



Implementation and Compliance Committee**Minamata Convention on Mercury****Fifth meeting**

7–9 March 2023, Geneva

Report on the fifth meeting of the Implementation and Compliance Committee of the Minamata Convention on Mercury, 7 to 9 March 2023, Geneva**Item 1****Opening of the meeting**

1. The fifth meeting of the Implementation and Compliance Committee of the Minamata Convention on Mercury (hereinafter referred to as “the Committee”) was held in Geneva from 7 to 9 March 2023.
2. Ms. Paulina Riquelme (Chile), Chair of the Committee, opened the meeting at 9 a.m. (Geneva time) on Tuesday 7 March 2023. She greeted Ms. Itsuki Kuroda (Japan), Vice-Chair and Rapporteur for the meeting, and welcomed Committee members thanking them for their interest in the work of the Committee and noted the importance of the meeting as the first opportunity to review progress made by Parties to implement the Convention and that she looked forward to productive discussions.
3. In her opening remarks, Ms. Monika Stankiewicz, Executive Secretary of the Minamata Convention, welcomed members of the Committee to the fifth meeting and highlighted the important role of the Committee during the intersessional period until COP-5 in late 2023 to advance implementation of the Minamata Convention. She further noted that during the present meeting the Committee would for the first time consider and respond to the full report of the Secretariat on the full national reports – submitted for the 16 August 2017 to 31 December 2020 reporting period in accordance with Article 21 – comprising of the 43 questions of the reporting format.
4. Following the opening statement and introductory remarks by Committee members, the Chair noted that four members of the Committee were unable to attend the meeting: Jelena Kovačević (Montenegro), Mr. Mve Beh Jean Hervé (Gabon), Mr. Christopher Kanema (Zambia), and Mr. Mohammed Khashashneh (Jordan).
5. The following members were present at the fifth meeting:
From the African States:
Mr. Musa Kuzumila Ngunila (Tanzania)
From the Asia-Pacific States:
Mr. Abbas Torabi (Iran)
Ms. Itsuki Kuroda (Japan)
From the Eastern European States:

Ms. Romana Grizelj (Croatia)

Mr. Atanas Stoyanov Dishkelov (Bulgaria)

From the Latin American and Caribbean States:

Ms. Paulina Riquelme (Chile)

Ms. Jimena Nieto Carrasco (Colombia)

Ms. Meredith Henry-Cumberbatch (Suriname),

From the Western European and other States:

Ms. Anik Beaudoin (Canada)

Ms. Helga Schrott (Austria)

Ms. Karoliina Anttonen (Finland)

6. The following observers were present at the fifth meeting: Elena Lymberidi-Settimo (Zero Mercury Working Group) and Florian Schulze (European Network for Environmental Medicine).

Item 2

Organizational matters

(a) Adoption of the agenda

7. The Committee adopted the agenda on the basis of the provisional agenda (UNEP/MC/ICC.5/1):

1. Opening of the meeting.
2. Organizational matters:
 - (a) Adoption of the agenda;
 - (b) Election of Officers
 - (c) Organization of work
3. National reporting pursuant to Article 21 of the Convention
4. Work programme of the Implementation and Compliance Committee for 2024-2025
5. Date and venue of the of the sixth meeting of the Implementation and Compliance Committee
6. Other matters
7. Adoption of the report
8. Closure of the meeting.

(b) Election of Officers

8. The Committee elected Anik Beaudoin (Canada) as Chair, and Musa Kuzumila Ngunila (Tanzania) as Vice-Chair and Rapporteur to serve for the period commencing at the closure of the fifth meeting until the closure of the following in-person meeting of the Committee.

(c) Organization of work

9. The Committee agreed to meet from 9 a.m. to 1 p.m. and from 2 p.m. to 6 p.m. on 7 and 8 March 2023, and from 9 a.m. to 1 p.m. on 9 March, subject to adjustments as necessary.

10. The Committee further agreed that deliberations to prepare recommendations to the Conference of the Parties shall be closed to observers, pursuant to rule 15 of the Committee's rules of procedure.

Item 3

National reporting pursuant to Article 21 of the Convention

11. The Chair opened the agenda item of considering the first full national reports submitted pursuant to Article 21 of the Convention for the reporting period 16 August 2017 to 31 December 2020 and invited the Secretariat to present on the role of the Committee, as per Article 15 of the Convention and the Terms of Reference of the Committee, and the structure of the full report on the first full national reports prepared by the Secretariat.

12. The Secretariat recalled that, according to paragraph 1 of Article 21, Parties report to the Conference of the Parties through the Secretariat, on measures taken to implement the provisions of the Convention and on the effectiveness of such measures and the possible challenges in meeting the objectives of the Convention. According to paragraph 2 of Article 15 the Committee shall promote implementation of, and review compliance with, all provisions of the Convention, and shall examine both individual and systemic issues of implementation and compliance and make recommendations, as appropriate, to the Conference of the Parties.

13. As the Committee may consider issues on the basis of national reports according to paragraph 4(b) of Article 15, the Chair invited the Secretariat to present the content of the full report on the first full national reports¹ and to introduce the findings of its review for the consideration of the Committee.

14. The Secretariat recalled that in Decision MC-1/8, the Conference agreed on the timing and format of national reporting by Parties, and that the full format covered 43 questions to be reported by all Parties every four years, while the short report covered four questions (as marked by * in the full format) to be reported on every two years. Furthermore, the Secretariat pointed out that, in addition to the questions, the reporting format also included Part C which gave Parties the opportunity to comment on possible challenges in meeting the objectives of the Convention, Part D which gave Parties the opportunity to comment on the reporting format and possible improvements, and Part E which provided Parties the opportunity to provide additional comment on each of the articles in free text if the Party wishes to do so. The Secretariat also recalled that, according to the same decision, the first full national reports were due by 31 December 2021.

The Secretariat explained that the Secretariat completed its review of the submitted national reports and prepared a report, in accordance with paragraph 25(b) of the Terms of Reference of the Committee, to inform the Committee of the following: (a) Parties' reporting performance; (b) particular issues that emerged from the national reports and might be of interest to the Committee.

15. The Secretariat was invited by the Chair to introduce its report on the first full national reports, section-by-section.

Reporting Performance

16. The Secretariat presented the relevant findings identified in the report of the Secretariat on the first full national reports. Overall, the representative of the Secretariat concluded that this represented a robust and commendable reporting performance by Parties.

17. The Committee expressed appreciation for the 92% reporting rate and recognized that numerous new Parties submitted national reports. It also acknowledged the Secretariat's efforts to reach out and support the submission of the remaining 10 reports.

18. Upon request of the Committee, the Chair committed to send an official letter to all Parties who had not yet submitted their national reports to invite them to submit such reports in advance of the fifth meeting of the Conference of the Parties, to be held in late 2023. The Chair requested all members of the Committee to facilitate the distribution of the letter to relevant authorities within their respective regions.

19. Based on the findings on reporting performance presented by the Secretariat, the Committee reached the conclusions and recommendations as set out in the annex to this document.

Responses to questions on Articles 3 to 12 of the reporting format

20. The Secretariat presented its findings and issues for consideration related to responses to questions on Articles 3 to 12, as identified in the Secretariat's report on the first full national reports.

21. The Committee discussed and commented on the information presented with the aim of preparing recommendations regarding Articles 3 to 12. Deliberations to prepare recommendations were held without the presence of observers in accordance with rule 15 of the rules of procedure of the Committee. As part of these deliberations, the Committee requested the Secretariat to reflect the following views in the report of the meeting.

22. Regarding the implementation of Article 3, one Committee member mentioned that in order to collect information on illegal trade and support the implementation of the Bali declaration, Parties could be invited to report on challenges and examples related to illegal trade in their future national reports under Article 21. Regarding the endeavour to identify individual stocks of mercury or mercury compounds exceeding 50 metric tons provided in paragraph 5 (a) of Article 3, one Party pointed out

¹ The Secretariat report on the first full national reports will be updated and reproduced in its entirety in document UNEP/MC/COP.5/16 to be submitted to the fifth meeting of the Conference of the Parties.

that, since the existing guidance² adopted by the first meeting of the Conference of the Parties does not cover the meaning of accumulated stockpiles nor identifies a calculation method, one Committee member mentioned further clarification might be necessary.

23. On Article 4, one Committee member identified the need to inform Parties of their obligation under the Convention to take two or more measures to phase down the use of dental amalgam. On dental amalgam, one observer raised the issue of the lack of information on the trade of dental amalgam in the context of the implementation of Article 3, and suggested Parties to look at other existing and available information sources to enable them to report on the trade of dental amalgam. Regarding measures listed in Part II of Annex A to the Convention, an observer also referred to the upcoming entry into force, on 28 September 2023, of the amended Annex A to the Convention adopted by the fourth meeting of the Conference of the Parties, as an important step in the control of dental amalgam.

24. A Committee member stated that additional information on facilities subject to Article 5 processes that had been shut down in anticipation of the Convention coming into force was available and should also be included in the overview of the number and type of facilities to be reported under question 5.1 of the reporting format. A Committee member also requested that the amounts of mercury reported would be consistently reflected in metric tonnes.

25. The Committee noted that many Parties reported on their efforts to implement Article 7, including determinations by numerous Parties that artisanal and small-scale gold mining (ASGM) using mercury in their territory is more than insignificant, and the resulting requirements for those Parties to notify the Secretariat of such determination, and to develop and implement an ASGM National Action Plan (NAP). The Committee discussed the experiences and challenges of parties in developing and implementing NAPs, and that some NAPs had not been submitted within the deadline set forth in Article 7. The Committee also discussed the requirement for Parties submitting NAPs to review their implementation of Article 7 as per the deadline for that action set forth in Article 7, and to submit the results of their review with their national reports. No such reviews were due within the reporting period but would be due in future reporting periods. The issue of the limited guidance available to Parties to develop such reviews was raised. Since guidance on the review is already provided in two sections of the existing Guidance on Developing a National Action Plan to Reduce and, Where Feasible, Eliminate Mercury Use in Artisanal and Small-Scale Gold Mining, one Committee member pointed out that, it would be better to expand those sections rather than developing a separate guidance document.

26. Regarding the limited number of Parties reporting on the effectiveness of the measures taken to implement Article 8 as requested by the reporting format, one of the Committee's members pointed out there were diverging views on how the request for information on effectiveness of measures could be approached by Parties when reporting as there were different capabilities which might have prevented Parties from reporting on the effectiveness, beyond the lack of clarity on how to report. Therefore, the Committee member pointed out that the Committee's conclusion to update the draft national reporting guidance on national reporting to provide further clarity was not going to support all Parties' in their efforts to report on effectiveness of measures.

27. On emissions, an observer noted the importance of the sector but pointed out that outside of the Global Mercury Partnership, not much work has been done to closely look at the sector. The observer also raised the lack of descriptions of the effectiveness of measures reported and suggested that information on the kind of BAT/BEP measures and the description of measures by Parties be compiled and shared broadly to improve better understanding of the implementation of Art. 8.

28. A Committee member sought an update from the Secretariat on the comments received on the draft national reporting guidance and the process of updating the guidance. The Secretariat updated the Committee on the steps it has taken in line with decision MC-4/8, where the Secretariat sought additional comments from Parties and other stakeholders on the draft national reporting guidance, taking into account Parties' experiences in completing the first full national reports. The Secretariat reported that many comments were received by the deadline of 15 December 2022, and that work will be undertaken to integrate the comments and further develop the draft which will then be submitted to the COP for its review and approval. A Committee member inquired if it was possible to review the draft guidance and provide comments. The Chair noted that the review of the draft guidance was a

² Guidance on the identification of individual stocks of mercury or mercury compounds exceeding 50 metric tons and sources of mercury supply generating stocks exceeding 10 metric tons per year, available at <https://mercuryconvention.org/en/documents/guidance-identification-individual-stocks-mercury-or-mercury-compounds-exceeding-50-0>

separate process from the process undertaken by the Committee, and that the Committee would have its own recommendations on the reporting format.

29. Regarding the limited number of Parties reporting on the effectiveness of the measures taken to implement Article 9 as requested by the reporting format, one of the Committee's members pointed out there were different capabilities which might have prevented Parties to report on the effectiveness of such measures, beyond the lack of clarity on how to report, and therefore the Committee's conclusion to update the draft national reporting guidance on national reporting to provide further clarity was not going to support all Parties' in their efforts to report on effectiveness of measures.

30. The Secretariat clarified that Parties' reporting on the effectiveness of measures taken to implement Article 8 and 9 was not expected to directly inform the effectiveness evaluation process established under Article 22. On this point, a Committee member recalled the guidance given by the Secretariat, during a recent online information session on national reporting, to include, where appropriate, in national reports under Article 21 a narrative and examples on measures undertaken by Parties to promote the effectiveness of such measures.

31. On Article 10, the Committee discussed the reason why many Parties reported that they did not undertake measures to ensure that the interim storage of non-waste mercury and mercury compounds intended for a use allowed under the Convention (question 10.1 of the reporting format). The Secretariat shared that Parties who responded "no" did not provide additional explanations in their response. The Secretariat also confirmed the possibility that some Parties may have confused Article 10 on non-waste mercury with Art. 11 on mercury waste. A Committee member raised the concern that there may be a need to standardize the criteria for interim storage of non-waste mercury. The Committee concluded that more information was needed to understand the reasons behind Parties responses to question 10.1, in particular in the context of a possible misunderstanding between waste and non-waste mercury.

32. On Article 11, one Committee member raised the issue of whether measures listed under paragraph 3 of Article 11 were compulsory. The Secretariat confirmed that the measures listed were compulsory for waste consisting of mercury or mercury compounds, and waste containing mercury or mercury compounds, while for waste contaminated with mercury or mercury compounds relevant thresholds were to be established by the Conference of the Parties at its fifth meeting pursuant to paragraph 2 of Article 11. On Article 11, an observer noted that the prevention in the generation of mercury waste was a critical step to address mercury waste. The observer suggested that an inventory of relevant disposal facilities for the different types of mercury wastes be undertaken as it would be useful for Parties. The observer further noted that the Global Mercury Partnership could play a role in helping the Secretariat in making this information available to Parties.

33. With respect to Article 12, the Committee discussed the need to gather information on implementation challenges faced by Parties to be able to better reconsider the issue at its next meeting.

34. Based on the findings regarding responses to Article 3 to 12 presented by the Secretariat and its deliberations, the Committee reached the conclusions and recommendations set out in the annex to this document.

Responses to questions on Articles 13 to 19, Part C and Part D of the reporting format

35. The representative of the Secretariat presented the findings and issues for consideration related to responses to questions on Article 13 to 19 as well as an overview of the responses to Parts C and D of the reporting format, as identified in the report of the Secretariat on the first full national reports.

36. The Committee discussed and commented on the information presented with the aim of preparing recommendations regarding Articles 13 to 19. Deliberations to prepare recommendations were held without the presence of observers in accordance with rule 15 of the rules of procedure of the Committee. As part of these deliberations, the Committee requested the Secretariat to reflect the following views in the report of the meeting.

37. The Committee noted that many parties had undertaken significant efforts to mobilize resources at the national level to implement the Convention pursuant to Article 13. It also noted the need for all Parties to mobilize resources at the national level and provide further resources, within their capabilities, to support the implementation of the Convention.

38. With respect to Article 14, one of the Committee's members pointed out the importance of the balanced provision of capacity-building and technical assistance within and across regions. The Committee also noted the need for all Parties to cooperate in the provision of capacity-building and technical assistance.

39. Regarding Article 16, one Committee member enquired about the guidance developed by the World Health Organization (WHO) on Strategic planning for implementation of the health-related articles of the Minamata Convention on Mercury. The Secretariat responded that it was appropriate to make reference to such guidance in the recommendations of the Committee to the Conference of the Parties considering that the Conference of the Parties was to consult and collaborate with WHO in considering health-related issues or activities in accordance with paragraph 2 of Article 16.

40. With respect to Articles 17, 18 and 19, the Committee discussed at length amendments to the reporting format as reflected in the annex to the present document.

41. Based on its deliberations, the findings regarding responses to Article 13 to 19 as well as the overview of the responses to Parts C and D of the reporting format presented by the Secretariat, the Committee reached the conclusions and recommendations as set out in the annex to this document.

Item 4

Work programme of the Implementation and Compliance Committee for 2024-2025

42. The Committee estimated in view of the anticipated workload that it would require a 3-day face-to-face meeting during the intersessional period. In addition, the Committee also agreed that it would be appropriate to organize a meeting by electronic means before the face-to-face meeting of the Committee.

Item 5

Date and venue of the sixth meeting of the Implementation and Compliance Committee

43. The Committee decided that its sixth meeting would be held online in 2024, and its seventh meeting would be held face-to-face in the first quarter of 2025, with the exact timing to be determined by the Secretariat in consultation with the Chair. The seventh meeting would be held in Geneva unless an offer was received from one of the members to host the meeting.

Item 6

Other matters

44. One Committee member raise the need for more clarity on the expected outcomes of its future meetings to be made available in advance of such meetings. The same Committee member pointed out that it would be useful to create a member-only area on the Committee's website where Committee members could find relevant documents, including a scenario note, and share information regarding the expected outcomes of its meetings.

45. The representative from the Secretariat explained that, in accordance with paragraph 19 and 20 of the terms of reference, the Committee's report to the Conference of the Parties, including recommendations, would be included in a working document to be submitted to the fifth meeting of the Conference of the Parties. The representative from the Secretariat further explained that the report of the fifth meeting of the Committee would be included in an information document also to be submitted to the fifth meeting of the Conference of the Parties.

46. Another Committee member shared concern regarding quorum since four members did not attend the meeting and suggested that Committee members inform their respective regions on the lack of attendance of certain members to prevent possible future issues in establishing quorum.

Item 7

Adoption of the report

47. The Committee agreed to adopt the full report of the meeting *ad referendum*, subject to finalization of details and final clearance by the Rapporteur.

48. The Committee also agreed to adopt by silent procedure the report on the work of the Implementation and Compliance Committee of the Minamata Convention on Mercury to be submitted to the fifth meeting of the Conference of the Parties in accordance with paragraph 2 of article 15 of the Convention and section V of the terms of reference for the Committee. The Committee requested the Secretariat to prepare such draft report, in consultation with the Chair, and to circulate it to Committee members by electronic means.

Item 8**Closure of the meeting**

49. Following closing remarks by the Chair and the Executive Secretary, the Chair thanked the members of the Committee and the Secretariat for their work and declared the meeting closed at 2:15 p.m. (Geneva time) on Thursday 9 March 2023.

Annex

Conclusions and recommendations for the consideration of the Conference of the Parties at its fifth meeting

1. Reporting performance

1. Regarding reporting performance, the Committee reached the following conclusions:
 - welcomed Parties on the 92% reporting rate;
 - recognized that eight new Parties also submitted their national reports though the Convention entered into force for them only at the end of the first full reporting period;
 - expressed some concern that ten Parties had yet to meet their obligations to submit their full national reports that were due by 31 December 2021;
 - invited the Chair of the Committee to send a letter to Parties who had not submitted their national reports - with copy to permanent missions and Committee Members, for onward circulation with their respective regions - requesting them to submit at the latest by the end of May 2023.³
2. The Committee agreed on the following recommendations to the Conference of the Parties:
 - Emphasizing the importance on reporting, to recall Parties' obligation to submit their national reports pursuant to Article 21;
 - to consider further action with respect to those Parties who did not submit their national reports for the first full national reporting cycle.

2. Article 3

(a) Primary mercury mining

3. Regarding questions 3.1 and 3.2 of the reporting format, the Committee reached the following conclusions:
 - noted that some Parties raised concern on the presence of informal primary mercury mining in their territories and related challenges in Part E of the reporting format;
 - further noted that some Parties appeared to draw a difference between formal and informal primary mercury mining and, as a consequence, did not report on all primary mercury mining activities conducted in their territories;
 - agreed to propose amending the reporting format by introducing additional text to questions 3.1 and 3.2 to encourage Parties to report on all primary mercury mining activities;
 - also agrees to keep this matter under review and consider it again at its next meeting, also in light of information that would be forthcoming in the second short national reports.
4. The Committee agreed on the following recommendations to the Conference of the Parties:
 - to recall that paragraphs 3 and 4 of Article 3 require Parties to control primary mercury mining and note that, while Parties in their reports have characterized primary mercury mining as "formal", "informal" or "illegal, in this regard Parties are encouraged to report on all primary mercury mining activities being carried out in their territories, irrespective of their status as formal, informal or illegal, in their next national reports;
 - to amend the reporting format as follows to enable Parties to provide as much information as possible on mercury mining being undertaken in their territories:
 - For question 3.1, delete "Yes" and replace with the following response options:
 "Yes - primary mercury mining with available data"
 "Yes - primary mercury mining with no available data"
 "If yes to either above, please explain:"

³ The letters were sent to concerned Parties on 3 April 2023.

- For question 3.2, delete “Yes” and replace with the following response options:
“Yes - primary mercury mining with available data, please explain”
“Yes - primary mercury mining with no available data, please explain”.

(b) Stocks and sources

5. Regarding questions 3.3 and 3.4 of the reporting format, the Committee reached the following conclusions:

- noted that, even though more Parties reported on their endeavours to identify stocks and sources as per paragraph 5(a) and attached their results than in the previous reporting cycle, the totality of information was still providing an uneven overview of the outcome of Parties’ individual endeavours and an incomplete status of the stocks and sources globally;
 - requested the Secretariat to reach out to Parties who responded “no” (and have carried out Minamata Initial Assessments) to seek clarification on the challenges faced; and to Parties who responded “yes” to provide information on their endeavours, if they have not already done so, including on the results of the efforts undertaken (even if identification of stocks and sources is not yet completed), amounts of stocks and supplies, and, if possible, calculation method used;
 - requested the Secretariat to collect information on accumulated stocks and methods for calculating stocks of mercury, which could provide a first step to further clarify the accumulated stockpiles meaning and calculation method.
6. The Committee agreed on the following recommendations to the Conference of the Parties:
- to amend the reporting format by replacing the existing “Yes” options in question 3.3 as follows:
 - “Yes - with new data*” (also to be used by Parties reporting for the first time)
 - “Yes - same stocks as reported in the previous report”
 - *If the Party answered Yes – with new data to Question 3.3. above
 - Please attach the results of your endeavour or indicate where it is available on the internet,
 - Supplemental: Please provide any related information, for example on the use or disposal of mercury from such stocks and sources.”
 - to further clarify types of actions that could be taken to fulfil the continuing obligation to endeavour, defined in MC-4/8 paragraph 3 as an ongoing effort, taking into account that the COP adopted guidance on stocks at its first meeting and with the view to possibly adding to it.

(c) Trade in mercury

7. Regarding questions 3.5 and 3.6 of the reporting format, the Committee reached the following conclusions:

- welcomed the transparency of Parties who reported on illegal or informal trade and concluded that a better understanding of the needs of Parties in controlling trade that is not compliant with the Convention could be a good basis to enhance international cooperation and support; and promote sharing of lessons learned between Parties.
8. The Committee agreed on the following recommendations to the Conference of the Parties:
- to encourage Parties who did not receive consent, or relied on a general notification of consent, for all exports of mercury from the Party’s territory to provide more information, if any, in their next national reports, including on measures taken to prevent exports which are not in compliance with the Convention;
 - to amend the reporting format by asking Parties to explain the “no” answer: “No – no export took place” and “no – consent was not given” (please explain). The explanation may include information on the existence of trade which is not in compliance with the Convention, the challenges met by Parties and/or its needs in meeting Article 3 requirements;

- to request the Secretariat to support Parties in better understanding the trade provisions, their interrelation with other articles of the Convention, and the use of trade forms adopted by the COP, in particular with respect to imports from non-Parties;
- to also request the Secretariat to work on awareness raising activities about provisions of the Convention on allowed uses and sources of mercury in order to help Parties to comply with Article 3 requirements.

3. Article 4

9. Regarding questions 4.1, 4.2, 4.3, 4.4, and 4.5 of the reporting format, the Committee reached the following conclusions:

- noted that some Parties had not implemented the 2020 phase-out deadline of products listed in Part I of Annex A, also noting that Parties that had reported on measures taken may have not covered all the product categories;
- recognized the reported challenges faced by some Parties in meeting the requirements of Article 4, in particular its paragraphs 1 and 3;
- welcomed the information by the Secretariat on a global workshop to be held on 21-23 June 2023 as an example of assistance that can be taken to support Parties to address these challenges;
- 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 (MIAs), a proposed time schedule with milestones to implement relevant paragraphs of Article 4, and what kind of assistance they may still need taking into account information provided during the global workshop;
- noted that some Parties had not reported on two or more measures listed in Part II of Annex A, and also that some Parties had reported on measures beyond those listed;
- agreed to inform Parties that they are required by the Convention to take two or more measures to phase down the use of dental amalgam;
- called on Parties who reported less than two measures from the list in Part II of Annex A and measures not listed therein, that they also need to ensure they take at least two listed measures unless the non-listed measures they have taken would make the listed measures superfluous (for example phase out of dental amalgam);
- agreed to inform, through the Secretariat, relevant Parties who reported that they were implementing paragraph 2 of Article 4 without indicating at the time of ratification that they would implement different measures or strategies to address products listed in Part I of Annex A, that they were bound to comply with paragraph 1 of Article 4;
- agreed to keep the matter of implementation of Article 4 under review and to continue examining the issue at its next meeting.

10. The Committee agreed on the following recommendations to the Conference of the Parties:

- to amend the reporting format as follows:
 - to include in question 4.4 an additional option to the existing options “Yes” and “No”, on “No - not applicable (do not have facilities assembling products using mercury-added products)”.
- to take into account, in its consideration of the financial mechanism of the Convention, that some Parties that have not met their obligations under Article 4, in particular the deadline for phasing out mercury-added products and taking measures to phase down dental amalgam, cited lack of resources and the need for further attention and action by the Global Environment Facility and its respective implementing agencies, and the Specific International Programme to support Parties in implementing the provisions of Article 4;
- to encourage other multilateral, regional and bilateral sources of financial and technical assistance, as well as capacity-building and technology transfer, to support developing country Parties in their implementation of this convention, as stated in paragraph 3 of Article 13.

4. Article 5

11. Regarding questions 5.1, 5.2, 5.3, 5.4, and 5.5 of the reporting format, the Committee reached the following conclusions:

- welcomed the reported progress in phasing out mercury use in chlor-alkali production ahead of the 2025 deadline set forth in Part I of annex B to the Convention;
- encouraged, through the Secretariat, the Parties who had not yet identified facilities that used mercury or mercury compounds in the processes listed in Part II of Annex B in their territories, to provide additional relevant information relating to this matter in their next national reports;
- also encouraged Parties to continue reporting on progress made in identifying alternatives for mercury used in processes listed in Part II of Annex B in the upcoming reporting cycles;
- requested the Secretariat to reach out to Parties who did not report on the amount of mercury used on account of confidentiality of information to explain that Article 5.5 (c) requires Parties to endeavour to provide information on amounts of mercury used, even as an estimation.

12. The Committee agreed on the following recommendations to the Conference of the Parties:

- to call on Parties who have not provided complete information on the number of facilities and the estimated amount of mercury used in the process listed in part II of Annex B to do so as soon as possible, as required in the reporting format;
- to amend the reporting format as follows:
In question 5.3 for each of the processes to add “if no, please explain including any challenges encountered”.

5. Article 7

13. Regarding questions 7.1, 7.2, 7.3, 7.4, and 7.5 of the reporting format, the Committee reached the following conclusions:

- noted overall strong performance by Parties that had notified the presence of more than insignificant artisanal and small-scale gold mining (ASGM) and processing using mercury in their territories and welcomed the positive effort shown by Parties in completing or working to complete their ASGM national action plans;
- noted that some Parties who indicated in reporting that ASGM using mercury was more than insignificant in their territory, had not yet notified the Secretariat after they had made such a determination, and called on Parties to meet their obligation pursuant to paragraph 3 of Article 7, and as reminded by the Secretariat in its letter to Parties dated 9 December 2022;
- noted that some Parties whose National Action Plan (NAP) submission deadlines fell in 2020 had not submitted their NAPs in accordance with paragraph 3(a) of Article 7. Thus, the Committee reminds those Parties of their obligation to submit their NAPs, and requests them to inform the Secretariat as soon as possible of the expected date of completion and to submit them by 31 December 2023. The Committee encouraged Parties whose NAPs became due or would become due after the first full national reporting period to submit them to the Secretariat in a timely manner;
- recognized that many Parties would be undertaking reviews of the progress made in meeting their obligations under Article 7 starting in 2023, as set forth in paragraph 3 (c), and found that it might be useful for Parties to have available, for use in undertaking their reviews, practical, user-friendly guidance to help relevant Parties prepare and complete their reviews, drawing on Parties experiences and challenges in the development and evaluation of the NAPs according to the existing guidance on developing a national action plan to reduce and, where feasible, eliminate mercury use in ASGM, the use of alternative technologies, and their practical experiences with respect to NAPs;
- recognized that Parties who did not have artisanal and small-scale gold mining using mercury that is more than insignificant in their territory might also wish to provide information on question 7.5 regarding cooperation to achieve the objective of Article 7 and noted this could be facilitated by improving the reporting format. It also noted that additional opportunities to provide information on such cooperation were provided under questions 14.1, 14.2, and 14.3.

14. The Committee agreed on the following recommendations to the Conference of the Parties:
- to amend the reporting format as follows:
 - In Question 7.2 to change “If no, please proceed to article 8 on emissions” to “If no, please proceed to question 7.5”;
 - to call upon Parties to continue cooperating to provide support in capacity-building, financial and technical assistance and technology transfer, in the development of and access to sustainable mercury-free alternative technologies for ASGM recognizing the measures taken by Parties to reduce and where feasible eliminate the use of mercury and mercury compounds in ASGM.

6. Article 8

15. Regarding questions 8.1, 8.2, 8.3, 8.4, and 8.5 of the reporting format, the Committee reached the following conclusions:

- welcomed the progress made in implementing the obligations on the control of new and existing sources of emissions as well as preparing inventories of emissions from relevant sources, for which the deadlines were still outside this reporting period;
- recommended to update the draft guidance on national reporting to support Parties in reporting on the effectiveness of the measures, noting the need for further clarity⁴ on how to report on the effectiveness of measures taken, which resulted in a limited number of Parties reporting on it;
- agrees to reach out, through the Secretariat, to Parties who cited their MIA or other similar endeavours in their response to specify the measures described in those assessments, to provide information on the challenges that Parties faced, and to submit the assessments to the Secretariat if they had not done so;
- agreed to keep this matter under review and consider it again in light of the responses after the implementation deadlines, including the experience in using the Guidance on Best Available Techniques and Best Environmental Practices adopted by the Conference of the Parties at its first meeting.

7. Article 9

16. Regarding questions 9.1 and 9.2 of the reporting format, the Committee reached the following conclusions:

- agreed to reach out, through the Secretariat, to Parties who have not identified relevant source categories pursuant to Paragraph 3 of Article 9, and invite them to provide a timeline for identifying relevant point sources of releases in their territories and the reasons and challenges for not having identified the sources yet;
- agreed to reach out, through the Secretariat, to Parties that have incomplete responses on the measures they had taken in implementing Paragraph 5 of Article 9, and provide information on challenges faced in the implementation of such measures, if any;
- also recommended to update draft guidance on national reporting to support Parties in reporting on the effectiveness of the measures, noting the need for further clarity on how to report on the effectiveness of measures taken, which resulted in a limited number of Parties reporting on it.

8. Article 10

17. Regarding question 10.1 of the reporting format, the Committee reached the following conclusions:

⁴The Conference of Parties in Decision MC-1/8 decided on the format of the national report and timing. In question. 8.1, the reporting format requires Parties to describe the effectiveness of the measures taken: The draft National Reporting Guidance suggests, in describing the progress of measures, to consider the responsiveness of facilities in adopting BAT and BEP, and an estimate of emission reduction achieved or expected.” In this context, the Committee made the following comment: “The description of the effectiveness of implementing measures described by a Party is separate from the effectiveness of the Convention to be evaluated pursuant to Article 22.

- agreed to reach out, through the Secretariat, to Parties who have not yet taken any measures under Article 10 but have reported to (i) have been trading in mercury and mercury compounds, (ii) have processes or facilities in their territories using mercury and mercury compounds, or (iii) have an artisanal-small scale gold mining sector in their territories, to seek additional information such as information⁵ on the challenges they are facing for implementation of measures and other pertinent information that can help the Committee assess the Party's needs in order to develop its recommendations to facilitate the Party's implementation and compliance with Article 10;
 - recommended to update the draft guidance on national reporting with reference to the definition of interim storage as described in the guidance for interim storage adopted by the Conference of the Parties at its second meeting;
 - agreed to keep this matter under review and consider it again at its next meeting.
18. The Committee agreed on the following recommendations to the Conference of the Parties:
- to amend question 10.1 of the reporting format by adding "please explain" after the "No" option.

9. Article 11

19. Regarding questions 11.1 and 11.2 of the reporting format, the Committee reached the following conclusions:

- welcomed the 81 Parties who reported that they have implemented their obligations, pursuant to paragraph 3 of Article 11, to take appropriate measures so that mercury waste is: a) managed in an environmentally sound manner, under paragraph 3 of Article 11; b) only recovered, recycled, reclaimed or directly re-used for an allowed use under the Convention or for environmentally sound disposal; c) for Parties to the Basel Convention, not transported across international boundaries except for the purpose of environmentally sound disposal;
 - noted that 32 Parties responded "no" to question 11.1 on the implementation of measures for mercury wastes outlined in Article 11, paragraph 3;
 - agreed to reach out, through the Secretariat, to Parties who had not yet taken any measures under Article 11 to invite them to share information on challenges faced in the implementation of Article 11, strategies to address such challenges, if available, and other pertinent information that could help the Committee develop recommendations to facilitate Parties' implementation and compliance with Article 11;
 - called on Parties to take appropriate measures to implement paragraph 3 of Article 11 and encouraged Parties to identify and report on the amount of waste consisting of mercury subjected to final disposal in their national reports;
 - invited the Secretariat of the Basel Convention and the Secretariat of the Minamata Convention to cooperate and jointly review the information on the implementation of paragraph 3 of Article 11;
 - Encouraged Parties to cooperate with each other and with relevant intergovernmental organizations and other entities, as appropriate, to develop and maintain global, regional and national capacity for the management of mercury wastes in an environmentally sound manner, pursuant to paragraph 5 of Article 11;
 - agreed to keep this matter under review and consider it again at its next meeting.
20. The Committee agreed on the following recommendations to the Conference of the Parties:
- to invite Parties to participate in targeted capacity-building, financial and technical assistance activities on mercury waste, including those offered by the Secretariat;
 - to amend question 11.1 of the reporting format by adding the following text: "If no, please explain." [Note: remove the proposal for "No, not able to implement measures", as it is now clear that Parties that have responded "no" really did not implement measures.];

⁵ Information may include the status of the Party's implementation of Article 10, including challenges and steps to address them, and measures taken at national level to limit and control the quantity of mercury or mercury compounds subject to environmentally sound interim storage.

- to amend question 11.2 of the reporting format, noting the opportunities for developing and maintaining global regional and national capacity for the management of mercury waste in an environmentally sound manner, as follows:

“Are there facilities for final disposal of waste consisting of mercury or mercury compounds accessible to the Party?

 - Yes there are facilities in the Party’s territory
 - Yes there are facilities outside the Party’s territory accessible to the Party (footnote: Parties can cooperate for the management of mercury wastes in an environmentally sound manner pursuant to paragraph 5 of Article 11)
 - No
 - Do not know (please explain).

If there are facilities in the Party’s territory and if available, how much waste consisting of mercury or mercury compounds has been subject to final disposal under the reporting period? Please specify the method of the final disposal operation/operations. If the Party does not have specific data on waste consisting of mercury or mercury compounds, the Party may report on the data including other mercury waste, with explanatory note.”

10. Article 12

21. Regarding question 12.1 of the reporting format, the Committee reached the following conclusions:

- noted with appreciation the Guidance on the Management of Contaminated Sites adopted by the Conference of the Parties at its third meeting;
- welcomed the 69 Parties who reported that they have endeavoured to develop strategies for identifying and assessing sites contaminated by mercury or mercury compounds in its territory;
- agreed to reach out, through the Secretariat, to Parties who had not yet taken any measures under Article 12 to invite them to share information on challenges faced in the implementation of Article 12, strategies to address such challenges, if available, and other pertinent information that could help the Committee develop recommendations to facilitate Parties’ implementation and compliance with Article 12;
- agreed to keep this matter under review and consider it again at its next meeting.

11. Article 13

22. Regarding question 13.1 of the reporting format, the Committee reached the following conclusions:

- noted that many Parties have undertaken significant efforts to mobilize resources at the national level;
- noted that, notwithstanding their efforts at the national level, many Parties expressed the needs for additional support to achieve the effective implementation of the Convention;
- encouraged Parties to provide information on types and levels of resources, if available, in their responses to question 13.1 in the following reporting cycle, to enable a more comprehensive understanding of resources deployed at the national level;
- called on all Parties to provide further resources, within their capabilities, to support the implementation of the Convention, and as explained by the Secretariat in its letter to Parties dated 22 September 2022, and on the need to continue and augment the provision of financial resources.

23. The Committee agreed on the following recommendation to the Conference of the Parties:

- to encourage Parties to continue and augment the provision of financial resources to complement Party efforts undertaken at the national and international level.

12. Article 14

24. Regarding question 14.1 of the reporting format, the Committee reached the following conclusions:

- that 28 Parties reported they are cooperating to provide, within their capabilities, timely and appropriate capacity-building and technical assistance; the importance of provision of capacity-building and technical assistance balanced within and across all regions; and the need for all Parties to cooperate in the provision of capacity-building and technical assistance.
25. The Committee agreed on the following recommendation to the Conference of the Parties:
- to call upon Parties, within their respective capabilities, to continue efforts to collaborate to support developing country Parties and Parties with economies in transition on all issues of implementation of the Convention through the provision of capacity building, technical assistance, and technology transfer.

13. Article 16

26. Regarding questions 16.1 and 16.2 of the reporting format, the Committee reached the following conclusions:

- noted the positive response from Parties to both questions related to Article 16;
- also noted that editing question 16.1 would help to make responses more accurate;
- further noted that Parties are encouraged to undertake the activities listed under Article 16.

27. The Committee agreed on the following recommendations to the Conference of the Parties:

- to amend question 16.2 to read as follows: Have any measures been taken to protect human health in accordance with Article 16, beyond the provision of information to the public on exposure to mercury (referred to in question 16.1);
- to recall the guidance developed by the World Health Organization (WHO) Strategic planning for implementation of the health-related articles of the Minamata Convention on Mercury and encourage Parties, who have not taken measures under paragraph 1 of Article 16, to do so and consider the WHO guidance in their implementation of Article 16.

14. Article 17

28. Regarding question 17.1 of the reporting format, the Committee reached the following conclusions:

- noted the many, but varied responses received to this question and the nature of the question, and welcomed the suggestion of the Secretariat to provide Parties with response options to choose from to facilitate reporting.

29. The Committee agreed on the following recommendation to the Conference of the Parties:

- Amend the reporting format as follows:
Replace “Please provided more information if any” with the following response options for the Party if it responds yes:

If yes, please check applicable box and provide pertinent information in the space provided:

- Scientific, technical, economic and legal information concerning mercury and mercury compounds, including toxicological, ecotoxicological and safety information;
Please add information here:

- Information on the reduction or elimination of the production, use, trade, emissions and releases of mercury and mercury compounds;
Please add information here:

- Information on technically and economically viable alternatives to:
 - Mercury-added products;
 - Manufacturing processes in which mercury or mercury compounds are used; and
 - Activities and processes that emit or release mercury or mercury compounds;
 including information on the health and environmental risks, accessibility and availability of those alternatives to Parties and economic and social costs and benefits of such alternatives
Please add information here:

- Epidemiological information concerning health impacts associated with exposure to mercury and mercury compounds, in close cooperation with the World Health Organization and other relevant organizations, as appropriate

Please add information here:

- Other measures:

Please add information here:

(Art. 17(1)(a) to (d))

15. Article 18

30. Regarding question 18.1 of the reporting format, the Committee reached the following conclusions:

- noted the many, but varied responses received to this question and the nature of the question and welcomed the suggestion of the Secretariat to provide Parties with response options to facilitate reporting.

31. The Committee agreed on the following recommendation to the Conference of the Parties:

- Amend the reporting format as follows:
Replace “please indicate the measures that have been taken and the effectiveness of the measures?” with the following response options for the Party if it responds yes:
If yes, please check applicable box, provide the pertinent information related to the measure, and a description of the effectiveness of the measure, in the space provided:
 - Provision to the public of available information on:
 - The health and environmental effects of mercury and mercury compounds;
 - Alternatives to mercury and mercury compounds;
 - The topics identified in paragraph 1 of Article 17;
 - The results of its research, development and monitoring activities under Article 19;
 - Activities to meet its obligations under this Convention;

Please add information here:

(b) Education, training and public awareness related to the effects of exposure to mercury and mercury compounds on human health and the environment in collaboration with relevant intergovernmental and non-governmental organizations and vulnerable populations.

Please add information here:

(c) Other:

Please add information here:

(Art. 18 (1)(a) and (b))

16. Article 19

32. Regarding question 19.1 of the reporting format, the Committee reached the following conclusions:

- welcomed that 80 Parties reported having undertaken research, development and monitoring in accordance with paragraph 1 of Article 19 has been undertaken;
- noted the many, but varied responses received to this question and the nature of the question, and welcomed the suggestion of the Secretariat to provide Parties with response options to facilitate reporting;
- further noted that the national report per reporting cycle was to capture cooperation as a result of or in service of the Convention and agreed to call on Parties, through the Secretariat, to include in their responses pertinent information, such as dates, activities undertaken in cooperation with other countries, relevant to the Convention, and other information suggested in the Draft National Reporting Guidance.

33. The Committee agreed on the following recommendation to the Conference of the Parties:

- Amend the reporting format as follows:

Replace “please describe the actions” with the following response options for the Party if it responds yes:

If yes, please check applicable box, provide pertinent information related to the action in the space provided:

- Inventories of use, consumption, and anthropogenic emissions to air and releases to water and land of mercury and mercury compounds;
Please add information here: _____
- Modelling and geographically representative monitoring of levels of mercury and mercury compounds in vulnerable populations and in environmental media, including biotic media such as fish, marine mammals, sea turtles and birds, as well as collaboration in the collection and exchange of relevant and appropriate samples;
Please add information here: _____
- Assessments of the impact of mercury and mercury compounds on human health and the environment, in addition to social, economic and cultural impacts, particularly in respect of vulnerable populations;
Please add information here: _____
- Harmonized methodologies for the activities undertaken under subparagraphs (a), (b) and (c);
Please add information here: _____
- Information on the environmental cycle, transport (including long-range transport and deposition), transformation and fate of mercury and mercury compounds in a range of ecosystems, taking appropriate account of the distinction between anthropogenic and natural emissions and releases of mercury and of remobilization of mercury from historic deposition;
Please add information here: _____
- Information on commerce and trade in mercury and mercury compounds and mercury-added products;
Please add information here: _____
- Information and research on the technical and economic availability of mercury-free products and processes and on best available techniques and best environmental practices to reduce and monitor emissions and releases of mercury and mercury compounds.
Please add information here: _____
- Other:
Please add information here: _____
(Art. 19 (1)(a) and (g))