



Distr.: General
6 December 2018
Original: English



**United Nations
Environment
Programme**

**Conference of the Parties to the
Minamata Convention on Mercury
Second meeting**
Geneva, 19–23 November 2018

Decision adopted by the second Conference of the Parties to the Minamata Convention on Mercury

MC-2/2: Mercury waste thresholds

The Conference of the Parties,

Welcoming the report on the outcome of the open-ended process on waste thresholds called for under article 11 of the Convention (UNEP/MC/COP.2/6),

Considering that the establishment of mercury waste thresholds would have as its main legal consequence the exclusion from the scope of article 11 of the Convention of wastes referred to in paragraphs 2 (a), (b) and (c) of article 11 below those thresholds,

Considering also that the definition of mercury waste in article 11 excludes overburden, waste rock and tailings from mining, except from primary mercury mining, unless they contain mercury or mercury compounds above the thresholds to be defined by the Conference of the Parties, and considering that the establishment of these thresholds would have as a main consequence the inclusion of such wastes above these thresholds in the scope of article 11,

Acknowledging that it is relevant and a priority to establish threshold(s) for mercury wastes contaminated with mercury or mercury compounds, referred to in paragraph 2 (c) of article 11, and that the relevance of thresholds for the categories referred to in paragraphs 2 (a) and (b) of article 11 should be assessed,

1. *Decides* to establish a group of technical experts to proceed with the discussion on mercury waste thresholds during the intersessional period leading up to the third meeting of the Conference of the Parties, as per the provisions of paragraph 2 of article 11 of the Convention, and with the terms of reference set out in the annex to the present decision;
2. *Requests* the secretariat to call for nominations, through the Bureau representatives, for five experts from parties from each of the five United Nations by 15 January 2019, and to support the work of the group;
3. *Invites* the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal to consider reviewing, as appropriate, the technical guidelines on environmentally sound management of wastes consisting of, containing or contaminated with mercury or mercury compounds (UNEP/CHW.12/5/Add.8/Rev.1), with additional guidance for certain mercury wastes;

4. *Invites* parties to submit the following information, taking into account relevant information contained in the technical guidelines referred to in paragraph 3 of the present decision, so that the information can be summarized by the secretariat of the Minamata Convention:

(a) Examples of wastes to be added to the annex to document UNEP/MC/COP.2/6, including, for wastes consisting of mercury compounds, specific names of compounds, and, for wastes containing mercury or mercury compounds (i.e., mercury-added products), the names and types of the mercury or mercury compounds, and pictures, if available;

(b) Current practices for managing overburden, waste rock and tailings from mining other than primary mercury mining (e.g., laws, regulations and guidelines) and various approaches to thresholds for special care/handling, if any; and

(c) Sampling and analysis methods that may be useful for verifying waste thresholds;

5. *Requests* the secretariat to report to the Conference of the Parties at its third meeting on the outcomes of the work of the group of technical experts;

6. *Decides* to review at its *third* meeting the progress achieved by the group of technical experts, and to decide on further action.

Annex to decision MC-2/2

Draft terms of reference for a group of technical experts on mercury waste thresholds to be established pursuant to paragraph 2 of article 11 of the Convention

I. Mandate

1. The Conference of the Parties to the Minamata Convention on Mercury at its second meeting, by decision MC-2/2, established a group of technical experts to proceed with the discussion on mercury waste thresholds during the intersessional period leading up to the third meeting of the Conference of the Parties, as per the provisions of paragraph 2 of article 11 of the Convention, and requested the secretariat to call for nominations of group members from parties by 15 January 2019. It also requested that the group hold its first meeting at the earliest opportunity after the second Conference of the Parties.

2. The group of experts will focus its discussions on the following matters, taking into account the previous work done by experts in the open-ended process pursuant to decision MC-1/19 and by the second meeting of the Conference of the Parties:

(a) Work to further clarify and refine the coverage of each of the three categories of mercury waste listed in paragraph 2 of article 11;

(b) The development of a comprehensive list of mercury waste falling under subparagraph 2 (a) of article 11, as well as an indicative list of mercury waste that might fall under subparagraphs 2 (b) and (c) of article 11;

(c) The development, as a priority, of relevant approaches and methodologies for establishing thresholds for mercury waste falling under subparagraph 2 (c) of article 11 and, if possible, the recommendation of specific thresholds for this waste; the group will also consider the relevance of thresholds for categories of waste falling under subparagraphs 2 (a) and 2 (b) of article 11;

(d) Work, as a separate and differentiated matter, to identify approaches for establishing thresholds for overburden, waste rock and tailings, except from primary mercury mining, during the intersessional period.

II. Membership

3. The group, which at its first meeting will elect two co-chairs, will comprise technical experts nominated by the five United Nations regions as follows: five from African States, five from Asia-Pacific States, five from Eastern European States, five from Latin American and Caribbean States and five from Western European and other States. Before the group's first meeting, it and the Convention secretariat will invite eight experts from industry and civil society to participate as observers. The group will also invite input from experts working with the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, Governments, intergovernmental organizations, industry and civil society organizations to assist it in its work as appropriate.

III. Recommended qualifications of members and observers

4. Members and observers of the group of technical experts should have at least one of the following:

(a) Significant experience in waste management and disposal issues, including management of different types of waste (industrial, domestic and hazardous waste);

(b) Expertise relevant to different approaches for establishing thresholds, including hazard- and risk-based approaches, as well as other possible approaches;

(c) Expertise in the environmental and health impacts of exposure to mercury;

(d) Technical expertise in, knowledge of and experience in mining, particularly with regard to the environmentally sound management of overburden, waste rock and tailings.

IV. Officers

5. The group of experts will elect two co-chairs to facilitate the meeting.

V. Secretariat

6. The secretariat of the Convention will provide administrative support to the group of experts.

VI. Administrative and procedural matters

7. The rules of procedure of the Conference of the Parties will apply, *mutatis mutandis*, to the group of experts.

VII. Meetings

8. The group of experts will work by electronic means and will meet face to face at least once during the intersessional period preceding the third meeting of the Conference of the Parties.

VIII. Language

9. The working language of the technical group of experts will be English.