



**Conference of the Parties to the
Minamata Convention on Mercury
Sixth Meeting**

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Item 4 (b) (ii) 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: cosmetics listed in part I of annex A**

Report on cosmetics listed in part I of annex A to the Minamata Convention on Mercury**

Note by the secretariat

1. The Conference of the Parties, in decision MC-5/5, requested the secretariat to prepare a report, compiling and synthesizing information submitted by parties and relevant stakeholders on challenges in preventing the manufacture, import and export of cosmetics listed in part I of annex A to the Convention, as well as on current or proposed measures for addressing these challenges taken by parties and others, for consideration by the Conference at its sixth meeting. The report prepared by the secretariat is set out in annex I to the present note.
2. Annex II to the present note sets out a document submitted by Gabon entitled “Libreville Commitment on the Elimination of Mercury-Containing Skin-Lightening Cosmetics in Africa”¹, which had been adopted at a high-level regional meeting of African ministers, international experts and civil society leaders held in Libreville, Gabon, from 20 to 22 January 2025.

* UNEP/MC/COP.6/1/Rev.1.

** This document has not been formally edited.

¹ <https://minamataconvention.org/en/news/libreville-commitment-elimination-mercury-containing-skin-lightening-cosmetics-africa>

Annex I

Report on Cosmetics Listed in Part I of Annex A to the Minamata Convention on Mercury

Executive summary

This report has been developed in response to decision MC-5/5 of the Conference of the Parties to the Minamata Convention on Mercury. It is the result of a call for submissions from parties and relevant stakeholders on challenges in preventing the manufacture, import and export of cosmetics listed in Part I of Annex A to the Convention, as well as on current or proposed measures for addressing these challenges taken by parties and others, including the Global Mercury Partnership.

The Secretariat compiled and synthesized the information received in the submissions, and circulated a draft report for further comment. The report takes account of the further comments.

The submissions emphasized the dangers associated with the use of mercury-added cosmetics, and the need for the elimination of their use. The submissions also highlighted the cultural and other challenges in achieving this. Although the manufacture of mercury-added cosmetics is located in only a few countries, the use of those products is global, as is their marketing and distribution. The emergence of on-line platforms has presented further challenges.

The submissions highlight legislative and other initiatives underway in phasing out sales and offers of sales of mercury-added cosmetics; strategies for discouraging the marketing, advertising and display of mercury-added cosmetics; advisories, detention lists and prohibited substances lists concerning mercury-added cosmetics; licensing and product ingredient approvals for cosmetics manufacturing facilities; developing and implementing product safety pledges for online platforms; and raising awareness of the hazards of skin-lightening product use.

The submissions also highlight the challenges faced in eliminating manufacture and trade in mercury-added cosmetics.

As the phase-out deadline of mercury-added cosmetics containing more than 1 ppm of mercury was 2020, and that of cosmetics with any mercury content is 2025, compliance with the phase-out specified by the Convention may be difficult for some Parties.

I. Introduction

The Conference of the Parties (COP) of the Minamata Convention on Mercury in its decision MC-5/5 requested the Secretariat to prepare a report on cosmetics listed in Part I of Annex A to the Convention. Following the amendment to that annex that was adopted at the fifth meeting of the COP, the cosmetics listed in Part I of Annex A include skin lightening soaps and creams to which mercury has been added, regardless of the level of mercury, but not eye area cosmetics where mercury is used as a preservative and no effective and safe substitute preservatives are available. Also, the listing is not intended to cover cosmetics, soaps or creams with trace contaminants of mercury. Article 4 of the Convention requires Parties not to allow the manufacture, import and export of mercury-added products listed in Part I of Annex A to the Convention after the specified phase-out date.

Skin lightening products, also known as skin bleaching products, are available in many forms, including creams, lotions, cleansers, masks, serums, toners, soaps, foams, gels and scrubs. They are available for purchase from physical shops, local marketplaces and beauty salons, and are increasingly available online. Skin lightening products are among the fastest growing segments of the beauty industry with a market size estimated at USD 11,204.6 million in 2023 and projected to reach USD 16,137.1 million by 2030. In some populations, more than 50% of individuals use skin lightening products regularly, and one analysis estimated that 27.7% of individuals globally have used them at one time or another.

Different ingredients are added to skin lightening products for different purposes. Many countries have banned the use of mercury in skin lightening products but its use is still widespread in other countries where it is used as an active ingredient to inhibit melanin production, thereby creating a temporarily lighter skin tone. In addition to mercury, skin lightening products may contain other pharmacologically active ingredients, such as corticosteroids, which should not be used without medical supervision.

This report has five chapters. After this introductory chapter, Chapter 2 presents the process to develop the report. Chapter 3 provides an overview of the submissions from Parties and other stakeholders in the process. Chapter 4 presents key findings from those submissions, addressing the topics listed above. Chapter 5 provides overall conclusions. The tabulation of the submissions from Parties, as well as the original submissions, are available from the Convention website².

II. Methodology

In response to COP decision MC-5/5, on 5 March 2024 the Secretariat issued an invitation to Parties and relevant stakeholders to submit information, using an information submission form, by 30 June 2024 on:

- Challenges in preventing the manufacture, import and export of cosmetics listed in Part I of Annex A to the Convention;
- Current and planned measures regulating the manufacture, import and export of mercury-added cosmetics, as well as addressing the topics described in decision MC-5/5 (See Introduction);
- Other matters.

The submissions received from 23 Parties and eight organizations³ were posted on the Convention's website⁴.

This report was developed by compiling and analyzing the submitted information. Although the analysis in Chapter 4 is based primarily on information provided by Parties, submissions from other stakeholders were also taken into account. The report also includes information from the Global Mercury Partnership, as well as input from the World Health Organization.

As requested in decision MC-5/5, the draft report was made available to Parties and relevant stakeholders for their review and comments on 1 April 2025. Comments were received from five parties and eight organizations⁵, which have been taken into account in finalizing the report.

III. Submissions from Parties and Stakeholders

A. Overview of submissions

Submissions were received from 23 Parties and eight stakeholders. The tabulation of the submissions from Parties, as well as the original submissions, are available from the Convention website.

B. Submissions by Parties

The submissions from Parties include information on national regulations, institutional capacities, technical and laboratory capacities, and identified challenges, as summarized in table 1.

Table 1: Summary of information submitted

Party	National regulations	National capacities			Key challenges
		Institutional	Technical	Laboratory	
Albania	√	√	√	√	
Argentina	√	√	√	√	
Armenia	√	√	√	√	No list of banned mercury-added cosmetics
Brazil	√	√	√		
Burkina Faso	√	√			

² <https://minamataconvention.org/en/intersessional-work-and-submissions-cop-6#sec2924>

³ Albania, Argentina, Armenia, Brazil, Burkina Faso, Canada, China, Comoros, Dominican Republic, the European Union and its member states, Gabon, Guatemala, Guinea, Japan, Madagascar, Mauritania, Niger, the Philippines, Republic of Korea, Sierra Leone, Sri Lanka, Thailand, the United States of America, BAN Toxics, Environment and Social Development Organization, Global Mercury Partnership, Minnesota Pollution Control Agency, Mercury Policy Project, New York City Department of Health and Mental Hygiene, Natural Resources Defense Council, WE_ACT, World Health Organization and Zero Mercury Working Group.

⁴ <https://owncloud.unog.ch/s/NOq861kP4jB8c6J>

⁵ Burkina Faso, Canada, Gabon, Italy, the United States of America, Africa Sustainable Climate Environment Foundation, African Women's Network for Community Management of Forests, Mercury Policy Project, New York City Department of Health and Mental Hygiene, WE_ACT, Zero Mercury Working Group,

Party	National regulations	National capacities			Key challenges
		Institutional	Technical	Laboratory	
Canada	√	√	√	√	Mis-identification and incomplete labelling, non-compliant packaging
China	√	√	√	√	Illegal addition of mercury to cosmetics
Comoros					Market control, awareness program, technical and infrastructure capacities
Dominican Republic	√				Alternatives implementation, public awareness, technological capacity on disposal
EU and member states	√	√	√	√	Neither the Minamata Convention nor the Mercury Regulation prohibits the import of mercury compounds
Gabon	√	√			Technical knowledge of the composition of cosmetics, laboratory infrastructure, illicit traffic, and market control
Guatemala	√		√	√	Complex supply chain, difficult to control import and export
Guinea					Specific regulations, laboratory equipment, wastewater discharge
Japan	√	√	√	√	
Madagascar					Awareness of the dangers of mercury, inventory of cosmetics, widespread use
Mauritania					Control of imports
Niger					National regulations, framework for controlling imports, national action plan, and knowledge of dangers of cosmetics
Philippines	√			√	Enforcement of ban of mercury-added cosmetics
Republic of Korea	√	√	√	√	
Sierra Leone					Legislation, infrastructure testing capacity, and technical capacity
Sri Lanka	√				No proper regulatory authority, inadequate laws, limited human, financial resources and infrastructure and smuggling
Thailand	√	√	√	√	Enforcement of the manufacturing and trade ban
USA	√	√	√	√	Illegal production, limited resources for the inspection of foreign goods, e-commerce, and labelling

Key: √ - Information available

Among the Parties that submitted information, most of the African and many Asian countries indicated that they did not have adequate capacity to address mercury-added cosmetics, including dedicated policy and regulatory instruments, and technical capabilities.

C. Submission by Stakeholders

Eight submissions were received from stakeholders including non-governmental organizations and sub-national authorities. Among other issues, the submissions highlighted the importance of easy access by the public to information on all regulations relating to these products in both stores and online platforms.

For example, WE ACT for Environmental Justice suggested implementing online screening tools to flag toxic products and ingredients on shopping sites, and establishing accessible portals through which to report companies involved in sales and sales-offerings of mercury-added cosmetics and products found to contain mercury. The Environment and Social Development Organization (ESDO) proposed that publicizing advisories and maintaining lists of products detained because of their mercury content and prohibited substances lists of mercury-added cosmetics are essential for protecting the public and facilitating the identification and removal of illegal products.

WE ACT for Environmental Justice also observed that international databases relating to mercury-containing products would assist both consumer awareness and government enforcement. The databases could include mercury product testing results (both negative and positive for mercury); names, manufacturers; EAN/UPC; and, possibly, image correlation to assist in screening at borders. This includes but is not limited to a list of brand names with a known history of adding mercury to their products.

Several of the submissions referred to the value of advisories. The Minnesota Pollution Control Agency, for example, supports the Zero Mercury Working Group (ZMWG) actions taken in concert with Parties and others. Another example is in the Philippines, where the Philippines Food and Drug Administration (FDA) issues advisories on public health against the purchase and use of cosmetic products containing banned ingredients as reported in the ASEAN Post-Marketing Alert System (PMAS), Health Sciences Authority of Singapore, and other sources, and un-notified cosmetic products or violating products verified through post-marketing surveillance. Since November 2023, 90 brands have been identified which were found to contain mercury beyond the limit. Consumers are advised to contact the FDA to ensure proper disposal of said products.

BAN Toxics reported also that from 2012 to 2023, in the Philippines the FDA has issued 32 public health warnings on adulterated or violative cosmetic products found to contain mercury. The warnings covered a total of 207 cosmetic products that were found with heavy metals including mercury, lead, and arsenic.

All the stakeholders expressed concern with current trends in advertisements regarding mercury-added products, and other skin-lightening products (SLPs), especially with online sales and advertisements, and urged Parties to prioritize addressing marketing and advertisements in order to achieve a successful phase-out. An example is an abstract from the Mercury Policy Project (MPP) submission regarding advertisements:

“While mercury-added products are illegal in many jurisdictions, the legal sale and advertisement of SLPs without mercury has the adverse effect of increasing public demand for the typically cheaper and more toxic SLPs, fueling the demand for mercury-added substitutes.”

Recent assessments by the ZMWG, academic experts and governments suggest that hundreds, if not thousands, of mercury-added skin lightening products are available on the global market. The submissions report that the most effective components, such as mercury compounds, are often the cheapest, leading many manufacturers to use them in products despite their well-established toxic characteristics.

Furthermore, WE ACT for Environmental Justice, MPP and ZMWG in their continuous surveys on mercury in cosmetics in different countries have found the presence of mercury at different levels. In the WE ACT collated dataset, the highest recorded mercury concentration is 210,000 ppm (for an unlabeled skin lightening product). The NY Health Department and the Minnesota Pollution Control Agency reported that they also test for mercury in products. The surveys indicate that the manufacturers of these cosmetics are located in countries that are either signatories or Parties to the Convention.

D. Libreville Commitment on the Elimination of Skin-Lightening Cosmetic Products Containing Mercury in Africa

A high-level regional meeting of African ministers, international experts and civil society leaders to address the public health and environmental risks posed by mercury-containing skin-lightening cosmetics was held in Libreville in January 2025. The meeting, and technical workshop, concluded on

22 January 2025 with the adoption of the Libreville Commitment on the Elimination of Mercury-Containing Skin-Lightening Cosmetics in Africa (see Annex 2). In this Commitment, the participating governments and organizations committed to actions towards the development of public databases of mercury-added skin-lightening products, establishment of border control system, promotion of complementary voluntary commitments by online platforms, capacity building, public awareness, stakeholder engagement, invited relevant organizations to support such actions, and invited the Conference of the Parties to the Minamata Convention, to adopt a work programme, including a budget, to accelerate the elimination of mercury-added skin-lightening products. The agreement underscores the need for regional collaboration to strengthen regulations, enhance enforcement measures, and raise public awareness to combat these harmful products. The Government of Gabon submitted the Commitment to the Secretariat for the consideration at COP-6.

E. Input from the Global Mercury Partnership

Initiated in 2005, the UNEP Global Mercury Partnership (GMP) aims to protect human health and the environment from the releases of mercury to air, water and land. With close to 300 partners from governments, IGOs, NGOs, industry and academia, the Partnership focuses on supporting timely and effective implementation of the Minamata Convention on Mercury, providing state of the art knowledge and science, and raising awareness towards global action on mercury.

The GMP has eight partnership areas, one of which is “mercury in products” area, co-led by the US Environment Protection Agency and the ZMWG.

Eliminating mercury-added skin lightening products is a GMP priority. The Partnership leads a dynamic community of practice under a GEF-funded and UNEP-led initiative⁶. By mobilizing diverse stakeholders and leveraging global expertise, this growing network of practitioners—meeting biannually—has helped build critical momentum, facilitating knowledge exchange, raising awareness, and laying the groundwork for concrete actions on the ground. The Partnership has also played a key role in global advocacy, spearheading social media campaigns and international events to engage partners across multiple sectors. The Partnership has focused on the following:

- Developing or strengthening legislation and regulations to phase out mercury-added skin lightening products;
- Engaging supply chain actors to stop production, trade and distribution of such products;
- Strengthening national capacities for testing and monitoring, publicizing mercury-added skin lightening products detention lists, and providing training of custom agents;
- Developing a global mercury-added skin lightening products database; and
- Raising awareness targeted towards inspiring meaningful behavior change—protecting consumers, their families and the planet.

F. Input from the World Health Organisation (WHO)

The World Health Assembly adopted Resolution 67.11 (2014) on the “Public health impacts of exposure to mercury and mercury compounds: the role of WHO and ministries of public health in the implementation of the Minamata Convention”. The resolution requests the Director-General to facilitate WHO’s efforts to provide advice and technical support to Member States to support the implementation of the Minamata Convention on Mercury in all health aspects related to mercury.

The regulation of cosmetics is complex and varies greatly between countries. Usually, cosmetics regulation is a responsibility of the ministry of health, or a specialized public health or food and drug agency. The sheer number of cosmetic products on the market is itself a challenge, particularly in low- and middle-income countries. In many countries, a cosmetic is something that is regarded as low-risk and something applied to the surface of the body with the intention of enhancing or temporarily changing its appearance or smell, e.g. make-up, shampoo or moisturizers. Cosmetics in many countries are not as strictly regulated as pharmaceuticals used to treat, cure or prevent a disease and which contain ingredients that have a rigorous pre-market approval for safety, efficacy and quality.

The WHO submission proposes that, in the absence of a mechanism for pre-market approval, countries are strongly encouraged to put in place a range of measures to maximise the safety of all cosmetics

⁶ UNEP implements Project ID 10810 “Eliminating mercury skin lightening products” in Gabon, Jamaica and Sri Lanka. The concept for a new project ID 11877 “Elimination of Mercury-Added Skin Lightening Products (SLPs) in Africa” was approved in June 2025, with the participation of 13 African countries.

including ensuring that the safety of ingredients used in cosmetics do not include prohibited substances, such as mercury, labelling to ensure transparency in the ingredients used and the correct mode of application; good manufacturing practices to ensure consistency between batches; voluntary industry standards and rigorous systems for post-market surveillance to detect adverse reactions that may arise together with mechanisms for product recall.

Such a network of measures will depend on the existing regulatory context in a country and the resources available. Measures need careful coordination between different agencies at a national level including public health authorities, environment agencies, customs and consumer protection with strong advocacy among user groups and civil society.

WHO is actively engaged in supporting countries to improve regulation in this important area and in understanding and addressing the behaviours of people that influence the use of skin lightening products to help design policies and programs, communication products and interventions aimed at reducing the use of skin lightening products.

IV. Key findings and analysis

A. Preventing the Manufacture, Import, and Export of Mercury-Added Cosmetics

Article 4 of the Minamata Convention requires Parties not to allow the manufacture, import and export of mercury-added products listed in Part I of Annex A to the Convention after the specified phase-out date - cosmetics with mercury content, including skin lightening soaps and creams, are listed in Annex A. Many countries have developed national laws and regulations that control the manufacture, import or export of cosmetics with mercury content. Of the 23 Parties that provided information in response to the call for submissions, 15 Parties reported measures, including regulations on manufacturing – mercury regulation, food and drug regulation, product safety standards, etc. 17 of the 23 Parties reported regulations on import and/or export.

Table 2 includes examples of measures, and their legal frameworks, of some the Parties to the Convention:

Table 2: Examples of measures taken by Parties

Party	Regulatory Body	Key Regulation	Enforcement Actions
Brazil	ANVISA (National Health Surveillance Agency)	Chemical safety regulations	Inspections, product recalls, fines, public warnings
Canada	Health Canada	Food and Drugs Act	Market monitoring, fines, recalls, public warnings, inspections, seizures, and licence suspensions
China	National Medical Products Administration (NMPA)	Safety and Technical Standards for Cosmetics (2015 Edition)	Inspections, fines, recalls, revocation of licenses
European Union	European Commission	Cosmetic Regulation (EC) No 1223/2009	Fines, product recalls, market bans
Philippines	Food and Drug Administration (FDA)	FDA Circular No. 2017-013	Market checks, public awareness campaigns, product seizures
USA	Food and Drug Administration (FDA)	Federal Food, Drug, and Cosmetic Act (FD&C Act)	Seizures, recalls, fines, criminal charges

Some Parties reported that they have started drafting national laws to implement Article 4 of the Convention in order to address the problem of mercury-added cosmetics, while others have indicated their intention to do so. Three Parties in Africa, and one Party in the Caribbean reported on the planned regulations as shown in table 3 below.

Table 3: Examples of legislation under development

Country	Status
Burkina-Faso	<ul style="list-style-type: none"> Plans developing a decree laying down the conditions and procedures for obtaining technical advice for import transport, transit, export and storage, the marketing, distribution, possession, use of mercury, mercury compounds and mercury-based mixtures, products containing added mercury and the disposal of mercury waste Currently in the process of developing specific regulations
Madagascar	Plans to draft regulations under the GEF8 project cycle
Sierra Leone	Commenced the process of legislation development
Dominican Republic	Development of a guidance document for disposal of waste

Main challenges highlighted in submissions from Parties in implementing the Convention with regard to mercury-added cosmetics include the following:

- Legislation
- Lack of national regulations that are specific to or address mercury-added cosmetics (for example, most African countries do not have any legislation in place - only Gabon and Burkina Faso indicated they had).
- Parties consider their laws are not adequate
- Lack of frameworks to control imports and exports
- Lack of policy and plans
- Enforcement
- Lack of coordination across agencies and countries,
- Bureaucratic paperwork to report products
- Lack of enforcement of online platforms
- Lack of enforcement tools (e.g. penalties).
- Increased illegal trade in some countries such as the USA, Sri Lanka and Sierra Leone
- Illicit trafficking of mercury-added cosmetics
- Wide spread use of cosmetics is a challenge to enforcement authorities
- Institutional Capacity
- Inadequate capacity, in laboratory and infrastructure
- Lack of regulatory authority in most of the countries
- Lack of frameworks to control imports and exports
- Lack of policy and plans
- Lack of capacity for customs officers
- Lack of capacity for local and online market surveillance
- Limited resources

In addition to the above that relate directly to the manufacture, import and export of mercury-added cosmetics, there are challenges associated with public awareness, information dissemination and on-line sales.

Online sales and advertisements

- Lack of regulations for online sales and advertisements
- Inactive media surveillance (reported by Gabon, Sri-Lanka, Mauritania and Comoros)
- Increase use of online platforms
- Awareness raising and information dissemination
- Lack of mechanisms from authorities to inform the public on dangers of mercury in cosmetics
- Lack of awareness raising campaigns
- Lack of, or inadequate, labelling
- To address these challenges, some Parties have illustrated a comprehensive approach to regulating mercury-containing cosmetics, combining legislative action, public engagement, and collaboration with various stakeholders. Parties have adopted several practices, which include:
- Development of a clear legislative framework, with established national regulations that align with international standards, such as setting a maximum allowable mercury concentration of 1 ppm in cosmetics, such as in the USA, and Sri Lanka legislation.
- Implementing rigorous monitoring of the market to identify, and confiscating non-compliant products. The FDA in the Philippines has banned over 90 brands of mercury-added cosmetics

- Partnering with NGOs, and civil society organizations to enhance testing and monitoring capabilities. For instance, BAN Toxics serves as a ZMWG regional testing hub and is involved in global and local public health initiatives.
- Encouraging local government units to adopt ordinances, and conduct campaigns against mercury-added cosmetics. This includes activities such as "toxic beauty" parades, show cases, and local consultations.
- Developing clear guidelines for the recall of unsafe health products, enhancing consumer protection.
- Actively involving community members through public consultations, and educational events to build support for mercury regulation as seen in Gabon, where several consultation workshops have been conducted.

B. Phasing-Out Sales and Offers of Sales of Mercury-Added Cosmetics

1. Legislative measure

Some countries have passed different laws, and regulations to phase out sales and offers of sales of mercury-added cosmetics. Some of these laws, and regulations include the adoption of subsidiary legislation, such as reported by Albania, although it is not clear from the submissions what this might entail. Further, some countries appear to have sales bans in place, but have not clarified whether they apply to local or online markets — or to both. It is not clear whether general sales bans include on-line sales, and whether in those situations the regulatory authorities interpret those bans in a way so that online services are covered, and be enforced as such. Examples of reported legislative measures are:

- Argentina: The responsible agency performs market control of cosmetics at points of sale and digital platforms; the sale of mercury-added products has been prohibited by the National Administration of Drugs, Foods, and Medical Technology (ANMAT).
- Canada: Under the Food and Drugs Act and its regulations, manufacturers and importers must notify the federal health authorities within ten days of the first sale of cosmetics and provide information about the product such as a list of the product's ingredients, its form, and function, and they must also comply with requirements under other legislation, such as, the Consumer Packaging and Labelling Act, and the Canadian Environmental Protection Act. The laws appear to apply to local markets, and not to on-line providers. However, there are procedures for consumers to file complaints about cosmetics purchased on-line.
- China: The advertisement law of the People's Republic of China stipulates that no unit or individual shall design, produce, act as an agent, or publish advertisements for products or services that are prohibited by laws, and administrative regulations from being produced or sold, as well as for goods or services that are prohibited. Further, China's "Regulations on Supervision and Management of Cosmetics" states that those engaged in the production and business of cosmetics within the territory of the People's Republic of China and their supervision and management shall comply with these Regulations. According to "Product Quality Law of the People's Republic of China" sellers are not allowed to sell products that have been officially phased out and ceased to be sold by the state, as well as expired or spoiled products. However, there is no reference on whether reference to "sales" also apply for online sales.
- Gabon: Gabon's Arrete N 000002/2023 prohibits the manufacture, import, export and sales of Mercury-added skin lightening products. Furthermore, circulaire 674/2016 from the National Agency of Pharmaceuticals (ANMAPS) prevents the sale online of pharmaceuticals including restricted cosmetics such as Mercury-added skin lightening products.
- Japan, the Republic of Korea, and the Philippines reported that they have regulations specifying that mercury and its compounds are banned ingredients and have included these on the list of substances that must not form part of the composition of cosmetic products - hence the manufacture, importation, and selling of mercury-added products is prohibited. "Selling" includes on-line sales in the Philippines.
- Sri Lanka: No manufacturer is allowed to manufacture any skin creams or lotions unless in conformance with the permissible maximum mercury concentration limit of 1mg/1 ppm. The current regulation issued by the Consumer Affairs Authority on 03.05.2018 states that no trader shall sell any skin creams and lotions unless such skin creams and lotions shall conform to the permissible maximum limit of mercury 1 mg/kg. The regulation does not control online

platform. Amendment of the regulation to reflect the COP-5 amendment of Annex A is expected.

- Thailand: The Cosmetic Act B.E. 2558 (2015) defines mercury-containing products to be unsafe cosmetic products, and provides for penalties of imprisonment for a period not exceeding three years or a fine not exceeding 300,000 baht or both for any individual who sells these products
- USA: the Food and Drug Administration (FDA) prohibits the marketing of cosmetics including skin-lightening soaps, and creams containing mercury.

It should be noted that online sales may be regulated by laws directly for mercury-added cosmetics, or via more horizontal measures that have broader application.

For example, the EU framework specifically addresses the sale of products online overall, and introduces responsibilities for online platforms under the Digital Services Act and the General Product Safety Regulation. These include obligations related to interface design, cooperation obligations and the removal of unsafe products based on national takedown orders or notices. Online marketplaces are also encouraged to go beyond their legal obligations to further improve online product safety through the Product Safety Pledge+. However, no direct liability is put on online marketplaces for what they sell.

In Gabon, beyond the direct sales' ban provisions for SLPs, legal provisions are in place to prohibit the online sale of illegal products. According to Article 69 of Law No. 027/2023 of 11/07/2023 on cybersecurity and the fight against cybercrime, "Anyone who offers or makes available by electronic means any illicit product or substance, is punishable by five years' imprisonment and a fine of up to 10,000,000 francs or one of these two penalties". This applies also to mercury-added SLPs, as these cosmetics are banned as per Arrêté N° 000002/MSAS/CAB of 11/10/2023.

Most of the African Parties providing submissions have no such laws in place. For instance, Niger and Mauritania have no national regulations on the sales of these products that contain mercury.

Some of the non-governmental organizations, such as the ZMWG, have proposed enforcement measures that governments could use to address the illegal manufacturing, distribution, marketing, and sales of these mercury-containing cosmetics. They have also raised awareness of these products and their dangers.

2. Enforcement Strategies

Parties have devised methods for ensuring compliance, such as regular market surveillance and penalties for non-compliance. For instance, Thailand, in its submission, indicated that it conducts post-market surveillance for advertising violations annually and has collaborated with online platforms that continuously discourage the marketing, advertising, and display of mercury-added cosmetics.

Furthermore, Sri Lanka has developed strategies that discourage the marketing, and advertising of mercury-added cosmetics, and some of these strategies include the following:

- public awareness campaigns (for consumer awareness, and labeling requirements)
- regulatory measures (legislation such as banning import, manufacture, and sale), and
- compliance monitoring such as testing, and imposing penalties

The submission from the Philippines provided information on the ASEAN Post Market Alert System (PMAS). The Philippines reports to PMAS all of its enforcements, including those relating to confiscated products, imposition of penalties, and issuance of advisory lists. The Philippines submission also mentions however that enforcement of the existing ban for mercury-added cosmetics remains a challenge in terms of monitoring and confiscation in local and online markets.

In the USA, FDA has enforcement capabilities that could be used if an entity was found to be marketing, advertising, or displaying mercury-containing cosmetics that are prohibited by federal law. This strategy is aimed at discouraging marketing, advertising, and displaying any such cosmetics. The FDA publishes its compliance action on its website and alerts consumers that there are no FDA-approved cosmetics or otherwise legally marketed cosmetics or over-the-counter (OTC). Another strategy used in the USA is that the FDA publishes the intention to take action against those continuing to market these potentially harmful, and illegal OTC products.

In Canada, federal health authorities routinely perform compliance verification projects where select products that are on the market are reviewed and tested to ensure they meet regulatory requirements. Health Canada also encourages consumers to report any health or safety incidents related to the use of

cosmetics and requires periodic product safety updates from industry. If products are found to be non-compliant, then Health Canada will take compliance and enforcement actions as deemed appropriate, which could include warning letters, product recalls, seizures, or license suspensions.

The NYC Health Department reports that mercury-added skin lightening products have been found available for sale in local stores for over two decades with no discernable reduction in product sales over time. It reports that many of the same products continue to be sold years after being removed from store shelves. In addition, it continues to see new brands of skin lightening products on New York City store shelves that are found to contain mercury. Sometimes these new products are made by previously identified manufacturers, while other times they are produced by entirely new manufacturers.

Argentina has complementary actions prohibiting the use of the substance which include:

- Agreements between the health authority and digital sales platforms to facilitate the inspection and cancellation of publications of infringing products
- market control inspections at cosmetics points of sale

In summary, the information provided suggests that activities to phase out sales and offering of sales of skin lightening products should target both local and online marketplaces. Sales can be regulated, and such provisions could be complemented by voluntary measures as discussed in 4.6. Enforcing sales bans in local and online markets is mentioned as a capacity challenge for countries that have such bans, as resources are needed for effective enforcement. To address these challenges, stakeholder engagement strategies could seek to foster cooperation of traders, importers, online platforms as well as civil society.

C. Strategies for Discouraging the Marketing and Display of Mercury-Added Cosmetics

1. Marketing and Display

For the purposes of this report, the term “marketing” is taken to mean the process of promoting and selling products (in this case, mercury-added cosmetics) and to include activities such as advertising and market research.

Advertisements promoting the use of skin lightening products persist across global retail outlets, television, social media and online shopping platforms. These marketing tactics often reflect longstanding beauty standards with complex cultural and historical roots, with mercury-added skin lightening products increasingly sold through both local markets and online. Other marketing tactics include ‘influencers’ actively promoting skin lightening products, often to vast audiences.

The use of mercury in cosmetics poses a significant threat to human health thus prompting countries, and regulatory agencies worldwide to implement measures to restrict the marketing and display of these products. The submissions contain information on the current marketing restrictions governing mercury-added cosmetics, practices and enforcement efforts that are being made by countries to curb the use of mercury in cosmetics.

Under the Federal Food, Drug, and Cosmetics Act, the USA has put in place enforcement capabilities that could be used if an entity is found to be marketing, advertising, or displaying mercury-added drug cosmetics that are otherwise prohibited under federal law. The law has several possible enforcement tools that the FDA may use to exercise its authority, and these include; issuing import alerts, and detention authority, which permit FDA investigators to detain mercury-containing drug cosmetics at the ports of entry. Such products are generally considered to be “unapproved new drugs” and thus allow the use of sanctions against companies engaged in selling or distributing unapproved new drugs. Seizures of products, injunctions, refusal of entry, and, in some situations, criminal prosecution are also possible enforcement actions. However, the NYC Health Department reports that despite federal regulations and enforcement capabilities in place, the NYC Health Department, among other jurisdictions, have found mercury containing skin lightening products available for sale in local stores and online. These include skin lightening products that are on US FDA product import alerts, which is meant to restrict entry of these skin lightening products into the USA. This highlights the challenges of restricting sale of these products and the importance of eliminating their manufacture in countries of origin.

Similarly, in Canada, the sale, display, and marketing of unauthorized products including mercury-added skin-lightening creams are banned. Health Canada manages all complaints involving the advertising, and sale of unauthorized health products, including the intentional addition of mercury or

mercury compounds to cosmetic products which are prohibited as per the Food and Drugs Act and included in the Cosmetic Ingredient Hotlist. The sale and marketing of unauthorized health products is illegal in Canada. Health Canada faces challenges regarding labelling as products on the market may be incomplete or not accurately labelled to reflect the content and risk posed. Health Canada encourages anyone with information regarding the potential non-compliant sale or advertising of a health product to report it using the online complaint form.

In addition, in Sri Lanka, no manufacturer shall manufacture, sell, market, or display any skin creams and lotions unless such skin creams and lotions conform to the permissible maximum limit of mercury 1 mg/kg. Submissions from Republic of Korea, China, the Philippines, and Japan do not give a detailed explanation of how they follow through with their restriction acts, although these countries have regulations that ban all mercury-containing cosmetics: hence, no manufacturer, distributor, or seller shall sell, market, or display such products. Most African countries have no regulations or mechanisms in place to discourage the sale, marketing, and advertising of mercury-added products.

Rather than having general regulations that apply to the display and marketing of products, the EU has two specific regulations, one on cosmetic products (Regulation (EC) No 1223/2009) and one on mercury (Regulation (UE) 2017/852) that prohibit the export, import and manufacture in the EU of products with added mercury. Specifically, the export, import and manufacture of cosmetic products with added mercury, except for ethylmercury thiosalicylate and phenylmercury and its salts, which are used as preservatives, have been banned since December 31, 2020. These two regulations are mandatory in the 26 member states of the European Union

Display regulations refer to the rules, and guidelines governing how these cosmetics are presented, and labeled at the point of sale because, mercury-added cosmetics can be deceptively labeled or packaged, which poses a significant risk to unsuspecting consumers. Parties have established display regulations to ensure transparency, and warning labeling on these hazardous products. The information below provides an overview of display regulations for mercury-containing cosmetics in countries to protect consumers from the harmful effects of mercury in cosmetics and safeguard consumer's health:

- USA and Argentina: Each has an agreement between health authorities and digital sales platforms for inspections of products, and cancellation of publications of infringing products
- Thailand, Sri Lanka, and the Philippines: Online collaboration systems with the industry where they test, and impose penalties
- Republic of Korea, Japan, and China: Prohibit the sale, import, and display of mercury-added cosmetics both in stores, and online
- Thailand, Canada, and Argentina: Conduct post-market surveillance for market control inspections, and advertising violations annually - Canada expands this surveillance to online platforms where it conducts website reviews annually for any non-compliant products on the market, including mercury-added cosmetics
- EU: no direct regulations that apply to mercury-containing cosmetics, but there are general regulations that apply to the display, and marketing of products.

However, it is reported that products that contain mercury very rarely list it as an ingredient and often have incomplete or no ingredient lists.

2. Consumer Protection Initiatives

Mercury-added cosmetics pose significant threats to consumer health and safety, yet many consumers remain unaware of the risks. Consumer protection initiatives concerning mercury-containing cosmetics refer to the actions, policies, and programs implemented by the government to safeguard the interests, and well-being of consumers. Use continues to be prevalent especially among certain vulnerable communities. It is important to acknowledge that prejudice in favor of lighter skin tones is a major driver of use of skin lightening products and must be recognized when trying to address this issue. In addition to various measures to prevent the sale, and use of these hazardous products governments have taken initiatives aimed at educating consumers, monitoring markets, and enforcing regulations to safeguard public health. Some of these consumer protection initiatives outlined in submissions are listed below:

- Promotion of locally produced cosmetics with same features in order to eliminate cosmetics with toxic chemicals'.
- Consumers and concerned parties in Canada are provided with an online complaint form which they can use to report any product they suspect might contain mercury or any platform selling or advertising potentially non-compliant products.

- Sri Lanka and Sierra Leone conduct public awareness campaigns to inform the public of the products to look out for and their effects. They also make use of both print and electronic media to encourage consumer responsibility.
- The European Union, via the Swedish Medical Products Agency in Sweden, has made significant efforts to regulate enforcement actions against skin-whitening creams and to educate consumers about these potentially harmful products through its website and media.
- NYC Health Department’s Guidance for Consumers can be found on its website⁷.

However, the GMP observes that, because mercury in skin lighteners can effectively be replaced with other hazardous substances (such as hydroquinone or corticosteroids), it is important to understand the motivations behind their use and introduce interventions regarding skin lightening practices in general. Without addressing the underlying socio-cultural norms, demand will continue to grow.

D. Advisories, Detention Lists, and Prohibited Substances Lists Concerning Mercury-Added Cosmetics

1. Issuing Advisories

Advisories are official statements or notices that provide guidance, warnings, and recommendations about potential risks, threats, or hazards. Issuing of advisories aims to inform, and caution the public, to help the public make informed decisions or take the necessary precautions to mitigate harm. Table 4 provides examples of the different types of advisories that have been issued by countries.

Table 4: Examples of advisories issued by Parties

Party	Advisory issued
Albania	Prohibits mercury in cosmetics, except in limited cases where it is mixed with other ingredients at a maximum concentration of 0.0007%.
Argentina	Prohibited mercury in cosmetic products by ANMAT provision 1112/99 (order 220) and later allowed restricted use of mercury as a preservative in “makeup and makeup remover for the eye area” with a maximum concentration of 0.007%
Bangladesh	Requires manufacturers to obtain licenses and product ingredient approvals and ingredient lists must be provided for consumers as well as serve as a tool for regulatory authorities
Canada	Public advisory concerning unauthorized skin-lightening health products, including those containing mercury, which continue to be sold in Canada despite their risks
China	National Medical Products Administration issued a “Safety and Technical Standards for Cosmetics (2015)” that stipulates that mercury is prohibited as a component of cosmetics
EU	Article 5(1) of the Mercury Regulation prohibits the export, import, and manufacture of mercury-added products including the cosmetics
Japan	Ministry of Health, Labour and Welfare Notification No.331 of 2000 established the “standards for cosmetics”.
Republic of Korea	Cosmetics Act that prohibits mercury from being used as an ingredient in the manufacturing of cosmetics.
Niger	No method of issuing advisories
Philippines	Food and Drug Administration Advisory No.2023-2165 Public health warning against the purchase and use of Adulterated Cosmetic Products and notification of banned ingredients.
Sierra Leone	Plans to develop and publish public awareness
Sri Lanka	Consumer Affairs Authority on 03.05.2018 (Annexure) that prohibits the manufacture of skin creams and lotions that exceed the maximum limit of 1mg/kg. It plans to amend the regulation to eliminate mercury from products.
Thailand	Cosmetic Act B.E.2558 of 2015 prohibits the manufacture or subcontracts to manufacture products that are determined to be unsafe for use
USA	Compliance-related enforcement actions “Warning Letters” (Warning Letters Related to Cosmetics FDA) ⁸ and Import Alerts 53-18 and 66-41 (Import Alerts-accessdata.fda.gov) are publicly posted to the FDA Internet Website. The NYC Health Department, among other jurisdictions in the USA, also sends advisories on products containing mercury. ⁹

⁷ <https://www.nyc.gov/site/doh/health/health-topics/mercury-in-soaps-and-creams.page>

⁸ <https://www.fda.gov/cosmetics/cosmetics-compliance-enforcement/warning-letters-related-cosmetics>

⁹ <https://www.nyc.gov/assets/doh/downloads/pdf/lead/skin-lightening-products-health-warning.pdf> accessible via <https://www.nyc.gov/site/doh/health/health-topics/mercury-in-soaps-and-creams.page>.

2. Detention and Prohibited Substances Lists

Parties are either using detention or prohibited substances lists to control mercury in cosmetics.

Detention Lists: According to the ZMWG, detention lists are used to identify illegal skin lightening products, and if a product is found or suspected to be harmful, it is then added to the list of prohibited products. This is done to notify the customs service to stop imports of the product until the supplier or importer certifies that the product complies with the regulations of the country in question. Detention lists referred to in the submissions include the EU's rapid alert system for non-food products (RAPEX). Also, local health authorities in the USA keep lists of mercury-containing skin lightening products on their websites, as does the ZMWG. These lists are important since there is no centralized database of these skin lightening products, with associated results.¹⁰

Prohibited Substance lists: Official lists established, and maintained by government agencies, regulatory bodies, or international organizations. They list the substances that are banned or restricted from use in certain products, such as cosmetics, due to their potential harm to human health or the environment. These substances include toxic chemicals such as mercury. Examples of some prohibited substances listed in the submissions are the European Union's Cosmetics Regulation (EC) No.1223/2009, and the Canadian Cosmetic Ingredient Hotlist.

Several countries indicated that they plan to initiate detection and prohibited lists through the GEF-funded "Elimination of Mercury Skin lightening products" project.

E. Licensing and Product Ingredient Approvals for Cosmetics Manufacturing Facilities

1. Licensing Requirements

The use of mercury in cosmetics has raised significant health, and environmental concerns globally, prompting regulatory agencies to establish strict licensing and ingredient approval processes. In response, many countries have implemented regulations to restrict or ban the use of mercury in cosmetics, requiring manufacturers to obtain licenses, and approvals for specific ingredients before marketing their products.

Canada, China, and the Philippines are some of the countries that have a well-established licensing system. Health Canada's system of licensing a product gives approvals for products manufactured, imported for sale, or sold in Canada. For a product to receive approval, the product license applicants must present substantive evidence of product safety, efficacy, and quality. Health Canada performs reviews of all submitted evidence and evaluates the safety, efficacy, and quality of data provided. This is done to assess the potential benefits, and risks of the product. If the risks can be mitigated, drug products are issued with a notice of compliance as well as a Drug Identification Number, and natural products are issued with a Natural Product Identification Number. The approvals permit the marketing of the product in Canada. No mercury-added skin lightening products are authorized for sale in Canada due to safety concerns.

Japan, the Republic of Korea, and the USA have no licensing and ingredient Approval systems for Mercury-Added Cosmetics because they have banned the use of mercury in the production of cosmetics such as soaps, creams, and lotions. The USA has an exception where mercury is allowed only for research purposes and only allows traces for eye care cosmetics where there are no other effective measures. In the Republic of Korea, the manufacturing of mercury-added cosmetics is prohibited under its Cosmetics Act.

Mauritania, Albania, and Niger indicated that they do not have licensing and ingredient approval systems. Sierra Leone indicated that it plans to establish licensing systems and product registration. Thailand and the European Union have no licensing and ingredient approval system for the manufacturing of cosmetics, but they both have a notification system. The EU uses the Cosmetic Product Notification Portal (CPNP), which is an online notification system created for the

¹⁰ These can be found in the links below

- <https://www.nyc.gov/site/doh/health/health-topics/mercury-in-soaps-and-creams.page>
- https://data.cityofnewyork.us/Health/Metal-Content-of-Consumer-Products-Tested-by-the-N/da9u-wz3r/about_data
- <https://www.cdph.ca.gov/Programs/CCDC/DEOD/DCDC/DCDC/Pages/CreamsTested4Mercury.aspx#Commercial>
- <https://www.health.state.mn.us/communities/environment/skin/docs/testedprds.pdf>
- <https://www.zeromercury.org/cream-catalog/>

implementation of cosmetic product regulations. It allows companies and individuals to submit technical information related to cosmetic products to be marketed in the EU. In Thailand, the Ministry of Public Health's rules require manufacturers, importers, and subcontractors to file a notification and receive a receipt before producing or importing cosmetics.

Argentina does not issue licenses issued for ingredients used in the cosmetic industry. However, there is a requirement for registration of a cosmetic product and declaration of its qualitative and quantitative composition, which must comply with current regulations.

Sri Lanka has listed some products, such as soaps, beauty care products and sunscreen as licensed products under the regulations issued by the Department of Imports and Exports.

2. Ingredient Approval Processes

Ingredient approval assists Parties to control and regulate mercury-added cosmetics. The majority of the Parties that provided submissions indicated that they have no system in place to approve the ingredients being used in cosmetics. The ingredient approval process is one way Parties can ensure adherence to the Convention directive to have lower than 1 ppm of mercury in cosmetics.

Canada's approval process provides an example of a legal framework whereby manufacturers and importers of cosmetics are required to notify Health Canada within ten days of the product's first sale and submit details about the product, including an ingredient list, form, and function. Drugs and natural health products approved for sale in Canada must include on the label a list of active or medicinal ingredients and their concentrations.

The USA and the Philippines regulate cosmetics and their ingredients post-market except for color additives, with provisions to monitor and remove the products from the market as the products are already on the market and being sold to consumers. The practice does expose consumers to risk until the products are removed.

Several parties did not outline any ingredient approval processes for cosmetics in their submissions.

3. Regulatory Oversight

Regulatory oversight of cosmetics, particularly concerning mercury content, varies significantly across countries. While some, like Canada, and the USA, have structured enforcement mechanisms, others lack robust regulatory frameworks as shown in table 5. However, submission report that local health authorities have found mercury containing skin lightening products that have been manufactured abroad are available for sale at local shops, highlighting the difficulty of enforcement and the need for international regulations and enforcement actions that prioritize reducing the manufacture of these products in their countries of origin in order to protect consumer health. Where there are no enforcement mechanisms in place or systems, despite good laws being developed, the result may not be as effective as desired. Therefore, there is a need for Parties to deliberately strengthen the regulatory, and enforcement system.

Table 5: Examples of Enforcement systems in place

Party	Enforcement system
Canada	Enforcement summaries can be accessed through the Health Canada website ¹¹
USA	Federal Food, Drug, and Cosmetics Act has enforcement capabilities that could be used if an entity is found to be marketing, advertising, or displaying mercury-containing drug cosmetics that are otherwise prohibited under federal law, and has several possible enforcement tools it may use to exercise its authority
Philippines	The ASEAN to report to the ASEAN Post-Marketing Alert System
China	National Medical Product Administration
Argentina	Ministry of Health oversees regulating products that go into the market
Niger, the Republic of Korea, Sierra Leone, Sri Lanka, Albania and Mauritania	Did not provide any regulatory bodies that monitor, and enforce compliance with cosmetics regulations

The online sales of mercury-added skin lightening products are identified as a major gap in national regulations, driven by two key factors. First, existing laws governing on-line sales often limit the accountability of the platforms, reducing incentives to prevent illegal sales. Second, on-line sellers often operate outside national jurisdictions, making enforcement and controls particularly challenging.

¹¹ <https://www.canada.ca/en/health-canada/services/consumer-product-safety/reports-publications/industry-professionals/enforcement-summary-report.html#a1>

F. Developing and Implementing Product Safety Pledges for Online Platforms

1. Role of Online Platforms

Online platforms and e-commerce have become critical in the global distribution and sale of cosmetics, offering unprecedented access and convenience to consumers. These platforms provide a marketplace where consumers can purchase products from sellers worldwide, including niche and international brands that may not be available locally. These enable cosmetic brands to reach a global audience, facilitating sales across different regions without the need for physical stores. Digital marketing through online platforms is often more affordable than traditional advertising, allowing brands to allocate resources more efficiently. Brands can interact directly with customers through social media and e-commerce platforms, fostering loyalty, and providing personalized experiences. Online platforms provide valuable consumer data, and insights, helping brands to understand buying behaviors, and to tailor their offerings accordingly.

The importance of on-line platforms and e-commerce is particularly concerning, given the growing market share, and the challenges of regulating, especially where the seller operates from outside national jurisdictions. Violations of health and safety laws facilitated by e-commerce sites not only threaten public health but also create an uneven playing field since physical stores are subjected to domestic regulations that may not be consistently applied to the international online sellers.

Social media's influence on consumer buying behavior is significant, with online platforms serving as channels for trends and product endorsements. The convenience and vast selection available on these platforms have transformed the cosmetics industry, driving significant growth in e-commerce sales. This transformation in the cosmetics industry presents challenges, and the sale of products containing harmful substances, such as mercury, has become a concern. As a result, online platforms play a dual role in both enabling consumer access and posing risks related to product safety.

While most online platforms have policies relating to prohibited product, it is unclear how many systematically screen out mercury-added skin lightening products. Recent developments indicate that E-commerce giants are becoming more vigilant in enforcing internal policies that actively disallow sales offerings of dangerous and often illegal products.

2. Safety Pledges

Many platforms have started implementing safety pledges at governments' request. These pledges are voluntary commitments between government and online platforms, where online platforms pledge to ensure that the products sold on their sites comply with the conditions set. Developing these pledges involves collaboration between online platforms and governments to create clear guidelines and standards for product safety. Importantly, product safety pledges include performance indicators and regular reporting requirements to ensure that online platforms are following through on their commitments. For example, platforms can commit to requiring third-party sellers to provide proof of product safety, and compliance with local, and international regulations. This might include certificates of analysis from accredited laboratories or compliance with the Minamata Convention on Mercury. Furthermore, platforms can implement algorithms, and AI tools to detect automatically, and flag potentially unsafe products based on keywords, and seller history.

Seven of the 16 countries providing submissions reported that they have national regulations or safety pledges specifically aimed at preventing the sale of mercury-added cosmetics on online platforms. Canada launched its voluntary consumer safety pledge in 2023. The safety pledge can be accessed from the Canadian product safety pledge for consumer products and cosmetics.¹² However, most countries have no comprehensive national strategy to discourage marketing, advertising, or displaying these harmful products.

Another example of the safety pledge is seen under the EU. In 2018, several online marketplaces took voluntary commitments to go beyond legal requirements and signed the Product Safety Pledge the first agreement of its kind at the international level. This voluntary commitment framework complements EU laws and strengthens consumer protection efforts. Building on the original Pledge and taking also into account the changing market trends and new regulatory requirements, the Product Safety Pledge+

¹² <https://www.canada.ca/en/health-canada/services/consumer-product-safety/about-canadian-product-safety-pledge/pledge.html>

was launched in 2023. On 30 November 2023 the Product Safety Pledge+ was integrated into the New Consumer Protection Pledge.¹³

OECD countries have released the Communiqué of the OECD Working Party on Consumer Product Safety on Enhancing Consumer Product Safety on Online Marketplaces with Product Safety Pledges¹⁴ to encourage the development of additional and consistent pledges worldwide, together with Policy Guidance on Consumer Product Safety Pledges.¹⁵

The GMP has sought to address online sales by conducting outreach to global on-line platforms, starting with the distribution of an on-line survey. To facilitate engagement with E-commerce giants in eliminating sales of Mercury-added skin lightening products, the GMP is reviewing product safety pledges and internal on-line platforms policies. The GMP's initial assessment indicates that while most platforms have prohibited product policies in place, it is unclear how many systematically screen out Mercury-added skin lightening products.

G. Raising Awareness of the Hazards of Skin-Lightening Product Use

1. Target Audiences

Well-informed consumers are key to combatting the marketing of toxic products. Information on the risks of certain product ingredients can be presented through health care providers, online advisories and national detention lists, along with information on how to submit complaints to the authorities. Thirteen Parties indicated they had some form of awareness campaign program underway aimed at informing the public about the hazards of skin-lightening product use. Civil society organizations with access to reliable analytical instruments also support the authorities in the work of identifying non-compliant products. Despite such awareness efforts, it is evident that mercury-added cosmetics are widely used in the community. The pervasiveness of colorism is identified as a major barrier to reducing the demand for mercury-containing cosmetics.

Six Parties did not indicate any target audience for awareness programs. For those Parties that did, the following audiences were listed as key targets:

- General public
- Physicians
- Dermatologist
- Beauty center staff
- Customs and trade associations
- Importers
- Manufacturers
- Distributors
- Traders
- Learning Institutions
- Dentists
- Healthcare professionals

From the above list, most of the Parties indicated the general public as the major target, with a few listing physicians, dermatologists, and beauty centre staff. No country listed policymakers as a key target, although they are an important group to include for the effective implementation of the phase-out program.

¹³ For more details, see <https://ec.europa.eu/safety-gate/#/screen/pages/productSafetyPledge> and https://commission.europa.eu/strategy-and-policy/policies/consumers/consumer-protection-policy/consumer-protection-pledge_en

¹⁴ [https://one.oecd.org/document/DSTI/CP/CPS\(2021\)4/FINAL/en/pdf](https://one.oecd.org/document/DSTI/CP/CPS(2021)4/FINAL/en/pdf)

¹⁵ https://www.oecd.org/content/dam/oecd/en/publications/reports/2022/07/policy-guidance-on-consumer-product-safety-pledges_4decb1c1/055a8a15-en.pdf

2. Educational and Outreach Initiatives and Programs

Parties were also requested to provide information on which platform, and methods they were using to conduct awareness-raising programs. The use of media, (print, electronic, and social) was highlighted by most of the Parties as platforms used for outreach activities. However, most did not indicate which method or platform was used to communicate messages on mercury-added cosmetics. The platforms and methods identified were:

- print media included press statements, articles, and billboards, to reach target audiences
- electronic media included television, websites, and other online systems, and
- social media included Facebook, Instagram, and TikTok.

A few countries indicated the use of training sessions and other educational campaigns as a means of reaching the public. A few of these were tailored towards a target audience, for instance, Canada indicated they had developed, and delivered five bilingual webinars promoting compliance and targeting healthcare professionals across the country. Having target-specific materials can be important for effective communication.

Gabon reported it had conducted workshops at the provincial level for more than 250 participants: in addition, it has conducted focused group discussions in popular local markets in Libreville. Burkina Faso also reports that it had organized training workshops on the dangers of cosmetics containing mercury and on detection methods where more than 80 people were trained.

The USA, and the Philippines both used websites to publish health hazards associated with mercury-added products via websites.

The stakeholders also highlighted some of the documented outreach initiatives ranging from seminars to documentaries and/or campaigns. For instance, BAN Toxics regularly conducted activities for awareness-raising regarding the hazards of skin-lightening product use among physicians, dermatologists, and beauty center staff, including producing documentaries like *The Dark Side of Skin-Lightening*, a documentary on the impacts of cosmetic products, and its illicit trade, and running campaigns such as the *Balitang Toksik*, a social media campaign that highlights results of market monitoring, and testing activities amongst the many others.¹⁶

New York City promotes safety in the use of hazardous compounds as part of its outreach activities. The NYC Health Department has issued press releases and provider alerts about mercury in skin lightening products.¹⁷

The California and Minnesota Health Departments also have outreach materials for health care providers and the general public on this topic.

3. Impact Assessment

From the submissions, no Party indicated a method in use to assess the impact of the planned, and ongoing awareness campaigns aimed at reducing the use of mercury-added cosmetics. However, some of the stakeholders have suggested various methods for assessing the impact of awareness campaigns on reducing the use of mercury-added skin-lightening products including:

- Surveillance of various campaigns from their onset to report feedback, and general data collection thereafter.
- Further research on feedback is required to evaluate the most effective campaigns to prioritize them and discard those below the threshold yield.
- Monitoring general fluctuations or increases in consumer levels post-outreach.
- Regional cooperation amongst different organizations for data sharing, and exchange of methods for better accuracy of assessment.

¹⁶ These documentaries are available via the following links:

- https://www.youtube.com/watch?v=r_s9OtqkLCQ
- <https://www.zeromercury.org/mercury-added-skin-lightening-creams-campaign/>

¹⁷ Recently published press releases and provider alerts can be found here:

- <https://www.unep.org/globalmercurypartnership/news/press-release/new-york-city-health-department-warns-new-yorkers-about-skin-lightening-products>
- <https://www.nyc.gov/assets/doh/downloads/pdf/han/advisory/2025/han-advisory-2-skin-lightening-creams.pdf>

H. Other matters raised for consideration

Parties also provided information on other issues related to the phase-out mercury-added cosmetics. The following were among the key items raised:

- Align local regulations with international standards.
- Laboratory capacity especially at borders to be strengthened with equipment such as the XRF
- Carry out national/global inventory of mercury-added cosmetics
- Provide a mechanism for the disposal of cosmetic products containing mercury
- Provide a baseline for the use of cosmetic products containing mercury
- Collaboration of international regulatory bodies
- Collaboration between customs, and market surveillance authorities
- Promote research, and development of cosmetic products free of mercury
- Facilitate cooperation among the member countries of the Global Partnership on Mercury from UNEP to develop, and implement common international standards

V. Conclusions

Mercury-added cosmetics are listed in Part I of Annex A of the Minamata Convention for phasing out by 2025.

Eliminating mercury-added skin lightening products is a multi-faceted challenge, which includes, but not may be limited to addressing the following:

- Developing or strengthening legislation and regulations to phase out mercury added skin lightening products;
- Engaging supply chain actors to stop production, trade and distribution;
- Strengthening national capacities in testing and monitoring skin lightening products and providing training of custom agents; and
- Raising awareness that inspires meaningful behavior change—protecting consumers, their families and the planet.

While the submissions from Parties and stakeholders have highlighted the seriousness of the health and environmental impacts arising from mercury added cosmetics, mainly the mercury-added skin lightening products, the submissions also highlight the many challenges in phasing them out. These challenges can be summarized as:

- Lack of national implementing legislation and/or measures
- Inadequate enforcement
- Lack of capacity
- Lack of awareness
- Need for global cooperation.

A. National legislation to eliminate manufacturing, import and export

Although some Parties have legal measures that address mercury-added cosmetics specifically, and some have broader measures, the application of which could include mercury-added cosmetics, it is apparent that some Parties still lack any legislation to phase out manufacturing, import and export of mercury-added cosmetics.

B. National legislation to address sales and advertising

Some Parties have legislation and/or other legal measures to phase out sales and offers of sales of these mercury-added cosmetics. Other Parties regulate mercury-added cosmetics under pharmaceutical or consumer product regulations that can cover sales, marketing or advertising in addition to manufacturing, import and export. Although not specified as an obligation or action under the Convention, reducing demand will be important in eliminating supply (and, consequently, the manufacture, import and export) of mercury-added cosmetics.

C. Enforcement

Even if national regulations are in place, Parties face the challenges of enforcement of the regulations. Identified challenges include the following:

- Informal or illegal manufacturing of mercury-added cosmetics, often using mercury-containing ingredients imported without border control;
- Informal or illegal import of mercury-added cosmetics, often without proper customs declaration or proper labelling;
- Informal or illegal sales, marketing or advertising of mercury-added cosmetics, often without proper labelling

Databases of mercury-added cosmetics are being developed nationally, and international cooperation has started through projects funded by the GEF.

Online sales are a considerable challenge, especially where the products are shipped across the national boundaries. Moreover, the skin lightening products landscape continues to evolve, with changing brand names of mercury-containing products. Efforts are required to control the manufacturing of mercury-added cosmetics in the countries of origin. Regulations on online platforms are emerging, and, where mandatory regulations do not apply, voluntary safety pledges are starting to be used.

D. National capacities

A number of Parties pointed out the lack of national capacity to develop and enforce measures to control mercury-added cosmetics, including the need for:

- national and local institutional capacity to regulate manufacture of mercury-added cosmetics;
- capacity of customs and border control authorities to control import of mercury-added cosmetics, especially where there are “open borders”, including technology to detect mercury in products;
- national and local capacity to survey the sale, marketing and advertising of mercury, including online sales;
- technical and laboratory infrastructure to test mercury levels in cosmetics.

E. Raising Awareness

The importance of raising awareness among key groups such as beauty center staff, customs officials, and healthcare professionals was recognized. The pervasiveness of colourism needs to be acknowledged as a major barrier to reducing the demand for mercury-containing cosmetics. Actions taken by Parties include the following:

- public health campaigns, including through mass media channels and social media;
- educating the public about the dangers of mercury in cosmetics to reduce demand, and improve consumer safety;
- strict control on labeling;
- development of awareness-raising materials in languages and literacy levels of marginalized communities; and
- promotion of the use of non-traditional education tools such as infographics and oral communication.

F. International cooperation

Parties and stakeholders in their submissions called for global or regional cooperation on enforcing regulations on mercury-added cosmetics, sharing information about illegal trade, capacity building, awareness raising, research and development. The Libreville Commitment of 2025 is cited as an example of regional cooperation. The concept for GEF project in Africa was approved in June 2025, and projects in Asia-Pacific and Latin America and the Caribbean are also being developed.

In summary, noting that the phase-out deadline of mercury-added cosmetics containing more than 1 ppm of mercury is 2020, and that of cosmetics with any mercury content is 2025, compliance with the phase-out specified by the Convention may be difficult for some Parties.

Annex II

LIBREVILLE COMMITMENT ON THE ELIMINATION OF MERCURY-CONTAINING SKIN- LIGHTENING COSMETICS IN AFRICA

Libreville, 22 January 2025

We, the African Ministers in charge of Health and the Environment, meeting in Libreville (Gabon) on 22 January 2025 with other Ministers and representatives of international organizations, civil society, academia and the private sector, on the occasion of the Regional Workshop on the elimination of mercury-containing skin lightening cosmetic products in the African region:

1. *Recalling* the Libreville Declaration on Health and Environment in Africa of 2008;
2. *Taking* note of the 2010 Luanda Commitment on the implementation of the Libreville Declaration on Health and Environment in Africa;
3. *Noting* with great concern the scientific reports on the health and environmental consequences of exposure to skin-lightening cosmetic products containing mercury, both for users and for family members, in particular children and pregnant and breastfeeding women;
4. *Recalling* the resolution of the Sixty-seventh World Health Assembly welcoming the formal adoption of the Minamata Convention on Mercury and encouraging Member States to take the necessary national measures to sign, ratify and implement the Convention and to address the health aspects of exposure to mercury and mercury compounds through their uses in the health sector;
5. *Recalling* the crucial importance of effective, inclusive and sustainable multilateral action to combat climate change, biodiversity loss and pollution, as underlined in the Ministerial Declaration of the United Nations Environment Assembly at its sixth session held in Nairobi on 29 February 2024;
6. *Stressing* the importance of the decisions adopted by the fifth Conference of the Parties to the Minamata Convention on Mercury at its fifth meeting MC-5/4: Amendments to Annexes A and B and feasibility of mercury-free alternatives for Annex B manufacturing processes on the implementation of Articles 4, 16, 17 and 18 of the said Convention;
7. *Bearing* in mind the WHO report A71/rev.1 of 10 May 2008 on the Global Strategy for Women's, Children's and Adolescents' Health (2016-2030) presented to the Seventy-first World Health Assembly;
8. *Welcoming* the results achieved by Gabon in conducting project GEF 10810 'Eliminating Mercury Skin Lightening Products', conducted simultaneously in Jamaica and Sri Lanka to strengthen the legal and institutional framework for the elimination of mercury-containing skin lightening cosmetic products;
9. *Acknowledging* the progress made in the implementation of the project to strengthen the legal framework and institutional capacities of the ECOWAS countries (Burkina Faso, Senegal and Togo) for the implementation of Articles 3 and 4 of the Minamata Convention, financed by the International Specific Programme;
10. *Aware* of the widespread practice of skin lightening and whitening in all social strata in Africa;
11. *Recognizing* with concern the dangerous effects of anthropogenic mercury, mercury compounds and mercury wastes on human health, wildlife and the environment;
12. *Stressing* the importance of effective awareness raising and enforcement activities to reduce and eliminate the mercury-added cosmetics industry, the informal trade, both online and in shops, of unauthorized cosmetics and the development of unauthorized local production;
13. *Noting* the complexity of human behaviour, and in particular the psychological/cognitive, social-cultural and environmental factors of skin lightening practices, which in turn underlines the need for scientific approaches to understand and address behaviour and its factors in this context;

14. *Recognizing* the inadequate sampling, testing, waste management, regulatory frameworks and enforcement capacity in many African countries to address mercury-containing skin lightening cosmetic products;

15. *Recognizing* the need to increase analytical capacity to identify mercury in skin lightening cosmetic products in order to effectively enforce the monitoring of manufacture, import and export;

16. *Noting* the progress made by the pilot countries: Gabon, Jamaica and Sri Lanka, in the fight against mercury-containing skin- lightening cosmetic products;

17. *Reiterating* the urgency of implementing the African Health Strategy 2016 - 2030 in the context of the African Union's Agenda 2063: 'The Africa We Want' and the Sustainable Development Goals (SDGs) and the 2030 Agenda on health and well-being;

18. *Acknowledging* the collaborative efforts of the World Health Organization (WHO), the Biodiversity Research Institute (BRI), the United Nations Environment Programme (UNEP), the Global Mercury Partnership (GMP), and the Secretariat of the Minamata Convention on Mercury to mobilize resources from the Global Environment Facility and other bilateral and multilateral partners;

19. *Appreciating* the contributions of the Global Mercury Partnership to the elimination of mercury-containing skin lightening cosmetic products through the strategic engagement of civil society, academia, public and private sector actors, as well as global awareness raising and knowledge management initiatives.

1. *Commit* ourselves, together with other Ministers, representatives of international and regional organizations, civil society and academia, to:

- a) Create incentives for online platforms to adopt voluntary agreements to identify, remove and prevent the sale of cosmetics containing more than 1 ppm of mercury;
- b) Mobilize sufficient resources from governments and partners to intensify efforts to eliminate mercury-containing skin-lightening cosmetic products;
- c) Equip and/or strengthen national regulatory authorities for medicines and other health products, including skin lightening cosmetic products, with technical analytical and logistical capacity;
- d) Strengthen capacities for the management of waste from mercury-containing products added;
- e) Undertake the following actions:
 - i. Extend the project to eliminate skin-lightening cosmetic products containing mercury to additional African nations;
 - ii. Support the establishment of national, sub-regional and/or regional public databases on mercury-containing skin lightening cosmetic products;
 - iii. Establish standardised and comprehensive border and in-country monitoring and control systems for mercury-containing skin lightening cosmetic products;
 - iv. Establish national, sub-regional and/or regional commitments to promote voluntary agreements by online platforms to ensure that mercury-containing cosmetic products are not sold, offered for sale and, where identified, removed in a timely manner;
 - v. Develop public awareness programmes and media training regarding the deleterious effects of skin bleaching and the acceptance of natural skin colour in order to counteract harmful skin lightening and bleaching practices;
 - vi. Employ behavioural science methodologies to investigate the underlying factors contributing to skin lightening practices, and utilise these findings in the development of public health interventions and community engagement strategies aimed at altering behaviour and addressing societal influences;
 - vii. Facilitate collaboration amongst diverse stakeholders, including civil society organisations, community leaders, academic institutions, and professional groups such as dermatologists, primary healthcare providers, educational establishments, and religious organisations, as well as the private sector, in concerted efforts to counteract skin whitening practices;

- viii. Utilise behavioural science to elucidate the factors underlying skin lightening practices and apply the findings to public health interventions and community engagement initiatives aimed at modifying behaviour and addressing societal factors;
- ix. Engage all stakeholders, including civil society organisations, community leaders, academia, and professional groups such as dermatologists, primary care practitioners, educational institutions, and faith groups, as well as the private sector, in efforts to address skin whitening practices;
2. *Invite* the Government of the Gabonese Republic to submit this Commitment to the African Council of Ministers in charge of the Environment (AMCEN) and to the Secretariat of the Minamata Convention on Mercury, with the objective of its presentation at the 6th Conference of the Parties to the Minamata Convention to be convened in Geneva, Switzerland, in November 2025.
3. *Request* WHO, UNEP, GEF, BRI, the Global Mercury Partnership and the Secretariat of the Minamata Convention on Mercury to:
- a) continue and expand their support for developing countries' initiatives to eliminate products containing added mercury, in accordance with the decisions of the Conference of the Parties;
 - b) support the work of the Global Mercury Partnership by extending it to other intergovernmental organisations, civil society and the private sector and by strengthening a global alliance to eliminate mercury-containing skin-lightening cosmetic products and to promote equitable beauty standards for all skin pigmentations;
 - c) develop and disseminate tools to enhance global awareness of the health risks associated with skin lightening
 - d) Present the empirical evidence acquired in Gabon, Jamaica and Sri Lanka to other nations, regions and international fora, including the subsequent Conference of the Parties to the Minamata Convention on Mercury;
 - e) Provide assistance to Parties to mitigate and eliminate the large-scale manufacture of mercury-containing skin lightening cosmetic products;
 - f) Support the expansion of voluntary product safety commitments by online platforms, as has been implemented by the European Union, Australia, Japan, the Republic of Korea and Canada, as well as India and the United Arab Emirates.
4. *Invite* the Parties, at the 6th meeting of the Conference of the Parties to the Minamata Convention on Mercury, to follow up on the COP5 decisions on mercury-containing skin cosmetics and to adopt a work programme, including a budget, to accelerate their elimination.

ATTENDED

- His Excellency Raymond NDONG SIMA, Premier Ministre, Gabon ;
 - Dr. Iziaq Adekunle SALAKO, Minister of Health and Social Affairs, Nigeria;
 - Mme Monika Stankewich, Executive Secretary of the Minamata Convention (online);
 - Dr. Rose Mwebeza, UNEP Regional Director for Africa (online);
 - Mme Lesley ONYON, Head Chemical Safety and Health Unit, Department of Environment, Climate Change and Health, World Health Organization;
 - Mays MOUISSI, Ministre de l'Environnement et du Climat, Gabon ;
 - Pr. Adrien MOUGOUGOU, Ministre de la Sante, Gabon ;
 - Mme Laurence MENGUE ME NZOGHE épouse NDONG, Ministre de la Communication et des Médias, Gabon;
 - Mme. Marie Paulette Parfaite AMOUYEME OLLAME, Ministre du Commerce des Petite et moyenne Entreprises & des Petites et Moyennes Industrie, Gabon ;
 - Mme. Armande LONGO épouse MOULENGUI, Ministre de la Culture et des Arts, Gabon ;
 - Mme. Angélique NGOMA, Président de la Commission des Affaires Sociales, Assemblée Nationale du Gabon ;
 - Mme. Ines Roselyne NDUWIMANA, Assistante du Ministre de la Santé Publique et de la Lutte contre le Sida, Burundi ;
 - M. Parfait KOUADIO KOUAKOU, Directeur de Cabinet du Ministre de l'Environnement, du Développement Durable et de la Transition Écologique, Côte d'Ivoire ;
 - M. Fidèle YAMEOGO KOUILGA, Inspecteur de l'Environnement, Chargé de mission du Ministère de l'Environnement, de l'Eau et de l'Assainissement, Burkina Faso ;
 - Pathé DIEYE, Conseiller Technique du Ministre de l'Environnement et de la Transition Ecologique, Sénégal ;
 - Dr Christopher MUSHAVA, Director Environmental Protection, Ministry of the Environment, Climate and Wildlife, Zimbabwe;
 - Mme. ITSIEMBOU Aimé Bertille Secrétaire Générale du Conseil Economique, Social et Environnemental, Gabon.
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