



**Conference of the Parties to the
Minamata Convention on Mercury
Fifth meeting**
Geneva, 30 October–3 November 2023
Item 4 (b) of the provisional agenda*

**Matters for consideration or action by the Conference
of the Parties: mercury-added products and
manufacturing processes in which mercury or mercury
compounds are used: amendments to annexes A and B,
and consideration of the feasibility of mercury-free
alternatives for manufacturing processes listed in
annex B**

Implementation of the 2020 deadline to phase out mercury-added products (article 4)

Note by the secretariat

I. Implementation status of the 2020 deadline

1. Paragraph 1 of article 4 of the Minamata Convention on Mercury provides that parties shall not allow, by taking appropriate measures, the manufacture, import and export of mercury-added products listed in part I of annex A to the Convention after their respective phase-out dates. The phase-out date for the mercury-added products originally listed in part I of annex A is 2020, and annex A was amended in 2022 with additional mercury-added products to be phased out by 2025. Article 6 provides for exemptions from the phase-out dates of a maximum of five years, available to parties on request. Paragraph 2 of article 4 provides that parties may choose, at the time of ratification or upon entry into force of the amendment of annex A to the Convention, to take different measures or strategies to address mercury-added products, as an alternative to phase-out measures.

2. Parties reported on the implementation of article 4 in their first full national reporting pursuant to article 21, in which parties were to report on the measures they had taken during the reporting period between the entry into force of the Convention and 31 December 2020. The reporting format includes the following question: “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?” If parties answered “no”, they were asked whether they had registered exemptions pursuant to article 6. Since the phase-out date of the originally listed mercury-added products was within the reporting period, all parties were expected to respond “yes” to the question, unless they had chosen to take alternative measures pursuant to paragraph 2 of article 4 or had registered exemptions pursuant to article 6.

3. Document UNEP/MC/COP.5/INF/21 sets out the parties’ responses regarding the implementation of phase-out measures. Of 117 parties that submitted national reports, 35 parties

* UNEP/MC/COP.5/1.

(30 per cent) responded that they had not taken phase-out measures. Three of those 35 parties had registered exemptions pursuant to article 6.

4. The Implementation and Compliance Committee,¹ having reviewed issues of compliance and implementation based on national reporting:

(a) Noted that some parties had not implemented the 2020 phase-out deadline of products listed in part I of annex A, and also noted that parties that had reported on measures taken might not have covered all the product categories;

(b) Invited relevant parties to share, through the secretariat, a strategy on how they plan to address challenges, including those identified in their respective Minamata initial assessments, a proposed time schedule with milestones to implement relevant paragraphs of article 4, and the kind of assistance they might still need, taking into account information provided during the global workshop on implementing the Minamata Convention obligations on mercury-added products;

(c) Agreed to keep the matter of implementation of article 4 under review and to continue its consideration of the issue at its next meeting.

5. In their national reports, many parties mentioned the challenges they faced in implementing article 4, including the following:

(a) Lack of time and human resources, the latter attributed to lack of knowledge and capacity;

(b) No mercury-added product trade inventories developed and maintained in the party's territory;

(c) Technical and financial constraints resulting in the non-adoption of appropriate technologies and infrastructure that could enable the sound management of mercury-added products;

(d) The need to gather more data and carry out further assessments to ascertain the risks and benefits of products subject to article 4;

(e) Regulatory frameworks for mercury-added products not yet in place or still under development;

(f) The coronavirus disease (COVID-19) pandemic temporarily affected some parties, including by limiting access to meetings and training, owing to border closures.

6. Parties are to report on the implementation of measures for phasing out the listed mercury-added products, including the new mercury-added products agreed to at the fourth session of the Conference of the Parties, in the second full national reports, by 31 December 2025, covering the period 2021–2024.

II. Global workshop on implementing the Minamata Convention obligations on mercury-added products

7. In order to support parties in catching up with the 2020 phase-out deadline, the secretariat organized a global workshop on implementing the Minamata Convention obligations on mercury-added products in Geneva from 21 to 23 June 2023, with financial support from the European Commission. The workshop targeted the parties having reported in their national reporting under article 21 that they had not yet implemented paragraph 1 of article 4. Since Africa and Latin America and the Caribbean were the two regions with the greatest number of parties facing implementation challenges, priority was given to those regions for participation in the workshop. A total of 25 parties from Africa and the Spanish-speaking countries of Latin America and the Caribbean were invited, and 19 of those parties² participated. Another party³ participated in order to share its experience with a project to support the implementation of article 4 funded by the Specific International Programme to Support Capacity-Building and Technical Assistance. The workshop was held back to back with a workshop on transitioning to mercury-free lighting in Asia-Pacific countries, organized by the Global Mercury Partnership, and three parties⁴ that participated in that workshop stayed on to participate in

¹ UNEP/MC/COP.5/14.

² Bolivia (Plurinational State of), Burkina Faso, Colombia, Comoros, Congo, Cuba, Djibouti, Dominican Republic, El Salvador, Eswatini, Gabon, Guinea, Guinea-Bissau, Niger, Sao Tome and Principe, Senegal, Sierra Leone, Togo, Zambia.

³ Lesotho.

⁴ India, Iran (Islamic Republic of), Pakistan.

the global workshop on implementing the Minamata Convention obligations on mercury-added products.

8. The objective of the global workshop was to support parties in fulfilling the obligations to phase out mercury-added products listed in part I of annex A, as well as to phase down dental amalgam, the intended result being better reporting on the implementation of article 4 under article 21. The workshop aimed at developing the following four deliverables:

- (a) Training materials that parties could use in taking national measures to control mercury-added products;
- (b) Elements of national strategies, schedules and needs in terms of support to implement article 4 of the Convention;
- (c) Plans for regional support activities to support the development of national strategies to implement article 4;
- (d) The issuance of a workshop report, including recommendations to parties and other stakeholders to support implementation.

9. The programme of the workshop is attached as annex I to the present note. The programme consisted of plenary presentations on available tools to support the implementation of article 4 and on the experience of the parties, conducted in English, as well as breakout sessions to support the development of national strategies, conducted in English, French and Spanish. The plenary session was broadcast using the WebEx platform.

10. The participants had completed pre-workshop assignments to check the parties' Minamata initial assessment reports, and to summarize information on the status of implementation of article 4, legal gap, status of inventory of mercury-added products, challenges faced in establishing regulations or policies and in enforcing them, and capacity-building needs.

11. Draft training materials, in the form of presentation slides and text to be read out, were presented at the workshop. The materials will be finalized based on the comments received from the participants, and translated into the six official languages of the United Nations.

12. Elements of national strategies, schedules and needs in terms of support were identified through the pre-workshop assignments and the moderated discussion in breakout sessions. A checklist developed by the Zero Mercury Working Group, as set out in annex II to the present note, was used in the breakout sessions. During the breakout sessions, participants filled out a form presenting possible elements of a national strategy. Building on the checklist used in the breakout sessions, many parties identified those possible elements, including the following:

- (a) Identification of relevant ministries and stakeholders;
- (b) Establishment of a coordinating mechanism, including the use of existing mechanisms;
- (c) Identification of the manufacturing, import and export of mercury-added products;
- (d) Identification of legal gaps;
- (e) Consultations on policy, regulations and/or rules to control mercury-added products (possibly prioritizing the import of mercury-added products, in case the party does not manufacture mercury-added products);
- (f) Assessment of existing institutional capacity and resources and further capacity-building;
- (g) Awareness-raising.

13. To support the parties in developing national strategies, the secretariat has engaged the following partners to follow up on the workshop, including those parties that were invited but could not attend:

- (a) Basel Convention Coordinating Centre for Training and Technology Transfer for the African Region, Nigeria, for English-speaking African countries;
- (b) Basel Convention Regional Centre for Training and Technology Transfer for French-speaking Countries in Africa, Senegal;
- (c) European Environment Bureau, for French-speaking African countries;
- (d) Basel Convention Regional Centre for Training and Technology Transfer for the South American Region, Argentina, for Spanish-speaking countries.

14. The workshop report, together with the presentation materials, will be posted on the Convention website.

III. Other activities to support the implementation of the 2020 phase-out deadline

15. Under the African, Caribbean and Pacific multilateral environmental agreement programme, supported by the European Commission and the United Nations Environment Programme, the European Environment Bureau and the Zero Mercury Working Group, in collaboration with the Caribbean Community secretariat, organized a regional conference entitled “Phasing out mercury-added products in the Caribbean: engagement, steps and tools towards implementing the Minamata Convention on Mercury” in Port of Spain, from 6 to 7 June 2023. The Executive Secretary of the Minamata Convention delivered opening remarks remotely and a consultant of the secretariat participated in the conference. Two of the parties that had reported that they had not implemented paragraph 1 of article 4 in their national reports⁵ had an opportunity to participate in the conference. The conference included an interactive session to develop a draft national road map to phase out mercury-added products.

16. Several parties in Asia and the Pacific reported that they had not implemented paragraph 1 of article 4. To support those parties, the secretariat will organize an interactive session in conjunction with the Asia-Pacific regional preparatory meeting for the fifth meeting of the Conference of the Parties, to be held in Bangkok on 5 and 6 September 2023.

17. A number of projects under the Specific International Programme have addressed the 2020 phase-out deadline. The first-round (approved in 2018) projects in Benin and Lesotho and the second-round (approved in 2019) projects in the Republic of Moldova and Sri Lanka specifically addressed phasing out of mercury-added products. The first-round projects in Argentina and Armenia, the second-round projects in Antigua and Barbuda, Ghana, Nigeria and Zambia, and the third-round (approved in 2021) projects in Burundi, Cuba, India, the Islamic Republic of Iran, Jordan, Rwanda and Senegal address article 4 as well as other obligations under the Convention.

18. The Global Environment Facility provided funding for two specific projects addressing products listed in part I of annex A, namely, “Eliminating mercury skin lightening products”⁶ and “Phasing out mercury-measuring devices in healthcare.”⁷

⁵ Saint Kitts and Nevis, Saint Lucia.

⁶ <https://www.thegef.org/projects-operations/projects/10810>.

⁷ <https://www.thegef.org/projects-operations/projects/10716>.

Annex I*

Programme of the global workshop on implementing the Minamata Convention obligations on mercury-added products

WORKSHOP DAY ONE: Wednesday, 21 June 2023	
8:30-9:00	Participant registration
Session 1: Introduction to the workshop and training material	
9:00-9:45	Opening <ul style="list-style-type: none"> – Welcoming and congratulatory remarks Monika Stankiewicz, Executive Secretary of the Minamata Convention Jenny Green, European Commission Rodges Ankrah, Co-chair, UNEP Global Mercury Partnership Advisory Group – Introduction on the objective and expected outcome from the workshop Eisaku Toda, Secretariat of the Minamata Convention – Roundtable on workshop expectations
9:45-10:45	Presentations of training materials <ul style="list-style-type: none"> – Presentation of training material: Party obligations, amendment, mercury-added products and non-mercury alternatives Eisaku Toda and Ruvimbo Kamba, Secretariat of the Minamata Convention – Questions and discussion
10:45-11:15	Coffee/tea break
Session 2: National measures to meet the phase-out deadlines – original 2020 deadline and new 2025 deadline	
11:15-13:00	Overview of country experiences <ul style="list-style-type: none"> – Overview of measures taken and implementation challenges Eisaku Toda and Ruvimbo Kamba – Presentation of Zero-Mercury Working Group checklist and guidance Elena Lymberidi-Settimo, EEB/ZMWG – Experience in a project on mercury-added products under the Specific International Programme Moleboheng Juliet Petlane, Lesotho Cristina Lesnic, Republic of Moldova (Online) – Questions and discussion – Guidance to breakout sessions
13:00-14:00	Lunch break
14:00-15:45	Breakout session: national strategies to phase out mercury-added products <ul style="list-style-type: none"> – Facilitated in English, French and Spanish – Participants are invited to present their national situation – Moderated discussion to develop national strategies
15:45-16:15	Coffee/tea break
16:15-18:00	Breakout session (continued)
WORKSHOP DAY TWO: Thursday, 22 June 2023	
9:00-9:30	Plenary feedback from breakout groups <ul style="list-style-type: none"> – Breakout groups will present the outcome from the Day 1 discussion – Discussion on way forward to develop national strategies

* The annex has not been formally edited.

9:30-10:45	<p>Introduction and Overview of country experience</p> <ul style="list-style-type: none"> - WHO technical guidance on mercury products Lesley Onyon, WHO (online) - Project plans under the Global Environment Facility Grace Halla, UNEP (online) - Eliminating mercury-added skin lightening products (SLPs) in Global markets and E-commerce platforms Elena Lymberidi-Settimo, EEB/ZMWG - Product safety regulations and product safety pledges in the European Union András Zsigmond, European Commission (online) - Questions and discussion - Guidance on breakout sessions
10:45-11:15	Coffee/tea break
11:15-13:00	<p>Breakout session: national strategies to phase out mercury-added products</p> <ul style="list-style-type: none"> - Facilitated in English, French and Spanish - Moderated discussion to develop national strategies, covering medical devices and skin-lightening products
13:00-14:00	Lunch break
Session 3: Phasing down dental amalgam	
14:00-15:45	<p>Overview of country experiences</p> <ul style="list-style-type: none"> - Provisions of the Convention and overview of national reports Eisaku Toda - WHO and country effort to phase down dental amalgam Nicole Stauf, WHO - Global progress in phasing out dental amalgam Florian Schulze, European Network for Environmental Medicine - Mercury-free dentistry in Tunisia Aouatef Touihri, Tunisia - Other participants to share their experience - Questions and discussion - Guidance on breakout sessions
15:45-16:15	Coffee/tea break
16:15-18:00	<p>Breakout session: national strategies to phase down dental amalgam</p> <ul style="list-style-type: none"> - Facilitated in English, French and Spanish - Participants are invited to present their national situation - Moderated discussion to develop national strategies
WORKSHOP DAY THREE: Friday, 23 June 2023	
9:00-9:30	<p>Plenary feedback from breakout groups</p> <ul style="list-style-type: none"> - Breakout groups will present the outcome from the Day 2 discussion - Discussion on way forward to develop national strategies
Session 4: Enforcing the trade control measures for mercury-added products	
9:30-10:45	<p>Overview of country experiences</p> <ul style="list-style-type: none"> - Presentation of existing technical materials - STRiKE project Vittoria Luda, UNITAR (online) - Green Customs Guide and customs code Eisaku Toda - SIP project “Strengthening the legal framework and institutional capacities of ECOWAS countries on Articles 3 and 4” Pathe Dieye, Senegal - Other participants to share their experience - Questions and discussion - Guidance on breakout sessions
10:45-11:15	Coffee/tea break

11:15-13:00	<p>Breakout session: national strategies to enforce the trade control measures of MAPs</p> <ul style="list-style-type: none"> - Facilitated in English, French and Spanish - Participants are invited to present their national situation - Moderated discussion to develop national strategies
13:00-14:00	Lunch break
Session 5: Development and implementation of national strategy on mercury-added products	
14:00-14:30	<p>Plenary feedback from breakout groups</p> <ul style="list-style-type: none"> - Breakout groups will present the draft national strategies - Plenary discussion on the needs for national, regional and global support
14:30- 15:45	<p>Breakout session: finalization of national strategies and further needs</p> <ul style="list-style-type: none"> - Facilitated in English, French and Spanish - Each participant will finalize an outcome document including the elements of national strategy, time schedule and needs for support to implement Article 4 of the Convention - The group will discuss the need for national, regional and global support activities.
15:45-16:15	Coffee/tea break
16:15-18:00	<p>Wrap-up plenary session</p> <ul style="list-style-type: none"> - Presentation of national strategies - Recommendations and follow-up - Closure of the workshop

Annex II*

Checklist towards developing a road map for phasing out mercury-added products under the Minamata Convention on Mercury

The Minamata Convention on Mercury represents a major milestone in global efforts to reduce the adverse impacts of mercury. Under article 4 of the Convention, parties are not allowed to manufacture, import or export a prescribed list of mercury-added products after 2020. The covered list of products is provided in annex A of the Convention, see: <http://www.mercuryconvention.org/Convention>. In addition, parties must discourage the manufacture and sales of new types of mercury-added products.

Countries may wish to consider the following checklist when planning activities to meet article 4 Convention obligations:

STEP 1. Development and implementation of a stakeholder engagement strategy

- Identify relevant ministries and stakeholders, and form a structure to facilitate project input and coordination, such as a Products Advisory Committee (PAC)
- Determine roles, responsibilities, timeline, etc. for moving forward between the ministries with jurisdiction over relevant article 4 obligations (i.e., Ministries of Environment, Health, Trade, etc.)
- Hold PAC inception meeting, identify significant implementation issues and data needs, set project goals, specify the sequence and timing of project milestones, and establish mechanisms for conducting outreach and obtaining input as project progresses
- Secure financial, technical and informational cooperation as needed from relevant agencies/organizations and stakeholders
- Facilitate stakeholder review and input on significant project work products

1A Describe steps to engage stakeholders in your country

1B. Identify gaps/challenges in relation to engaging stakeholders

STEP 2. National situation assessment

- Obtain available data on manufacture and trade, as needed (see resources)
- Assess availability of mercury-free or Convention compliant products/devices by 2020 (see resources)
- Assess existing institutional capacity to support mercury-added product phase-out activities, in areas such as information reporting and data platforms, product testing and compliance evaluation, trade monitoring, training of relevant officials, and enforcement
- Conduct legal gaps analysis for addressing mercury-added products (see resources)
- Create information platform as needed to implement the strategy and meet Convention reporting obligations

* The present annex has not been formally edited.

- Identify laboratory testing needs for strategy implementation and secure financial/technical assistance as needed
- Training of personnel (e.g. Customs)
- Identify target populations for strategy implementation and improve hazard and risk communication initiatives
- Improve occupational health and safety standards and practices for handling mercury
- Foster data gathering, management and information sharing on mercury-free products
- Establish method for determining mercury levels in products, calibration, validation, etc.
- Promote reduction in illegal transboundary trade in mercury-added products

2A. Describe steps to assess your country situation

Institutional framework assessment

Legislative assessment

Infrastructural assessment

Data on MAPs and their mercury free alternatives

Capacity building assessment

Public awareness and knowledge sharing assessment.

2B: Identify gaps/challenges in relation to the national situation (for each of the above elements as appropriate)

STEP 3. Proposed actions to each challenge identified above

Identify the actions necessary to address the challenges identified above, indicate lead agency, timeline, and resources necessary.

Eg.

- Definition of roles and responsibilities of relevant ministries in the implementation of article 4 obligations
- Development of new legal authorities as needed, reflecting the alignment of implementation responsibilities for each of the relevant ministries
- Identification of priorities for filling institutional gaps and capacity needs, and sources of potential technical and financial support available to fill the gaps
- Identification of target populations for hazard and risk communication initiatives related to priority products of concern in the country
- Improvement of occupational health and safety standards and practices for handling mercury, as needed

3. Describe actions to take place in your country (National action plan)

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