



Conference of the Parties to the
Minamata Convention on Mercury
Fifth meeting
Geneva, 30 October–3 November 2023

Decisions adopted by the Conference of the Parties to the Minamata Convention on Mercury at its fifth meeting

MC-5/10: Establishment of mercury waste thresholds

The Conference of the Parties,

Welcoming with appreciation the outcome of the work and having considered the report¹ of the group of technical experts on mercury waste thresholds,

Taking note of decision BC-15/9 adopted by the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal at its fifteenth meeting, in which the Conference of the Parties to the Basel Convention adopted updated technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with mercury or mercury compounds,

Expressing concern regarding illegal traffic of mercury waste, and recognizing the critical role of the Basel Convention in addressing such waste movements,

Acknowledging the disproportionate negative impacts on developing countries when the transboundary movement of mercury waste is not conducted in a manner which will protect human health and the environment against the adverse effects which may result from such movement,

Recalling the requirement in subparagraph 3 (a) of article 11 of the Minamata Convention on Mercury to take appropriate measures so that mercury waste is managed in an environmentally sound manner, taking into account the guidance developed under the Basel Convention and in accordance with the requirements that the Conference of the Parties shall adopt in an additional annex,

1. *Decides* to establish 15 mg/kg total concentration of mercury as the threshold for wastes falling under subparagraph 2 (c) of article 11 of the Minamata Convention, subject to the provision in paragraph 2 below;
2. *Also decides* that a party may, as an alternative to the provision in paragraph 1 above, use a different approach to determine whether a given waste is a mercury waste falling under subparagraph 2 (c) of article 11 of the Convention, provided that that 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;

¹ UNEP/MC/COP.5/9, annex I.

3. *Further decides* that a party making use of the alternative approach described in paragraph 2 above is to submit to the secretariat its documented waste management measures as described in paragraph 2;
4. *Requests* the secretariat to maintain a public register of the information submitted in accordance with paragraph 3 above;
5. *Invites* parties and relevant stakeholders to submit to the secretariat any scientific and regulatory data and information on the effectiveness of the threshold established in paragraph 1 above in protecting human health and the environment, as well as on challenges and experiences related to its use, for consideration by the Conference of the Parties at its seventh meeting;
6. *Invites* parties to use the guidance document on the test methods for the tier-2 threshold for tailings from mining other than primary mercury mining as set out in document UNEP/MC/COP.5/INF/13;
7. *Invites* parties in a position to do so to provide support to developing-country parties and parties with economies in transition in the identification, analysis and other elements of the environmentally sound management of mercury waste;
8. *Decides* to consider, at its seventh meeting, whether any updates are necessary to the lists in tables 1, 2 and 3 of the annex to decision MC-3/5, recognizing the request in paragraph 9 of that decision;
9. *Invites* parties to submit to the secretariat by 31 October 2024 information regarding their waste management regulations and programmes as mentioned in subparagraph 3 (a) of article 11, with a focus on matters not addressed by the technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with mercury or mercury compounds;²
10. *Requests* the secretariat to collect and organize the information referred to in paragraph 9 above and distribute it to the parties by 1 January 2025;
11. *Invites* parties to review the information referred to in paragraph 9 above in their preparations for the sixth meeting of the Conference of the Parties;
12. *Invites* the Conference of the Parties to the Basel Convention to consider illegal traffic of mercury waste, as appropriate, emphasizing the need for collaborative efforts to ensure the protection of human health and the environment;
13. *Requests* the secretariat to transmit the present decision to the appropriate bodies of the Basel Convention and to invite them to take the present decision into account as appropriate.

² UNEP/CHW.15/6/Add.6/Rev.1.