



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-5/14: First effectiveness evaluation of the Minamata Convention on Mercury

The Conference of the Parties,

Acknowledging the intersessional work done since the fourth meeting of the Conference of the Parties to begin the first effectiveness evaluation of the Minamata Convention on Mercury, according to the agreed framework, and pursuant to decision MC-4/11,

1. *Agrees* to consider the outcome of the first effectiveness evaluation of the Convention at its seventh meeting;
2. *Takes note* of the progress made by the Open-ended Scientific Group;
3. *Establishes* the Effectiveness Evaluation Group to work in accordance with its terms of reference as set out in annex I to this decision;
4. *Adopts* the indicators as set out in annex II to the present decision;
5. *Requests* the secretariat to continue supporting the effectiveness evaluation process.

Annex I to decision MC-5/14

Terms of reference of the Effectiveness Evaluation Group

A. Mandate

1. The Effectiveness Evaluation Group will be responsible for and oversee the development of the effectiveness evaluation report, as requested by the Conference of the Parties to the Minamata Convention on Mercury. The Effectiveness Evaluation Group will integrate the information and knowledge collected and synthesized during the effectiveness evaluation process into a final report to the Conference of the Parties and present recommendations for improvement, lessons learned and best practices to the Conference of the Parties.
2. The mandate of the Effectiveness Evaluation Group will conclude with the presentation of the final effectiveness evaluation report to the Conference of the Parties.

B. Tasks

3. In order to complete the final effectiveness evaluation report, the Effectiveness Evaluation Group will carry out the following activities:

- (a) Oversee the effectiveness evaluation process for the finalization of the effectiveness evaluation report, including those plans and reports, as outlined in annex I to decision MC-4/11;
- (b) Prepare the final effectiveness evaluation report as outlined in annex I to decision MC-4/11. In preparing the report, the Effectiveness Evaluation Group will also refer to the list of indicators, without prejudice to their final adoption by the Conference of the Parties. The reports and the data submitted by parties for the effectiveness evaluation process will be the main sources of information for the effectiveness evaluation, as appropriate. Compiled data with best comparability, representativeness and sustainability should be used to produce the final effectiveness evaluation report;
- (c) Reflect on, consider and submit to the Conference of the Parties, as appropriate, the plans and reports provided for in annex I to decision MC-4/11, including parties' comments on such plans and reports. Data submitted by parties should be addressed in the reports, and the reports should explain when sources of data other than party-submitted data are used.
4. In carrying out the tasks mentioned in paragraph 3, the Effectiveness Evaluation Group may delegate work to the Open-ended Scientific Group, the secretariat and other groups in order to meet its obligations within allocated resources. The Effectiveness Evaluation Group will engage with the relevant groups and take into consideration their recommendations and input.
5. The Effectiveness Evaluation Group will invite the secretariat, the Open-ended Scientific Group and other relevant groups to work, as appropriate and based on direction received from the Conference of the Parties, on continuing to develop and implement the tasks needed to further the work of the effectiveness evaluation.
6. In addition to its final effectiveness evaluation report to the Conference of the Parties, the Effectiveness Evaluation Group will provide, and submit to the Conference of the Parties, an overview of lessons learned during the first effectiveness evaluation cycle for consideration in subsequent cycles, including recommendations regarding modifications to indicators, monitoring guidance, data sources, reports or the overall framework.

C. Membership

7. The members of the Effectiveness Evaluation Group will be appointed on the basis of equitable geographical distribution, taking into account the need for gender balance and various types of expertise.
8. The Effectiveness Evaluation Group will consist of 25 participants from parties, comprising five representatives of parties from each of the five United Nations regions, nominated by the region.
9. The representatives nominated by the regions will have experience in the work carried out by the Effectiveness Evaluation Group.
10. Members of the Effectiveness Evaluation Group will serve objectively, provide their expertise in a neutral and impartial manner and act in the best interests of the Convention.
11. Members of the Effectiveness Evaluation Group will serve for the duration of one effectiveness evaluation cycle, as determined by the Conference of the Parties. A new group will be constituted in accordance with the effectiveness evaluation framework timeline of the next cycle.
12. If a member is unable to complete their term of office, the region nominating that member will nominate another person to complete the term.

D. Invited experts and observers

13. The secretariat, in consultation with the Effectiveness Evaluation Group, will invite two internationally recognized United Nations experts in effectiveness evaluation as observers, with due consideration for the available expertise.
14. The co-chairs of the Open-ended Scientific Group and the Chair of the Implementation and Compliance Committee will be invited to participate as observers.
15. The Effectiveness Evaluation Group will invite up to five participants from developed and developing countries as observers, drawing from civil society, Indigenous organizations, local community organizations, intergovernmental organizations, industry and the Global Mercury Partnership. The participation of observers will be balanced among the above-mentioned groups and by gender.

16. The Effectiveness Evaluation Group may invite additional observers on an ad hoc basis, within reasonable limits.

E. Officers

17. The Effectiveness Evaluation Group will elect two co-chairs from among its members, one from a developed country and one from a developing country, to facilitate its work and meetings.

F. Procedural matters

18. The Effectiveness Evaluation Group will apply the rules of procedure of the Conference of the Parties, *mutatis mutandis*, unless otherwise provided for in the present terms of reference.

19. The Effectiveness Evaluation Group may establish such arrangements as are necessary to facilitate its work, in line with the present terms of reference, including establishing subgroups, within allocated resources. Any subgroups will be subject to the direction and oversight of the Effectiveness Evaluation Group and will cease to exist once the assigned task has been completed. The subgroups will carry out their work electronically where possible.

20. The Effectiveness Evaluation Group will seek to reach agreement by consensus. Should the members fail to reach consensus, the range of their views will be reflected in the relevant report to be submitted to the Conference of the Parties.

G. Secretariat

21. The secretariat will provide administrative, logistical, programmatic and substantive support for the meetings and work of the Effectiveness Evaluation Group, with the assistance of services as necessary, subject to available resources.

H. Meetings

22. The Effectiveness Evaluation Group will work online and will hold up to two face-to-face meetings as needed, within allocated resources, to review the information available for the evaluation cycle and to develop a report of its findings for the Conference of the Parties. The frequency of face-to-face Effectiveness Evaluation Group meetings may be amended as necessary based on the decisions of the Conference of the Parties.

23. Draft documents to be transmitted to the Conference of the Parties will be opened for comments from parties. Draft documents will be finalized by the Effectiveness Evaluation Group at least four months before the next meeting of the Conference of the Parties.

I. Language of meetings

24. The working language of the Effectiveness Evaluation Group will be English.

J. Budget

25. Financial support for travel and a daily subsistence allowance should, subject to approval by the Conference of the Parties, be made available to Effectiveness Evaluation Group members and invited observers for participation in meetings of the Group, in accordance with United Nations rules and practices.

Annex II to decision MC-5/14

Indicators to support the evaluation of the effectiveness of the Minamata Convention

#	Indicator	Relevant article of the Convention	Possible sources of information for measuring progress against the indicator	Notes
1	Levels and trends of mercury and mercury compounds in the environment and in humans due to anthropogenic emissions and releases	Article 1	<ul style="list-style-type: none"> • Reports and other information provided by the Open-ended Scientific Group 	As the analysis of monitoring data progresses, the Open-ended Scientific Group may further elaborate on this indicator (for example, by proposing subindicators).
2	Total amount of mercury mined from primary mercury mines	Article 3	<ul style="list-style-type: none"> • Reports pursuant to article 21 • Minamata Initial Assessments 	
3	Number of parties ^a that have endeavoured to identify, within their territories: <ol style="list-style-type: none"> Individual stocks of mercury or mercury compounds exceeding 50 metric tons Sources of mercury supply generating stocks exceeding 10 metric tons per year 	Article 3	<ul style="list-style-type: none"> • Reports pursuant to article 21 	
4	Number of parties, having determined that they have excess mercury, that have taken the measures called for in article 3, paragraph 5 (b), and the amount of mercury disposed of through such measures	Article 3	<ul style="list-style-type: none"> • Reports pursuant to article 21 	
5	Number of parties that have exported or imported mercury in accordance with the procedures established under article 3	Article 3	<ul style="list-style-type: none"> • Reports pursuant to article 21 • Forms pursuant to article 3 • Reports developed under the Convention 	Consideration of this indicator during the evaluation will take into account the fact that trade is permitted from sources and for uses allowed under the Convention.
6	Estimated global amount, in metric tons per year, of: <ol style="list-style-type: none"> Mercury traded in accordance with the Convention Mercury supply Mercury used in products and processes 	Article 3	<ul style="list-style-type: none"> • Reports pursuant to article 21 • Forms pursuant to article 3 and article 30, para. 4 • Reports developed under the Convention 	Consideration of this indicator during the evaluation will take into account the fact that trade is permitted from sources and for uses allowed under the Convention. Additional sources of information will likely be necessary to accurately measure progress against this indicator.
7	Number of parties that have taken appropriate measures to not allow the manufacture, export or import of the mercury-added products listed in part I of annex A after the phase-out date specified for those products	Article 4	<ul style="list-style-type: none"> • Reports pursuant to article 21 	Consideration of this indicator during the evaluation will take into account the fact that parties may have different measures in place to not allow the manufacture, export and import of such products, and that some parties have exemptions in place.
8	Number of parties that have implemented two or more of the	Article 4	<ul style="list-style-type: none"> • Reports pursuant to article 21 	Consideration of this indicator during the evaluation will take

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	measures listed in subparas. (i)–(ix) of part II of annex A			into account the fact that decision MC-3/2 encourages parties to take more than the two required measures to phase down dental amalgam.
9	Number of parties that exclude or do not allow: <ol style="list-style-type: none"> The use of mercury in bulk form by dental practitioners The use of dental amalgam for the treatment of deciduous teeth in patients under 15 years of age and of pregnant and breastfeeding women 	Article 4	<ul style="list-style-type: none"> Reports pursuant to article 21 	<p>The amended annex A, in decision MC-4/3, comes into force for parties as set out in article 27.</p> <p>This indicator will be relevant once the amendment is in force.</p>
10	For each process listed in part I of annex B: number of parties that have the process within their territories and have measures in place to not allow the use of mercury or mercury compounds after the process phase-out date	Article 5	<ul style="list-style-type: none"> Reports pursuant to article 21 	Consideration of this indicator during the evaluation will take into account the fact that there may be parties that have measures in place even though they do not use the process in question, and that some parties have exemptions in place.
11	For each process listed in part II of annex B: number of parties that have the process within their territories and have measures in place to restrict the use of mercury and mercury compounds in accordance with the provisions set out in annex B, part II	Article 5	<ul style="list-style-type: none"> Reports pursuant to article 21 	Consideration of this indicator during the evaluation will take into account the fact that there may be parties that have measures in place even though they do not use the process in question.
12	Total amount of mercury used globally in artisanal and small-scale gold mining, in metric tons per year	Article 7	<ul style="list-style-type: none"> Reports pursuant to article 21 National action plans and reviews pursuant to article 7 	
13	Number of parties with artisanal and small-scale gold mining and processing within their territories, where mercury amalgamation is used to extract gold from ore, that have 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	Article 7	<ul style="list-style-type: none"> Reports pursuant to article 21 Notifications, national action plans and reviews pursuant to article 7 	
14	Number of parties having determined that artisanal and small-scale gold mining and processing within their territories is more than insignificant that have: <ol style="list-style-type: none"> Notified the secretariat Submitted a national action plan in accordance with annex C Provided a review of the progress made in meeting their obligations under article 7 and included such reviews in reports submitted pursuant to article 21 	Article 7	<ul style="list-style-type: none"> Reports pursuant to article 21 Notifications, national action plans and reviews pursuant to article 7 	

#	Indicator	Relevant article of the Convention	Possible sources of information for measuring progress against the indicator	Notes
15	Number of parties that have: (a) Identified relevant sources of emissions (b) Established and maintained an inventory of emissions (c) Put in place one or more control measures from among those indicated in para. 5 of article 8 for existing sources of emissions (d) Required best available techniques and best environmental practices or emission limit values consistent with the application of best available techniques for new sources of emissions (e) A national plan setting out the measures to be taken to control emissions and expected targets, goals and outcomes	Article 8	<ul style="list-style-type: none"> • Reports pursuant to article 21 • National inventories 	
16	Total amount of mercury emitted globally, in metric tons per year, from each point source category identified in annex D, based on parties' inventories of emissions	Article 8	<ul style="list-style-type: none"> • Reports pursuant to article 21 • National inventories 	
17	Number of parties that have: (a) Identified relevant sources of releases (b) Established and maintained an inventory of releases (c) Put in place one or more control measures from among those indicated in para. 5 of article 9 (d) A national plan setting out the measures to be taken to control releases and its expected targets, goals and outcomes	Article 9	<ul style="list-style-type: none"> • Reports pursuant to article 21 • National inventories 	
18	Total amount of mercury released globally, in metric tons per year, based on parties' inventories of releases from relevant sources	Article 9	<ul style="list-style-type: none"> • Reports pursuant to article 21 • National inventories 	
19	Number of parties that have taken measures to ensure that 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	Article 10	<ul style="list-style-type: none"> • Reports pursuant to article 21 	Only parties that have mercury to store on an interim basis would have to take such measures.
20	Amount of waste consisting of mercury and mercury compounds subject to final disposal	Article 11	<ul style="list-style-type: none"> • Reports pursuant to article 21 • Reports developed under the Convention 	
21	Number of parties that utilize facilities for final disposal of waste	Article 11	<ul style="list-style-type: none"> • Reports pursuant to article 21 	Consideration of this indicator during the evaluation will take into account the fact that parties with significant

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	consisting of mercury or mercury compounds			quantities of such waste require access to final disposal facilities but not all parties require their own disposal facility. The Convention allows mercury waste to be transported across national boundaries for environmentally sound disposal.
22	Number of parties that have implemented measures to meet the requirements of para. 3 of article 11	Article 11	<ul style="list-style-type: none"> • Reports pursuant to article 21 	
23	Number of parties that have endeavoured to develop strategies for identifying and assessing sites contaminated by mercury or mercury compounds in their territories	Article 12	<ul style="list-style-type: none"> • Reports pursuant to article 21 	
24	Number of parties that have: <ol style="list-style-type: none"> Mobilized national resources for implementing the Convention within the reporting period Contributed to the financial mechanism referred to in article 13, para. 5 Received resources from the Global Environment Facility Received resources from the Specific International Programme to Support Capacity-Building and Technical Assistance 	Article 13	<ul style="list-style-type: none"> • Reports pursuant to article 21 • Reports of the Global Environment Facility • Reports of the Specific International Programme 	
25	Amount of financial resources provided by: <ol style="list-style-type: none"> Global Environment Facility Specific International Programme to Support Capacity-Building and Technical Assistance Multilateral, regional and bilateral support 	Article 13	<ul style="list-style-type: none"> • Reports pursuant to article 21 • Reports of the Global Environment Facility • Reports of the Specific International Programme 	Resources can be understood to mean financial resources, co-financing resources, or in-kind resources.
26	Number of parties that have: <ol style="list-style-type: none"> Cooperated in providing capacity-building or technical assistance to another party pursuant to article 14 Received capacity-building or technical assistance pursuant to article 14 Promoted or facilitated technology development, transfer, diffusion or access 	Article 14	<ul style="list-style-type: none"> • Reports pursuant to article 21 	
27	Number of parties that have taken measures to provide information to the public on the effects of exposure to mercury	Article 16	<ul style="list-style-type: none"> • Reports pursuant to article 21 	

#	Indicator	Relevant article of the Convention	Possible sources of information for measuring progress against the indicator	Notes
28	Number of parties that have developed and implemented strategies and programmes to protect human health from the exposure to mercury or mercury compounds	Article 16	<ul style="list-style-type: none"> • Reports pursuant to article 21 	
29	Mercury levels in vulnerable human populations	Article 16	<ul style="list-style-type: none"> • Reports and other information provided by the Open-ended Scientific Group 	As the analysis of monitoring data progresses, the Open-ended Scientific Group may further elaborate on this indicator (for example, by proposing sub-indicators). The monitoring guidance, as contained in document UNEP/MC/COP.4/INF/12, may also support considerations regarding this indicator.
30	Number of parties with designated national focal points	Article 17	<ul style="list-style-type: none"> • Notifications by parties 	
31	Number of parties that have facilitated the exchange of information related to mercury	Article 17	<ul style="list-style-type: none"> • Reports pursuant to article 21 	
32	Number of parties that have promoted and facilitated public information, awareness and education related to mercury	Article 18	<ul style="list-style-type: none"> • Reports pursuant to article 21 	
33	Number of parties that have endeavoured to cooperate in undertaking research, development and monitoring	Article 19	<ul style="list-style-type: none"> • Reports pursuant to article 21 	Cooperation to undertake research, development and monitoring can be participation in international, regional or bilateral efforts.
34	Number of parties that have submitted national reports	Article 21	<ul style="list-style-type: none"> • Secretariat's report based on the information received pursuant to article 21 	
35	Number of national reports received that were: (a) Complete (b) Submitted on time	Article 21	<ul style="list-style-type: none"> • Secretariat's report based on the information received pursuant to article 21 	
36	Number of parties that have identified challenges in: (a) Preparing their national reports (b) Implementing the Convention	Article 21	<ul style="list-style-type: none"> • Reports pursuant to article 21 	

^a In addition to the number of parties, it is understood that the proportion of parties will also be relevant for some indicators.