If the party has either not attempted to identify whether it has facilities within its territory that use mercury or mercury compounds for the processes listed in annex B to the Minamata Convention, or has initiated the identification process but has not completed the process, the party would reply

"**do not know**" and might wish to provide an explanation in *part C: Comments regarding possible challenges in meeting the objectives of the Convention* and/or *part E: Additional comments on each of the articles.*

- If the party has identified facilities within its territory that use mercury or mercury compounds, the party would reply "**yes**" and provide information on:
  - The number and type of facilities (if available);
  - The estimated total amount (in metric tons) of mercury or mercury compounds used in those facilities in the annual periods of the reporting period;
  - The measures taken to address emissions and releases of mercury or mercury compounds from such facilities.

- If the party has identified facilities within its territory that use mercury or mercury compounds in facilities producing vinyl chloride monomer, or sodium or potassium methylate or ethylate, the party would indicate, for each of those processes, how much mercury (in metric tons) was used in those processes in the last year of the reporting period.

Question 5.2: Are measures in place to not allow the use of mercury or mercury compounds in manufacturing processes listed in part I of annex B after the phase-out date specified in that annex for the individual process? (para. 2)

Chlor-alkali production:

☐ Yes

☐ No

☐ Not applicable (*do not have those facilities*)

If **yes**, please provide information on these measures.

Acetaldehyde production in which mercury or mercury compounds are used as a catalyst:

☐ Yes

☐ No

☐ Not applicable (*do not have those facilities*)

If **yes**, please provide information on these measures.

If **no** to either of the questions above, has the party registered for an exemption pursuant to article 6?

☐ Yes

☐ No

If **yes**, for which process(es)? (*please list*)

NOTES: Chlor-alkali production and acetaldehyde production are manufacturing processes that may use mercury or mercury compounds and that are subject to article 5, paragraph 2, and as such are listed in annex B, part I, for phase-out by 2025 and 2018, respectively. The measures that would not allow the use of mercury or mercury compounds in chlor-alkali production or acetaldehyde production would generally be found in a party's hazardous substances control law, environmental law or permitting requirements, or other policy instruments.

The Conference of the Parties, in decision MC-5/4, amended part I of annex B to include the production of polyurethane using mercury-containing catalysts for phase-out by 2025. The reporting format has not yet

reflected this amendment. Measures to not allow the use of mercury or mercury compounds in this manufacturing process may be reported in question 5.3.

Paragraph 1 of article 6 provides for any State or regional economic integration organization to register for one or more exemptions from the phase-out dates listed in annex B by notifying the secretariat in writing on becoming a party to the Convention. This option is not available after a State or regional economic integration organization becomes a party.

A list of parties' exemptions can be found on the Convention website.[25]

SUGGESTED APPROACH FOR RESPONSE:

- If the party does not have facilities using mercury for chlor-alkali production and/or acetaldehyde production, the party would reply "**not applicable**" under the applicable subheading and move to the next question.

- If the party has measures in place to phase out the use of mercury in chlor-alkali production by 2025 and/or acetaldehyde production by 2018, the party would reply "**yes**" and provide further information on the measures in the place for the indicated process(es).

- If the party has registered for an exemption pursuant to article 6, the party would reply "**yes**" and list the process(es) for which it registered exemptions.

- If the party has not registered for an exemption pursuant to article 6, the party would reply "**no**".

- If the party has replied "**no**" to either of the first two parts to the question and has not registered for an exemption, it may wish to provide, in *part C: Comments regarding possible challenges in meeting the objectives of the Convention*, an explanation of why it has not taken such measures, and a timetable for their adoption.

Question 5.3: Are measures in place to restrict the use of mercury or mercury compounds in the processes listed in part II of annex B in accordance with the provisions set out therein? (para. 3)

Vinyl chloride monomer production:

☐ Yes

☐ No

☐ Not applicable (*do not have these facilities*)

If y**es**, please provide information on these measures.

If **no**, please explain, including any challenges encountered.

Sodium or potassium methylate or ethylate:

☐ Yes

☐ No

☐ Not applicable (*do not have these facilities*)

If **yes**, please provide information on these measures.

If **no**, please explain, including any challenges encountered.

Production of polyurethane using mercury-containing catalysts:

[25] At www.minamataconvention.org/Countries/Parties/Exemptions/tabid/5967/language/en-US/Default.aspx.

☐ Yes

☐ No

☐ Not applicable (*do not have these facilities*)

If **yes**, please provide information on these measures.

If **no**, please explain, including any challenges encountered.

NOTES: Vinyl chloride monomer production, sodium or potassium methylate or ethylate production, and the production of polyurethane using mercury-containing catalysts are subject to article 5, paragraph 3, and as such are listed in part II of annex B, with specific provisions.

The measures to be taken must include those listed in part II of annex B under the respective listed processes. For example, for sodium or potassium methylate or ethylate, several measures are listed to be taken, which include not allowing the use of mercury five years after the Conference of the Parties has established that mercury-free processes have become technically and economically feasible. Note, the Conference of the Parties established in its decision MC-5/4, that parties are to phase out the use of mercury in this process by 2028.

SUGGESTED APPROACH FOR RESPONSE:

- If the party does not have facilities that use mercury or mercury compounds in the processes listed in part II of annex B, or if the party has facilities using the processes listed in part II of annex B that have never used mercury or mercury compounds in those processes, the party would reply "**not applicable**" under the applicable subheading and move to the next question.

- If the party does have facilities that use mercury or mercury compounds in the processes listed in part II of annex B, the party would reply "**yes**", as appropriate, and provide information such as:
  - The measures taken pursuant to part II of annex B;
  - The date of implementation of the measures;
  - The effectiveness of the measures.

- If the party has facilities that have used mercury or mercury compounds in the processes listed in part II of annex B but no longer use mercury or mercury compounds in those processes, the party would reply "**yes**", as appropriate, and provide information such as:
  - The measures taken pursuant to part II of annex B;
  - The date of implementation of the measures;
  - The effectiveness of the measures.

- If the party has replied "**no**" to one or more parts of the question, or if the party has replied "**yes**" but has not taken the measures provided for in part II of annex B, the party would provide, in *part C: Comments regarding possible challenges in meeting the objectives of the Convention*, an explanation of the challenges encountered, and, if available, a timetable for the adoption of such measures or, in *part E: Additional comments on each of the articles,* other relevant information.

Question 5.4: Is there any use of mercury or mercury compounds in a facility using the manufacturing processes listed in annex B that did not exist prior to the date of entry into force of the Convention for the party? (para. 6)

☐ Yes

☐ No

If **yes**, please explain the circumstances.

NOTES: Paragraph 6 of article 5 addresses any facility that began operation after the entry into force of the Convention for a party. In particular, it requires a party not to allow the use of mercury or mercury compounds in such a facility if it is using the manufacturing processes listed in annex B.

SUGGESTED APPROACH FOR RESPONSE:

- If the party has a facility that did not exist prior to entry into force of the Convention for it and that facility is using mercury or mercury compounds in the manufacturing processes listed in annex B, the party would reply "**yes**" and provide information such as:
  - The number of such facilities;
  - The manufacturing process that is using mercury or mercury compounds;
  - For each manufacturing process, the annual amount (in metric tons) of mercury or mercury compounds used.
- If the party has a facility that did not exist prior to entry into force of the Convention for it and that facility is producing polyurethane using mercury-containing catalysts, the party would reply "**yes**" and explain that the facility is producing polyurethane using mercury-containing catalysts.
- If the party does not have any such facility, it would reply "**no**".

Question 5.5: Has the party discouraged 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? (para. 7)

- ☐ Yes
- ☐ No – no action taken
- ☐ No – the party demonstrated to the Conference of the Parties the significant environmental and health benefits of the manufacturing process and that there are no technically and economically feasible mercury-free alternatives available providing such benefits

If **yes**, please provide information on the measures taken.

NOTES: Paragraph 7 of article 5 requires each party to 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, except where the party can demonstrate to the satisfaction of the Conference of the Parties that the manufacturing process provides significant environmental and health benefits and that there are no technically and economically feasible mercury-free alternatives available providing such benefits. Paragraph 7 of article 5 refers to the date of entry into force of the Convention, and not to the date of entry into force of the Convention for the party. The date of entry into force of the Convention was 16 August 2017. The term "discourage" is not defined in the Convention, but could include measures ranging from a ban on mercury use in any industrial process to making information available on, or providing incentives for the adoption of, alternate processes that do not use mercury or mercury compounds. Measures that the party may have taken in meeting this obligation could include provision of information on mercury-free alternatives (e.g., under articles 17 and 18 of the Convention).

SUGGESTED APPROACH FOR RESPONSE:

- If the party does not have manufacturing processes in which mercury or mercury compounds are intentionally used, the party would reply "no – no action taken", in *part E: Additional comments on each of the articles,* include an explanation that no such facilities exist in the party's territory, and move to the next question.

- If the party has not identified any facility that has been developed 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 for it, the party would reply "no – no action taken" and move to the next question.

- If the party has identified any facility that has been developed 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 for it, and the party has demonstrated to the Conference of the Parties that the manufacturing process provides significant environmental and health benefits and that there are no technically and economically feasible mercury-free alternatives available providing such benefits, the party would reply "no – the party demonstrated to the Conference of the Parties…".

- If the party has discouraged 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, the party would reply "yes" and describe the measures it took.

Article 7: Artisanal and small-scale gold mining

Question 7.1: Have steps been taken 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, artisanal and small-scale gold mining and processing subject to article 7 within your territory? (para. 2)

- ☐ Yes
- ☐ No
- ☐ There is no artisanal and small-scale gold mining and processing subject to article 7 in which mercury amalgamation is used in the territory.

If **yes**, please provide information on the steps.

NOTES: Question 7.1 refers to artisanal and small-scale gold mining and processing using mercury or mercury compounds. Article 2 (a) of the Convention defines artisanal and small-scale gold mining as gold mining conducted by individual miners or small enterprises with limited capital investment and production. Paragraph 1 of article 7 limits the application of the measures in article 7 and annex C to artisanal and small-scale gold mining and processing where mercury amalgamation is used to extract gold from ore. Large-scale gold mining, artisanal and small-scale mining for materials other than gold and artisanal and small-scale gold mining that does not use mercury are not subject to article 7.

SUGGESTED APPROACH FOR RESPONSE:

- If the party does not have artisanal and small-scale gold mining and processing using mercury amalgamation to extract gold from ore, the party would reply "there is no…" and move to question 7.5.

- If the party does have artisanal and small-scale gold mining and processing using mercury amalgamation to extract gold from ore, and it has taken 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, the party would reply "yes" and provide information such as:
  - The steps the party has taken;
  - The date(s) on which the steps were taken;
  - The effectiveness of the steps.

- If the party does have artisanal and small-scale gold mining and processing using mercury amalgamation to extract gold from ore, but has not taken 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, it would reply "**no**" and might wish to provide, in *part C: Comments regarding possible challenges in meeting the objectives of the Convention*, information on:

    - The reasons it has not taken any steps;

    - When it anticipates taking steps.

Question 7.2: Has the party determined, and notified the secretariat, that artisanal and small-scale gold mining and processing within its territory is more than insignificant?

☐ Yes

☐ No

If **no**, please proceed to question 7.5.

NOTES: Paragraph 3 of article 7 requires a party that has determined that artisanal and small-scale gold mining and processing within its territory is more than insignificant to notify the secretariat. The list of parties that have so notified the secretariat is available on the Convention website.[26]

SUGGESTED APPROACH FOR RESPONSE:

- If the party has determined and notified the secretariat that artisanal and small-scale gold mining and processing within its territory is more than insignificant, it would reply "**yes**".

- If the party has determined that artisanal and small-scale gold mining and processing within its territory is not more than insignificant, it would reply "**no**" and might wish to move to question 7.5.

- If the party has not determined whether or not artisanal and small-scale gold mining and processing within its territory is not more than insignificant, it would reply "**no**" and might wish to move to question 7.5.

Question 7.3: Has the party developed and implemented a national action plan and submitted it to the secretariat? (para. 3 (a), para. 3 (b))

☐ Yes

☐ No

☐ In progress

NOTES: This question applies only to a party that has replied "**yes**" to question 7.2.

Paragraphs 3 (a) and 3 (b) of article 7 require a party that has notified the secretariat that it has artisanal and small-scale gold mining and processing that is more than insignificant to develop and implement a national action plan, and to submit that plan to the secretariat within three years of either the date of entry into force of the Convention for it or the date of notification to the secretariat, whichever is later.

SUGGESTED APPROACH FOR RESPONSE:

- If the party has developed and is implementing a national action plan, it would reply "yes".

[26] At www.minamataconvention.org/Countries/Parties/Notifications/tabid/3826/language/en-US/Default.aspx.

- If the party has not developed a national action plan, it would reply "no".

- If the party is either still developing the national action plan or has completed it but is not yet implementing it, or has not submitted the national action plan to the secretariat, it would reply "**in progress**".

Question 7.4: Attach your most recent review that must be completed under paragraph 3 (c) of article 7, unless it is not yet due.

NOTES: This question applies only to a party that has replied "**yes**" to question 7.3.

Paragraph 3 (c) of article 7 requires a party that has more than insignificant artisanal and small-scale gold mining and processing in its territory to provide a review every three years of its progress in meeting its obligations under article 7.

SUGGESTED APPROACH FOR RESPONSE:

- If such a review by the party is due and has been completed, the party would either:
  - Attach the review; or
  - Indicate where it is available online.

- If such a review by the party is due but has not been completed, the party may wish to provide a timetable for the completion of the review and an explanation in *part C: Comments regarding possible challenges in meeting the objectives of the Convention* and *part E: Additional comments on each of the articles*.

Question 7.5: Supplemental: Has the party cooperated with other countries or relevant intergovernmental organizations or other entities to achieve the objectives of this article? (para. 4)

☐ Yes

☐ No

If **yes**, please provide information.

SUGGESTED APPROACH FOR RESPONSE:

- If the party has participated in any bilateral or regional cooperation, or any projects undertaken in cooperation with, or with support from, intergovernmental organizations (the United Nations Environment Programme (UNEP), the United Nations Industrial Development Organization (UNIDO), the United Nations Development Programme (UNDP), the World Bank, the United Nations Institute for Training and Research (UNITAR), etc.) or other entities (non-parties or non-governmental organizations) to achieve the objectives of article 7, the party would reply "**yes**" and might wish to provide information, including:
  - The nature of the cooperation, support or project;
  - With whom the party cooperated;
  - The date of cooperation;
  - Whether the result of the cooperation is available online and where it can be accessed (if not available online, the party may wish to attach any available information).

- If the party has not cooperated with other countries, relevant intergovernmental organizations or other entities to achieve the objectives of article 7, the party would reply "**no**".

Article 8: Emissions

Question 8.1: Identify any annex D source categories for which there are new sources of emissions of mercury or mercury compounds as defined in paragraph 2 (c) of article 8.

For each of those source categories describe the measures in place, including the effectiveness of such measures, to implement the requirements of paragraph 4 of article 8.

Has the party required the use of best available techniques or best environmental practices (BAT/BEP) to control and where feasible reduce emissions for new sources no later than five years after the date of entry into force of the Convention for the party? (para. 4)

- ☐ Yes
- ☐ No (*please explain*)

NOTES: Paragraph 2 (b) defines a "relevant source" as a source falling within one of the source categories listed in annex D to the Convention. Paragraph 3 of article 8 requires a party with relevant sources to take measures to control emissions (from those sources). This question relates solely to "new sources" of emissions of mercury or mercury compounds as defined in paragraph 2 (c) of article 8. Paragraph 4 of article 8 requires the use of BAT and BEP for new sources within the source categories listed in annex D within five years of entry into force of the Convention for a party. A party may also use emission limit values that are consistent with the application of BAT.

The party would first determine which, if any, of the source categories listed in annex D have been identified in its territory. It would then determine whether there are any new sources (as defined in paragraph 2 (c) of article 8), namely any relevant source within a category listed in annex D, the construction or substantial modification of which is commenced at least one year after the date of entry into force of the Convention for the party. Potential sources of information that a party could use to determine whether there are new relevant sources in its territory might include, for example, emissions inventories or permitting requirements. As article 8 concerns controlling and, where feasible, reducing emissions of mercury and mercury compounds, often expressed as "total mercury", to the atmosphere through measures to control emissions from the point sources falling within the source categories listed in annex D, "effectiveness" could be suggested by the extent to which such emissions have not increased, or have been reduced since the introduction of the measures.

The party may then wish to refer to the measures outlined in the Guidance on Best Available Techniques and Best Environmental Practices adopted by the Conference of the Parties at its first meeting.

In describing the measures taken, the party may wish to include a reference to legislation and/or regulation enacted to require the application of BAT and BEP. The party may wish to refer to its national documents, or relevant guidance provided to facilities, and attach relevant documentation.

The question requires the party to describe the effectiveness of the measures taken. The description of the effectiveness of the implementation of measures by a party is separate from the effectiveness of the Convention to be evaluated pursuant to article 22. In describing the progress in the implementation of measures, the party might consider the responsiveness of facilities in adopting BAT and BEP, and an estimate of emissions reduction achieved or expected.

SUGGESTED APPROACH FOR RESPONSE:

- If the party has determined that it has in its territory no new sources in any of the source categories listed in annex D, it would reply "**no**" and explain that it has no new sources. The party can then move to question 8.2.

- If the party has identified that it has in its territory new sources in any of the source categories listed in annex D, it would list those source categories.

- If the party has required the use of BAT (or emission limit values that are consistent with the application of BAT) and BEP to control and, where feasible, reduce emissions for new sources no later than five years after the date of entry into force of the Convention for the party, it would reply "**yes**" and describe:
  - The BAT and BEP measures it has taken;
  - The date(s) on which the measures were taken;
  - The effectiveness of those measures (e.g., the responsiveness of facilities in adopting BAT and BEP as required and an estimate of emission reductions achieved or expected).

- If the party has identified that it has in its territory new sources in any of the source categories listed in annex D but has not required the use of BAT and BEP to control and, where feasible, reduce emissions for new sources no later than five years after the date of entry into force of the Convention for the party, or has initiated action to require such use of BAT and BEP that has not been completed, it would reply "**no**" and provide that explanation.

Question 8.2: Identify any annex D source categories for which there are existing sources of emissions of mercury or mercury compounds as defined in paragraph 2 (e) of article 8.

For each of those source categories, select and provide details on the measures implemented under paragraph 5 of article 8 and explain the progress that these applied measures have achieved in reducing emissions over time in your territory:

- ☐ A quantified goal for controlling and, where feasible, reducing emissions from relevant sources
- ☐ Emission limit values for controlling and, where feasible, reducing emissions from relevant sources
- ☐ Use of BAT/BEP to control emissions from relevant sources
- ☐ Multi-pollutant control strategy that would deliver co-benefits for control of mercury emissions
- ☐ Alternative measures to reduce emissions from relevant sources

Have the measures for existing sources under paragraph 5 of article 8 been implemented no later than 10 years after the date of entry into force of the Convention for the party?

- ☐ Yes
- ☐ No (*please explain*)

NOTES: In responding to this question, a party would first indicate which, if any, of the source categories listed in annex D have been identified in its territory, and whether there are any existing sources (as defined in para. 2 (e) of article 8). Potential sources of information that a party could use to determine whether there are new relevant sources in its territory might include, for example, emissions inventories or permitting requirements. The measures listed are those contained in paragraph 5 of article 8.

SUGGESTED APPROACH FOR RESPONSE:

- If the party has identified that it has in its territory existing sources in any of the source categories listed in annex D, the party would list those source categories.

- If the party has implemented one or more of the measures listed, the party may wish, for example, to:
  - Indicate which of the measures it has taken;

- Indicate the date it took the measures;
- Describe the effectiveness of those measures, including the responsiveness of facilities in responding to the measures and the estimated emission reductions achieved.

- If the party has implemented the measures within 10 years of entry into force of the Convention for it, the party would reply "**yes**".

- If the party has not implemented the measures within 10 years of entry into force of the Convention for it, or has initiated action that has not been completed, the party would reply "**no**" and provide an explanation, including an indication of when it anticipates implementing measures.

- If the party has no existing sources, the party would reply "**no**" and explain that it has no existing sources.

Question 8.3: Has the party prepared an inventory of emissions from relevant sources within five years of entry into force of the Convention for it? (para. 7)

☐ Yes

☐ No

☐ Have not been a party for five years

If **yes**, when was the inventory last updated?

Please indicate where this inventory is available.

If no such inventory exists, please explain.

NOTES: The Convention entered into force on 16 August 2017, and hence it will not have been in force for five years for any party for the reporting cycle ending on 31 December 2021. At its first meeting, the Conference of the Parties adopted guidance[27] to assist a party in establishing its inventory of emissions from relevant sources.

SUGGESTED APPROACH FOR RESPONSE:

- If the party has prepared an inventory of emissions from relevant sources, it would reply "**yes**" and:
  - Whether the inventory is available online and, if so where (if not available online, either attach a copy of it to the report or indicate where it can be accessed);
  - The date of its most recent update.

- If the party has been a party for five or more years but has not prepared an inventory of emissions from relevant sources, it might wish to provide an explanation and an estimate of the date when the emissions inventory will be completed in *part C: Comments regarding possible challenges in meeting the objectives of the Convention* and/or *part E: Additional comments on each of the articles.*
- If the party has an inventory developed prior to the reporting period that has not been updated during the reporting period, it might wish to provide an explanation in *part E: Additional comments on each of the articles*.

- If a party has not been a party for five years, it would also reply "**Have not been a party for five years**". No further explanation is necessary.

[27] Available at https://minamataconvention.org/en/documents/guidance-methodology-preparing-inventories-emissions-pursuant-article-8-minamata.

Question 8.4: Has the party chosen to establish criteria to identify relevant sources covered within a source category? (para. 2 (b))

☐ Yes

☐ No

If **yes**, please explain how the criteria for any category include at least 75 per cent of the emissions from that category and explain how the party took into account guidance adopted by the Conference of the Parties.

NOTES: Paragraph 2 (b) of article 8 allows a party to establish criteria to identify the sources covered within a source category listed in annex D so long as those criteria for any category include at least 75 per cent of the emissions from that category. The Conference of the Parties at its first meeting adopted guidance to assist a party in establishing such criteria. The guidance is available on the Convention website.[28]

SUGGESTED APPROACH FOR RESPONSE:

- If the party has not chosen to establish criteria to identify relevant sources covered within a source category, the party would reply "**no**" and move to the next question.

- If the party has chosen to establish criteria to identify relevant sources covered within a source category, the party would reply "**yes**" and explain how the criteria for any category include at least 75 percent of the emissions from that category, and how the party took into account guidance adopted by the Conference of the Parties.

Question 8.5: Has the party chosen to prepare a national plan setting out the measures to be taken to control emissions from relevant sources and its expected targets, goals and outcomes? (para. 3)

☐ Yes

☐ No

If **yes**, has the party submitted its national plan to the Conference of the Parties under this article no later than 4 years after the date of entry into force of the Convention for the party?

☐ Yes

☐ No (*please explain*)

NOTES: The development of a national plan setting out the measures to be taken to control emissions and its expected targets, goals and outcomes is optional for a party under paragraph 3 of article 8. However, if a party develops such a plan, either as a stand-alone plan or as part of an implementation plan developed in accordance with article 20, the plan must be submitted to the Conference of the Parties within four years of entry in force of the Convention for the party.

SUGGESTED APPROACH FOR RESPONSE:

- If the party has not decided to develop such a plan, the party would reply "**no**" to the first part of question 8.5, and move to the next question.

- If the party has decided to develop such a national plan, the party would reply "**yes**" to the first part of question 8.5.

[28] At https://minamataconvention.org/en/documents/guidance-criteria-parties-may-develop-pursuant-paragraph-2b.

- If the party has submitted its national plan to the Conference of the Parties within four years of entry into force of the Convention for the party, the party would reply "**yes**" to the second part of question 8.5.

- If the party has decided to develop, but has not completed, such a national plan, the party would reply "**no**" to the second part of question 8.5 and explain that the plan has not been finalized.

- If the party has developed its national plan but has not submitted it to the Conference of the Parties, it would reply "**no**" and explain the reasons it has not yet done so.

Article 9: Releases

Question 9.1: Are there, within the party's territory, relevant sources of releases as defined in paragraph 2 (b) of article 9? (para. 4)

☐ Yes

☐ No

☐ Do not know (*please explain*)

If **yes**, please indicate the measures taken to address releases from relevant sources and the effectiveness of those measures. (para. 5)

NOTES: Paragraph 3 of article 9 requires a party to identify its relevant point source categories within three years of entry into force of the Convention for it. Decision MC-3/4 provides clarity to assist a party in determining whether it has relevant point sources of release, namely:

(a) Categories of point sources of releases should not include potentially significant relevant point sources for which releases are addressed in other provisions of the Minamata Convention on Mercury, irrespective of whether those other provisions include an inventory obligation;

(b) Diffuse sources should not be included;

(c) Source categories should be limited to those for which mercury releases have been documented;

(d) The obligation to ensure the environmentally sound management of waste set out under the Convention addresses significant releases to land and water;

(e) While wastewater is addressed under article 9, parties may additionally control wastewater under article 11 of the Convention.

As article 9 concerns controlling and, where feasible, reducing releases of mercury and mercury compounds, often expressed as "total mercury", to land and water, "effectiveness" could be suggested by the extent to which such releases have not increased or have been reduced since the introduction of the measures.

Guidance on the methodology for preparing inventories of releases was adopted by the Conference of the Parties at its fourth meeting.[29] The measures to be taken by a party to control releases from a relevant source are set out in paragraph 5 of article 9. Paragraph 5 (b) refers to "best available techniques" and

[29] Available at https://minamataconvention.org/en/documents/guidance-methodology-preparing-inventories-releases-adopted-pursuant-paragraph-7-article

"best environmental practices". Guidance on best available techniques and best environmental practice pursuant to paragraph 7 (a) of article 9 was adopted by the Conference of the Parties at its fifth meeting.[30]

SUGGESTED APPROACH FOR RESPONSE:

- If the party has determined that there are no relevant sources of releases within its territory, the party would reply "**no**".

- If the party has not identified relevant sources within its territory, either because the period since entry into force of the Convention for it is less than three years, because it has been unable to proceed pending the guidance from the Conference of the Parties, because it is still in the process of determining whether it has relevant sources or because it has not, for any reason, developed an inventory, the party would reply "**do not know**" and provide an explanation or information on the process it is following to enable it to make such a determination, and when it expects to make that determination.

- If the party has identified relevant sources of releases within its territory, it would reply "**yes**" and provide the following information:

  - The sources of releases and a description of each of the sources;

  - Which of the measures in paragraph 5 of article 9 it has taken to control the releases;

  - The date(s) on which the measures were taken;

  - The effectiveness of the measures implemented (e.g., the reduction in releases compared with a baseline prior to their implementation).

- If the party has identified relevant sources of releases within its territory and has replied "yes", it may wish to provide the discharge limit values for the identified relevant sources.

Question 9.2: Has the party established an inventory of releases from relevant sources within five years of entry into force of the convention for it? (para. 6)

☐ Yes

☐ Relevant sources do not exist in the territory

☐ Have not been a party for five years

☐ No (*please explain*)

If **yes**, when was the inventory last updated?

Please indicate where the information is available.

NOTES: Paragraph 6 of article 9 requires each party to establish, as soon as practicable and no later than five years after the date of entry into force of the Convention for it, and maintain thereafter, an inventory of releases from relevant sources. As the Convention entered into force on 16 August 2017, it will not have been in force for five years for any party for the reporting cycle ending on 31 December 2021. Guidance on the methodology for preparing inventories of releases pursuant to paragraph 7 (b) of article 9 has not yet been adopted by the Conference of the Parties.

[30] Available at https://minamataconvention.org/en/documents/releases-mercury-adoption-guidance-best-available-techniques-and-best-environmental, Annex I.

SUGGESTED APPROACH FOR RESPONSE:

- If the party indicated under question 9.1 that it has no relevant sources of releases, it would reply "**relevant sources do not exist in the territory**", and no further explanation is required.

- If the party indicated under question 9.1 that it has relevant sources of releases and it has established an inventory, the party would reply "**yes**" and provide the following information:

  - Whether the inventory is available online, and if so, where;

  - If the inventory is not available online, either a copy of the inventory or information about where the inventory can be accessed;

  - The date of the most recent update of the inventory.

- If the party replied under question 9.1 that it does not know whether it has relevant sources, the party would reply "**no**" and repeat the explanation provided under question 9.1.

- If the party replied under question 9.1 that it has relevant sources of releases but it has not established an inventory, it would reply "**no**" and explain why it has not done so.

Article 10: Environmentally sound interim storage of mercury, other than waste mercury

Question 10.1: Has the party taken measures to ensure that the interim storage of non-waste mercury and mercury compounds intended for a use allowed to a party under the Convention is undertaken in an environmentally sound manner? (para. 2)

- ☐ Yes
- ☐ No (*please explain*)
- ☐ Do not know (*please explain*)

If **yes**, please indicate the measures taken to ensure that such interim storage is undertaken in an environmentally sound manner, and the effectiveness of those measures.

NOTES: Article 10 addresses mercury and mercury compounds when they are held in various locations prior to intended use. The scope of article 10 is limited to mercury and mercury compounds as defined in article 3.

Accordingly, it covers:

(a) Mercury (elemental);

(b) Mixtures of mercury with other substances, including alloys of mercury, with a mercury concentration of at least 95 per cent by weight;

(c) Only the following mercury compounds: mercury (I) chloride (known also as calomel), mercury (II) oxide, mercury (II) sulphate, mercury (II) nitrate, cinnabar and mercury sulphide.

It does not cover waste mercury or mercury compounds as defined in paragraph 2 of article 11, as these are addressed in article 11.

The Convention does not define the term "interim storage". However, the guidelines on the environmentally sound interim storage of mercury other than waste mercury,[31] adopted in decision MC-2/6

[31] UNEP/MC/COP.2/5/Rev.1, annex.

of the Conference of the Parties at its second meeting, explains that the term "interim" is commonly understood to mean "…in or for the intervening period; provisional or temporary" (definition appearing in the Oxford English Dictionary). In the case of the Minamata Convention, it would therefore apply to the period between the production or acquisition of the mercury or mercury compounds and their use as allowed to a Party under the Convention." The guidelines also refer to environmentally sound storage of mercury and mercury compounds other than waste mercury as being "…storage in which the mercury or mercury compounds are managed in a manner that will protect human health and the environment against the adverse effects which may result from the storage of such mercury and mercury compounds…".

Article 2 (k) defines an "allowed use" as any use by a party of mercury or mercury compounds consistent with the Convention, including, but not limited to, uses consistent with articles 3, 4, 5, 6 and 7.

Accordingly, interim storage can be associated with, but is not limited to, such locations as:

- Facilities supplying mercury or mercury compounds;
- Facilities associated with the trading of mercury or mercury compounds for an allowed use;
- Mercury-added product manufacturing plants;
- Sites with industrial processes using mercury;
- Sites where artisanal and small-scale gold mining is occurring;
- Other designated interim storage locations.

Measures that a party might wish to report could include:

- Identifying the mercury and mercury compounds that are being held in its territory;
- Determining the amounts of mercury and mercury compounds being stored in each location (see also para. 5 (a) of article 3);
- Development of multi-sectoral chemicals management plans that address mercury and mercury compounds;
- Licensing of interim storage facilities;
- Facility-specific measures consistent with the guidelines referred to above.

The party may be in the process of developing its Minamata Initial Assessment or implementation plan pursuant to article 20, and so may not yet be aware of locations in its territory where mercury is being stored on an interim basis.

SUGGESTED APPROACH FOR RESPONSE:

- If the party has not taken measures to ensure that the interim storage of non-waste mercury and mercury compounds intended for a use allowed to a party under the Convention is undertaken in an environmentally sound manner, the party would reply "**no**" and provide clarification on why it has not taken such measures. in *part C: Comments regarding possible challenges in meeting the objectives of the Convention*.

- If the party does not know whether it has locations in its territory that are storing mercury on an interim basis, or whether it has taken measures to ensure that the interim storage of non-waste mercury and mercury compounds intended for a use allowed to a party under the Convention is undertaken in an environmentally sound manner, the party would reply "**do not know**" and provide an explanation or information on the process it is following to enable it to make such a determination and when it expects to make that determination.

- If the party has taken measures to ensure that the interim storage of non-waste mercury and mercury compounds intended for a use allowed to a party under the Convention is undertaken in an environmentally sound manner, the party would reply "**yes**" and specify the measures it has taken, the date(s) on which the measures were taken, and the effectiveness of those measures.

Article 11: Mercury wastes

Question 11.1: Have measures outlined in article 11, paragraph 3, been implemented for the party's mercury waste? (para. 3)

- ☐ Yes – the party has taken measures so that mercury waste is managed in an environmentally sound manner
- ☐ Yes – the party has taken measures so that mercury waste is recovered, recycled, reclaimed or directly re-used for a use allowed to a party under the Convention or for environmentally sound disposal pursuant to paragraph 3 (a)
- ☐ Yes – the party has taken measures so that mercury waste is not transported across international boundaries except for the purpose of environmentally sound disposal
- ☐ No

If the party answered **yes** to any measures above, please describe the measures implemented pursuant to paragraph 3, and please also describe the effectiveness of those measures.

If **no**, please explain.

NOTES: For the provisions under article 11, the broad definition of "mercury compounds" as defined in article 2 (e) of the Convention applies. Article 11 of the Convention requires that parties manage, in an environmentally sound manner, all mercury wastes:

(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 Conference of the Parties, in collaboration with the relevant bodies of the Basel Convention in a harmonized manner, 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 the Convention.

Although paragraph 2 of article 11 refers to "…thresholds defined by the Conference of the Parties…", the Conference of the Parties decided in decision MC-3/5 that no threshold needed to be established for mercury waste falling under paragraph 2 (a) and 2 (b) of article 11, meaning substances consisting of or containing mercury or mercury compounds. It also decided that mercury-added products that are disposed of, are intended to be disposed of or are required to be disposed of, and the wastes listed in the tables attached to the decision, would be regarded as such waste. Accordingly, all of these wastes are covered by the Convention and are not subject to a determination of threshold levels.

The Conference of the Parties, in decision MC-5/10, decided that a party could determine whether a given waste is a mercury waste falling under subparagraph 2 (c) of article 11 of the Convention either by use of:

- a 15 mg/kg total concentration of mercury as the threshold; or
- an alternative approach, providing that the party has documented waste management measures in place to protect human health and the environment, including measures to ensure that mercury waste is managed pursuant to paragraph 3 of article 11, and also including measures to identify mercury waste using approaches such as those based on national definitions of mercury wastes or hazardous wastes, listing approach, hazardous characteristics or risk considerations, leachate thresholds or total concentration thresholds.

Waste contaminated with mercury or mercury compounds that are below the thresholds defined by the Conference of the Parties are not mercury waste for the purposes of article 11.

The measures outlined in paragraph 3 of article 11 are, briefly:

- To ensure that mercury waste is managed in an environmentally sound manner, taking into account the relevant Basel Convention guidelines[32] and requirements to be developed by the Conference of the Parties to the Minamata Convention;

- To ensure that mercury waste can only be recovered, recycled, reclaimed or directly reused for a use allowed under the Minamata Convention or for environmentally sound disposal;

- Not to transport mercury wastes across international boundaries, except for the purpose of environmentally sound disposal in conformity with article 11 of the Minamata Convention and the Basel Convention.

The steps the party may have taken in applying paragraph 3 of article 11 might include ensuring that any definition of hazardous waste under its domestic legislation is consistent with paragraph 2 of article 11; restricting the use of mercury that is available for direct re-use or that has been recovered, recycled or reclaimed from waste to uses allowed under the Convention; and restricting the transboundary transport of mercury waste.

SUGGESTED APPROACH FOR RESPONSE:

- If the party has no mercury waste in its territory and hence no need to implement the measures outlined in paragraph 3 of article 11, it would answer "**no**" and provide that explanation in *part E: Additional comments on each of the articles,* including, if possible, how it has achieved a situation of "no mercury waste".

- If the party has taken the measures outlined in paragraph 3 of article 11, it would choose the appropriate "**yes**" response option that applies to the party, and, for each response chosen, describe the measures taken, the date(s) on which the measures were taken, and the effectiveness of those measures.

- If the party has mercury waste in its territory but has not taken the measures outlined in paragraph 3 of article 11, it would reply "**no**" and provide an explanation in *part C: Comments regarding possible challenges in meeting the objectives of the Convention* and/or *part E: Additional comments on each of the articles.*

[32] The Basel Convention technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with mercury or mercury compounds (UNEP/CHW.12/5/Add.8/Rev.1, annex), available at http://www.minamataconvention.org/Convention/Formsandguidance/tabid/5527/language/en-US/Default.aspx.

Question 11.2: *Are there facilities for final disposal of waste consisting of mercury or mercury compounds in the party's territory?

- ☐ Yes, there are facilities in the party's territory
- ☐ Yes, there are facilities outside the party's territory accessible to the party (in accordance with paragraph 5 of article 11)
- ☐ No
- ☐ Do not know (*please explain*)

If there are facilities in the party's territory and if the information is available, how much waste consisting of mercury or mercury compounds has been subject to final disposal under the reporting period? Please specify the method of the final disposal operation/operations. If the party does not have specific data on waste consisting of mercury or mercury compounds, the party may report on the data including other mercury waste, with an explanatory note.

NOTES: Question 11.2 seeks the identification of facilities for final disposal of waste consisting of mercury or mercury compounds. It does not seek information on disposal of waste containing mercury or mercury compounds or contaminated with mercury or mercury compounds.

In decision MC-3/5, the Conference of the Parties decided that the waste listed in table 1 of the annex to that decision would be regarded as waste consisting of mercury or mercury compounds.

Parties may look for information on how to define "final disposal" and how they might find national facilities using techniques for final disposal in the Basel Convention technical guidelines, national laws or regulations, national policy and administrative statements, their Minamata Initial Assessment, or in an implementation plan developed pursuant to article 20 of the Minamata Convention. The Basel Convention technical guidelines, for example, describe physico-chemical treatment, using stabilization and solidification processes, to meet the acceptance criteria of disposal facilities. In relation to final disposal operations, the technical guidelines describe the methods for disposal in specially engineered landfills and disposal in permanent storage (underground facilities) together with the measures to be taken to prevent releases and methylation of stabilized compounds, prevent fire and conduct long-term monitoring.

Information on facilities for final disposal of mercury or mercury compounds could be found in reporting under national laws governing hazardous waste management and hazardous substance control, from the development of a Minamata Initial Assessment or in an implementation plan developed pursuant to article 20 of the Convention. It should be noted that the question seeks the identification of facilities.

If the party does not have specific data on waste consisting of mercury or mercury compounds, the party may report on the data including other mercury waste, with an explanatory note in *part E: Additional comments on each of the articles.*

SUGGESTED APPROACH FOR RESPONSE:

- If the party has facilities for final disposal of waste consisting of mercury or mercury compounds in its territory, it would reply "**yes – there are facilities in the party's territory**" and, if the information is available, report on the number of such facilities, the amount (in metric tons) of waste consisting of mercury or mercury compounds that has been subject to final disposal for each year of the reporting period, as well as the method of such final disposal.

- If the party does not have facilities for final disposal of waste consisting of mercury or mercury compounds in its territory, but does have access to such facilities outside its territory, it would reply "**yes – there are facilities outside the party's territory accessible to the party**".

NOTES: If the final disposal involves several operations, the party should report the total amount of mercury waste disposed of and describe briefly the operations, without providing a breakdown of the amount associated with each operation.

- If the party does not have access to facilities for final disposal of waste consisting of mercury or mercury compounds either inside or outside its territory, it would reply "**no**".

- If the party has not determined whether it has facilities for final disposal of waste consisting of mercury or mercury compounds in its territory or whether it has access to facilities outside the party's territory, but is in the process of doing so (through the development of its Minamata Initial Assessment or implementation plan), the party would reply "**do not know**" and provide an explanation.

Article 12: Contaminated sites

Question 12.1: Has the party endeavoured to develop strategies for identifying and assessing sites contaminated by mercury or mercury compounds in its territory? (para. 1)

☐ Yes

☐ No

Please elaborate.

NOTES: Contaminated sites can be active, where existing processes or practices continue to contribute to the contamination, or historical, where such processes or practices have stopped but the pollution remains. The cause of the contamination can vary from large industrial operations, such as chlor-alkali facilities, to smaller operations, such as artisanal and small-scale gold mining sites. Moreover, the sources of the contamination may be waste management activities, stack emissions, fugitive emissions and/or spills and emergency incidents.

The Conference of the Parties, at its third meeting, adopted the guidance on the management of contaminated sites.[33] The guidance notes that the term "contaminated site" is not specifically defined in the Convention text. Parties may have their own definition in their legislation.

In the guidance, a "contaminated site" refers to a site where there is a confirmed presence, caused by human activities, of mercury and mercury compounds at such level(s) as to be considered by a party as posing a significant risk to human health or the environment.

SUGGESTED APPROACH FOR RESPONSE:

- If the party has either developed a strategy for identifying and assessing sites contaminated by mercury or mercury compounds in its territory or initiated the development of such a strategy, the party would respond "**yes**," and may wish to provide information such as:
  - The definition of "contaminated site" used by the party;
  - The status of strategy development, including either the date the strategy was finalized or the anticipated date of finalization;
  - Where the strategy is available online (if not online, either attach a copy of the strategy to the report or indicate where it can be accessed);
  - The status of implementation of any activities under the strategy for identifying, assessing, prioritizing, managing and, as appropriate, remediating contaminated sites.

[33] UNEP/MC/COP.3/8/Rev.1, available at www.minamataconvention.org/Portals/11/documents/forms-guidance/English/Guidance_Contaminated_Sites_EN.pdf.

- If the party has not endeavoured to develop such a strategy, it would reply "**no**" and provide information to clarify its position, including whether it has plans to develop a strategy and, if so, when the strategy will be completed.

Article 13: Financial resources and mechanism

Question 13.1: Has the party undertaken to provide, within its capabilities, resources in respect of those national activities that are intended to implement the Convention in accordance with its national policies, priorities, plans and programmes? (para. 1)

☐ Yes (*please specify*)

☐ No (*please specify why not*)

Please provide comments, if any.

NOTES: Paragraph 1 of article 13 relates to the party's undertaking to provide resources for its national activities to implement the Convention.

Such resources may include domestic funding through relevant policies, development strategies and national budgets, bilateral and multilateral funding, and the costs borne by the private sector in undertaking the required Convention obligations. Should a party decide to provide an assessment of the level of resources provided, the party may wish to include the resources provided in the development of policies and plans for implementation, as well as the direct costs of implementation. Further, in situations where resources may be provided at the subnational (e.g., state or provincial) level, these should be aggregated to provide information at the national (i.e., party) level.

SUGGESTED APPROACH FOR RESPONSE:

- If the party has provided resources for national activities that are intended to implement the Convention, the party would reply "**yes**" and provide:
  - Information on the types of resources it has provided (e.g., financial, technical, capacity-building, technology transfer);
  - If possible, an estimate of the total financial support and other resources for each year of the reporting period.
- If the party has not provided resources, the party would reply "**no**" and **might** provide an explanation in *part C: Comments regarding possible challenges in meeting the objectives of the Convention* and an estimate of the date by which it anticipates providing resources for implementation.

Question 13.2: Supplemental: Has the party, within its capabilities, contributed to the mechanism referred to in paragraph 5 of article 13? (para. 12)

(Please tick one box only)

☐ Yes (*please specify*)

☐ No (*please specify why not*)

Please provide comments, if any.

NOTES: The mechanism referred to in paragraph 5 of article 13 consists of the Global Environment Facility[34] and the Specific International Programme to Support Capacity-Building and Technical Assistance.[35] The Specific International Programme was made operational by decision MC-1/6 of the Conference of the Parties at its first meeting. Paragraph 9 of article 13 invites all parties and others to provide financial resources to the programme, on a voluntary basis.

SUGGESTED APPROACH FOR RESPONSE:

- If the party has contributed to the mechanism, it would reply "**yes**" and ***might*** specify:
  - The nature of the contribution for each year of the reporting period;
  - The amount (in United States dollars) for the Global Environment Facility and for the Specific International Programme.
- If the party has not contributed to the mechanism, it would reply "**no**" and provide information on the reasons it has not contributed and whether it intends contributing in the future.
- The party may wish to provide additional comments in *part C: Comments regarding possible challenges in meeting the objectives of the Convention* and/or *part E: Additional comments on each of the articles.*

Question 13.3: Supplemental: Has the party provided financial resources to assist developing country parties and/or parties with economies in transition in the implementation of the Convention through other bilateral, regional and multilateral sources or channels? (para. 3)

(*Please tick one box only*)

☐ Yes (*please specify*)

☐ No (*please specify why not*)

Please provide comments, if any.

NOTES: Paragraph 5 of article 13 established the mechanism comprising the Global Environment Facility Trust Fund and the Specific International Programme to Support Capacity-Building and Technical Assistance. Further, paragraph 3 of article 13 encourages multilateral, regional and bilateral sources of financial and technical assistance, as well as capacity-building and technology transfer, on an urgent basis, to enhance and increase their activities on mercury in support of developing-country parties in the implementation of the Convention relating to financial resources, technical assistance and technology transfer.

SUGGESTED APPROACH FOR RESPONSE:

- If the party has provided financial resources to assist developing-country parties and/or parties with economies in transition in the implementation of the Convention through bilateral, regional and multilateral sources or channels other than the mechanism established in paragraph 5 of article 13, the party would reply "**yes**" and provide information such as:
  - The sources or channels through which the resources were provided;
  - Whether the activity supported was national, subregional or regional;
  - Whether the recipient was a party or a non-governmental organization;

[34] See https://minamataconvention.org/en/implementation/gef.

[35] See https://minamataconvention.org/en/implementation/specific-international-programme/third-round.

- The total amount of this assistance (in United States dollars) for each year of the reporting period, and whether these were new or additional financial resources.

- If the party has not provided financial resources to assist developing-country parties and/or parties with economies in transition in the implementation of the Convention through bilateral, regional and multilateral sources or channels other than the mechanism established in paragraph 5 of article 13, the party would reply "**no**" and provide information to explain the reasons it has not provided resources and whether it intends to provide such resources in the future.

- The party may wish to provide additional comments in *part C: Comments regarding possible challenges in meeting the objectives of the Convention*.

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

Question 14.1: Has the party cooperated to provide capacity-building or technical assistance, pursuant to article 14, to another party to the Convention? (para. 1)

☐ Yes (*please specify*)

☐ No (*please specify*)

NOTES: Paragraph 1 of article 14 requires parties to cooperate to provide, within their respective capabilities, timely and appropriate capacity-building and technical assistance to developing-country parties, in particular parties that are least developed countries or small island developing States, and parties with economies in transition, to assist them in implementing their obligations under the Convention.

SUGGESTED APPROACH FOR RESPONSE:

- If the party has provided capacity-building or technical assistance to another party, the party would reply "**yes**" and provide information such as:
  - The years of the reporting period in which the capacity-building or technical assistance was given;
  - The name of the party receiving the assistance;
  - The type of capacity-building or technical assistance;
  - The total value of the capacity-building or technical assistance (in United States dollars), including in-kind contributions.

- If the party has not provided capacity-building or technical assistance to another party, it would reply "**no**" and provide information on the reasons it has not and whether it intends to provide such resources in the future.

Question 14.2: Supplemental: Has the party received capacity-building or technical assistance pursuant to article 14? (para. 1)

☐ Yes (*please specify*)

☐ No (*please specify*)

Please provide comments, if any.

SUGGESTED APPROACH FOR RESPONSE:

- If the party has received capacity-building or technical assistance from another party, the party would reply "**yes**" and provide information such as:
  - The years of the reporting period in which the capacity-building or technical assistance was given;
  - The name of the party, regional centre or inter-governmental organization providing the capacity-building or technical assistance;
  - The type of capacity-building or technical assistance;
  - The total value of the capacity-building or technical assistance (in United States dollars), including in-kind contributions.
- If the party has not received capacity-building or technical assistance from another party, the party would reply "**no**" and might provide information to clarify its situation, including whether or not it has sought capacity-building or technical assistance from another party.
- The party may wish to provide additional comments in *part C: Comments regarding possible challenges in meeting the objectives of the Convention* and/or *part E: Additional comments on each of the articles.*

Question 14.3: Has the party promoted and facilitated the development, transfer and diffusion of, and access to, up-to-date environmentally sound alternative technologies? (para. 3)

- ☐ Yes (*please specify*)
- ☐ No (*please specify why not*)
- ☐ Other (please provide information)

NOTES: Paragraph 3 of article 14 requires developed-country parties and other parties within their capabilities to promote and facilitate, supported by the private sector and other relevant stakeholders as appropriate, development, transfer and diffusion of, and access to, up-to-date environmentally sound alternative technologies to developing-country parties, in particular the least developed countries and small island developing States, and parties with economies in transition, to strengthen their capacity to effectively implement the Convention.

SUGGESTED APPROACH FOR RESPONSE:

- If the party has promoted and facilitated the development, transfer and diffusion of, and access to, up-to-date environmentally sound alternative technologies, the party would reply "**yes**" and provide information such as:
  - The technology, including, if information is available online, where it can be accessed (if relevant information is not available online, the party may wish to attach the available information);
  - The year of transfer or diffusion;
  - The channel of transfer and diffusion (e.g., through the secretariat; direct to another party; or through other bilateral, regional and multilateral sources or channels such as the Basel and Stockholm convention regional centres, the Global Mercury Partnership, an inter-governmental organization such as UNEP, UNDP, UNIDO or UNITAR or private sector to private sector).
- If the party has not promoted and facilitated the development, transfer and diffusion of, and access to, up-to-date environmentally sound alternative technologies, the party would reply "**no**" explain why it

has not done so, and might specify whether it has a plan or estimated start date for undertaking these activities.

- If the party has developed a plan for the development, transfer and diffusion of, and access to, up-to-date environmentally sound alternative technologies but has not yet implemented the plan, the party would reply "**other**" and provide information on its plan and when it anticipates implementing it.

Article 16: Health aspects

Question 16.1: Have measures been taken to provide information to the public on exposure to mercury in accordance with paragraph 1 of article 16?

☐ Yes

☐ No

Supplemental: If **yes**, describe the measures that have been taken.

NOTES: Paragraph 1 of article 16 encourages parties to:

(a) Promote the development and implementation of strategies and programmes to identify and protect populations at risk, particularly vulnerable populations, and which may include adopting science-based health guidelines relating to the exposure to mercury and mercury compounds, setting targets for mercury exposure reduction, where appropriate, and public education, with the participation of public health and other involved sectors;

(b) Promote the development and implementation of science-based educational and preventive programmes on occupational exposure to mercury and mercury compounds;

(c) Promote appropriate health-care services for prevention, treatment and care for populations affected by the exposure to mercury or mercury compounds;

(d) Establish and strengthen, as appropriate, the institutional and health professional capacities for the prevention, diagnosis, treatment and monitoring of health risks related to the exposure to mercury and mercury compounds.

SUGGESTED APPROACH FOR RESPONSE:

- If the party has taken measures to promote and facilitate access to information, increase awareness and provide education related to exposure to mercury as described in paragraph 1 of article 16, the party would reply "**yes**" and might wish to describe:
  - Which of the public information measures listed in paragraph 1 of article 16 it has taken;
  - The date(s) the measures were taken;
  - The outcome of the measures taken.
- If the party has not taken such measures, the party would reply "**no**" and might wish to provide comments, including a plan or estimated date for when it might expect to take such measures, in *part C: Comments regarding possible challenges in meeting the objectives of the Convention* and/or *part E: Additional comments on each of the articles.*

Question 16.2: Have any measures been taken to protect human health in accordance with article 16 beyond the provision of information to the public on exposure to mercury (referred to in question 16.1)? (para. 1)

☐ Yes

☐ No

Supplemental: If **yes**, describe the measures that have been taken.

NOTES: It should be noted that Question 16.1 addresses the provision of information to the public on the items listed in paragraph 1 of article 16. Question 16.2, on the other hand, seeks information on whether the party has taken measures in addition to the provision of information in relation to the items listed in paragraph 1 of article 16. Paragraph 1 of article 16 encourages parties to:

(a) Promote the development and implementation of strategies and programmes to identify and protect populations at risk, particularly vulnerable populations, and which may include adopting science-based health guidelines relating to the exposure to mercury and mercury compounds, setting targets for mercury exposure reduction, where appropriate, and public education, with the participation of public health and other involved sectors;

(b) Promote the development and implementation of science-based educational and preventive programmes on occupational exposure to mercury and mercury compounds;

(c) Promote appropriate health-care services for prevention, treatment and care for populations affected by the exposure to mercury or mercury compounds;

(d) Establish and strengthen, as appropriate, the institutional and health professional capacities for the prevention, diagnosis, treatment and monitoring of health risks related to the exposure to mercury and mercury compounds.

Further, a party that has notified the secretariat that it has artisanal and small-scale gold mining that is more than insignificant is required to develop a national action plan in accordance with annex C to the Convention and to provide a review every three years of progress made in meeting its obligations under article 7. Paragraphs 1 (h) and 1 (i) of annex C require the development of health strategies for miners and their communities, and other vulnerable populations. If the party has a national action plan, and if it has commenced but not completed its review, it might wish to include in its response to question16.2 an explanation or provide updates on its implementation of health strategies for miners and their communities, and other vulnerable populations as per paragraphs 1 (h) and 1 (i) of annex C.

SUGGESTED APPROACH FOR RESPONSE:

- If the party has taken measures additional to the provision of information reported under question 16.1, the party would reply "**yes**" and might wish to describe:
  - The additional measures it has taken;
  - The date(s) the measures were taken;
  - The outcome of the measures taken.
- If the party has not taken measures additional to those reported under question 16.1, the party would reply "**no**" and might wish to provide comments in *part C: Comments regarding possible challenges in meeting the objectives of the Convention* and/or *part E: Additional comments on each of the articles.*

Article 17: Information exchange

Question 17.1: Has the party facilitated the exchange of information referred to in article 17, paragraph 1? (para. 1)

☐ Yes

☐ No

If **yes**, the Party may wish to indicate in the space provided below the exchange of information it has facilitated, such as:

- Scientific, technical, economic and legal information concerning mercury and mercury compounds, including toxicological, ecotoxicological and safety information
- Information on the reduction or elimination of the production, use, trade, emissions and releases of mercury and mercury compounds
- Information on technically and economically viable alternatives to:
    - Mercury-added products
    - Manufacturing processes in which mercury or mercury compounds are used
    - Activities and processes that emit or release mercury or mercury compounds

  including information on risks to human health and the environment, accessibility and availability of those alternatives to parties and economic and social costs and benefits of such alternatives
- Epidemiological information concerning health impacts associated with exposure to mercury and mercury compounds, in close cooperation with the World Health Organization and other relevant organizations, as appropriate

(Art. 17.1 (a)-(d))

NOTES: Paragraph 1 of article 17 requires each party to facilitate the exchange of:

(a) Scientific, technical, economic and legal information concerning mercury and mercury compounds, including toxicological, ecotoxicological and safety information;

(b) Information on the reduction or elimination of the production, use, trade, emissions and releases of mercury and mercury compounds;

(c) Information on technically and economically viable alternatives to:

(i) Mercury-added products;

(ii) Manufacturing processes in which mercury or mercury compounds are used; and

(iii) Activities and processes that emit or release mercury or mercury compounds;

including information on the health and environmental risks and economic and social costs and benefits of such alternatives;

(d) Epidemiological information concerning health impacts associated with exposure to mercury and mercury compounds, in close cooperation with the World Health Organization and other relevant organizations, as appropriate.

SUGGESTED APPROACH FOR RESPONSE:

- If the party has facilitated the exchange of information referred to in paragraph 1 of article 17, the party would reply "**yes**" and may wish to provide relevant information, including, for example, the date when information was disseminated, information on relevant online sources of information identified by name, URL and language(s), with a brief description of the information contained, if available.

- If the party has not facilitated the exchange of information referred to in paragraph 1 of article 17, the party would reply "**no**" and might wish to provide comments in *part C: Comments regarding possible challenges in meeting the objectives of the Convention* and/or *part E: Additional comments on each of the articles.*

Article 18: Public information, awareness and education

Question 18.1: Have measures been taken to promote and facilitate the provision to the public of the kinds of information listed in article 18, paragraph 1? (para. 1)

☐ Yes

☐ No

If **yes**, the party may wish to indicate in the space provided below, the measures it has taken to promote and facilitate information to the public, such as:

(a) Provision to the public of available information on:
- The effects of mercury and mercury compounds on human health and the environment
- Alternatives to mercury and mercury compounds
- The topics identified in paragraph 1 of article 17
- The results of its research, development and monitoring activities under article 19
- Activities to meet its obligations under the Convention

(b) Education, training and public awareness related to the effects of exposure to mercury and mercury compounds on human health and the environment in collaboration with relevant intergovernmental and non-governmental organizations and vulnerable populations, as appropriate

(Art. 18 (1) (a) and (b))

NOTES: Paragraph 1 of article 18 requires each party, within its capabilities, to promote and facilitate:

(a) Provision to the public of available information on:

(i) The health and environmental effects of mercury and mercury compounds;

(ii) Alternatives to mercury and mercury compounds;

(iii) The topics identified in paragraph 1 of article 17;

(iv) The results of its research, development and monitoring activities under article 19;

(v) Activities to meet its obligations under the Convention.

(b) Education, training and public awareness related to the effects of exposure to mercury and mercury compounds on human health and the environment in collaboration with relevant

intergovernmental and nongovernmental organizations and vulnerable populations, as appropriate.

Actions that a party might take in implementing this obligation may include but are not to be limited to:

- The establishment of national government and stakeholder consultation mechanisms;
- Engagement with the public, non-governmental organizations and other stakeholders in developing strategies and plans for managing mercury and mercury compounds;
- Development of pollutant release and transfer registers;
- Development and exchange of educational and public awareness materials at the national and international level;
- Development and implementation of education and training programmes at the national and international level;
- Making the inventories developed under articles 8 and 9 publicly available.

SUGGESTED APPROACH FOR RESPONSE:

- If the party has taken measures to promote and facilitate the provision to the public of the kinds of information listed in paragraph 1 of article 18, the party would reply "**yes**" and may wish to indicate:
  - The issues on which it has taken measures to make information publicly available;
  - The date(s) on which the measures were taken;
  - The effectiveness of the measures taken.
- If the party has not taken measures to promote and facilitate the provision to the public of the kinds of information listed in paragraph 1 of article 18, the party would reply "**no**" and might wish to provide comments, including a plan or estimated date for when it might expect to take such measures, in *part C: Comments regarding possible challenges in meeting the objectives of the Convention* and/or *part E: Additional comments on each of the articles.*

Article 19: Research, development and monitoring

Question 19.1: Has the party undertaken any research, development and monitoring in accordance with paragraph 1 of article 19? (para. 1)

☐ Yes

☐ No

If **yes**, the party may wish to indicate in the space provided below, the research, development and monitoring it has undertaken, such as:

- Inventories of use, consumption, anthropogenic emissions to air and releases to water and land of mercury and mercury compounds
- Modelling and geographically representative monitoring of levels of mercury and mercury compounds in vulnerable populations and in environmental media, including biotic media such as fish, marine mammals, sea turtles and birds, as well as collaboration in the collection and exchange of relevant and appropriate samples
- Assessments of the impact of mercury and mercury compounds on human health and the environment, in addition to social, economic and cultural impacts, particularly in respect of vulnerable populations
- Harmonized methodologies for the activities undertaken under subparagraphs (a), (b) and (c) of paragraph 1 of article 19
- Information on the environmental cycle, transport (including long-range transport and deposition), transformation and fate of mercury and mercury compounds in a range of ecosystems, taking appropriate account of the distinction between anthropogenic and natural emissions and releases of mercury and of remobilization of mercury from historic deposition
- Information on commerce and trade in mercury and mercury compounds and mercury-added products
- Information and research on the technical and economic availability of mercury-free products and processes and on best available techniques and best environmental practices to reduce and monitor emissions and releases of mercury and mercury compounds

(Art. 19 (1) (a)-(g))

NOTES: Paragraph 1 of article 19 requires parties to endeavour to cooperate to develop and improve:

(a) Inventories of use, consumption, and anthropogenic emissions to air and releases to water and land of mercury and mercury compounds;

(b) Modelling and geographically representative monitoring of levels of mercury and mercury compounds in vulnerable populations and in environmental media, including biotic media such as fish, marine mammals, sea turtles and birds, as well as collaboration in the collection and exchange of relevant and appropriate samples;

(c) Assessments of the impact of mercury and mercury compounds on human health and the environment, in addition to social, economic and cultural impacts, particularly in respect of vulnerable populations;

(d) Harmonized methodologies for the activities undertaken under subparagraphs (a), (b) and (c);

(e) Information on the environmental cycle, transport (including long-range transport and deposition), transformation and fate of mercury and mercury compounds in a range of ecosystems, taking appropriate account of the distinction between anthropogenic and

natural emissions and releases of mercury and of remobilization of mercury from historic deposition;

(f) Information on commerce and trade in mercury and mercury compounds and mercury-added products;

(g) Information and research on the technical and economic availability of mercury-free products and processes and on best available techniques and best environmental practices to reduce and monitor emissions and releases of mercury and mercury compounds.

SUGGESTED APPROACH FOR RESPONSE:

- If the party has undertaken any research, development, and monitoring or cooperation activities in relation to the areas listed in paragraph 1 of article 19, the party would reply "**yes**" and, in relation to each of the areas on which it has undertaken such activities, provide information to describe the activities, which might include:

  - The year(s) when these activities were undertaken;
  - Whether the activities were taken in cooperation with another party;
  - Reference to any published material or reports resulting from the activities and, if information is available online, where it can be accessed (if the relevant information is not available online, the party may wish to attach it to the report).

- If the party has not undertaken any research, development, and monitoring or cooperation activities in relation to the subjects listed in paragraph 1 of article 19, the party would reply "**no**" and might wish to provide comments, including on any future plans or activities and the potential dates of those activities, in *part C: Comments regarding possible challenges in meeting the objectives of the Convention* and/or *part E: Additional comments on each of the articles.*

Part C: Comments regarding possible challenges in meeting the objectives of the Convention

Part C allows parties the opportunity to comment regarding possible challenges they face in meeting the obligations, provisions and objectives of the Convention.

SUGGESTED APPROACH FOR RESPONSE:

- The party may wish to include in this free text section any general information on possible challenges, as well as further explanations or clarifications in relation to any of the questions in part B.

- Further, if the party has relevant information that could assist other parties and the secretariat in understanding the challenges to the party's implementation of the Convention and opportunities for improvement, it would include that information in this section.

Supplemental: Part D: Comments regarding the reporting format and possible improvements, if any

Part D allows the party the opportunity to comment on the reporting format and possible improvements, if any, and if the party so wishes.

SUGGESTED APPROACH FOR RESPONSE:

- The party may wish to comment on the content or structure of the reporting format, share suggestions on ways to improve the format or share reflections on the use of the electronic reporting tool or any other aspect related to the reporting format.

Part E: Additional comments on each of the articles in free-form text (at the option of the party)

Part E allows the party the opportunity to comment on each of the articles in free text, if the party chooses to do so.

SUGGESTED APPROACH FOR RESPONSE:

- The party may wish to elaborate on any of its responses in part B as it relates to the articles, or to add information it considers relevant to be included for the submission of a complete and coherent national report.