



**Conference of the Parties to the
Minamata Convention on Mercury
Fourth meeting**

Online, 1–5 November 2021 and Bali, Indonesia,
21–25 March 2022
Agenda item 4 (g)*

**Matters for consideration or action by the
Conference of the Parties: Implementation and
Compliance Committee****Report on the work of the Implementation and Compliance
Committee of the Minamata Convention on Mercury****Note by the secretariat**

1. Article 15 of the Minamata Convention on Mercury, on the Implementation and Compliance Committee, establishes a mechanism, including a committee as a subsidiary body of the Conference of the Parties, to promote implementation of, and review compliance with, all the provisions of the Convention. In the period between the third and the fourth meetings of the Conference of the Parties, the Committee met once, online, on 7 and 8 June 2021.
2. The secretariat has the honour to provide, in the annex to the present note, the report of the third meeting of the Implementation and Compliance Committee. The appendix to the report sets out recommendations, as finalized by the Committee, for consideration by the Conference of the Parties at its fourth meeting.

Suggested action by the Conference of the Parties

3. The Conference of the Parties may wish to consider the report of the third meeting of the Committee, including the Committee's recommendations, which are presented in accordance with paragraph 2 of article 15 of the Convention and section V of the terms of reference for the Committee adopted by decision MC-3/9.

* UNEP/MC/COP.4/1.

Annex

Report of the third meeting of the Implementation and Compliance Committee of the Minamata Convention on Mercury, held online on 7 and 8 June 2021

Item 1

Opening of the meeting

1. The third meeting of the Implementation and Compliance Committee of the Minamata Convention on Mercury (hereinafter referred to as “the Committee”) was held online, on 7 and 8 June 2021.
2. Ms. Claudia Sorina Dumitru (Romania), Chair of the Committee, opened the meeting at 1 p.m. (Geneva time, UTC + 2) on Monday, 7 June 2021. She welcomed Committee members and observers, thanking them for their interest in the work of the Committee, and said 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 third meeting and thanked them for their willingness to meet online and for accepting to proceed with the election of a Chair and Vice-Chair of the Committee during an online meeting as an exceptional measure due to the conditions imposed by the ongoing coronavirus disease (COVID-19) pandemic.
4. The Executive Secretary noted that, during the present meeting, the Committee would for the first time examine issues related to the implementation of, and compliance with, several provisions of the Convention, based on the short national reports submitted by parties in accordance with article 21 of the Convention, including pursuant to article 3 on mercury supply sources and trade and article 11 on mercury waste. She further emphasized that the Committee’s considerations and conclusions would be especially valuable support for parties in preparing their full reports under article 21 for submission by the end of 2021.
5. Following the opening statements and introductory remarks by Committee members, the Chair noted that one member of the Committee, Ms. Svetlana Bolocan (Republic of Moldova), was unable to attend the meeting.
6. The following members were present at the third meeting:
 - From the African States:
 - Ms. Hanitriniaina Liliane Randrianomenjanahary (Madagascar)
 - Mr. Mohamed Abdoulay Kamara (Sierra Leone)
 - Mr. Christopher Kanema (Zambia)
 - From the Asia-Pacific States:
 - Ms. Haijun Chen (China)
 - Ms. Itsuki Kuroda (Japan)
 - Mr. Mohammed Khashashneh (Jordan), nominated to replace Mr. Ahmad Al Qatarneh
 - From the Central and Eastern European States:
 - Ms. Dubravka Marija Krekovic (Croatia)
 - Ms. Claudia Sorina Dumitru (Romania)
 - From the Latin American and Caribbean States:
 - Ms. Paulina Riquelme (Chile)
 - Mr. José Antonio Piedra Montoya (Ecuador)
 - Mr. Arturo Gavilan García (Mexico)

From the Western European and other States:

Ms. Karoliina Anttonen (Finland)

Ms. Janine van Aalst (Netherlands)

Mr. Gene Smilansky (United States of America)

7. Two observers, Mr. Yuki Morinaka from EX Research Institute, supporting a Committee member, and Ms. Elena Lymberidi-Settimo, from the European Environmental Bureau Zero Mercury Working Group, had been invited by the Committee to participate in the entire meeting.

Item 2

Organizational matters

(a) Adoption of the agenda

8. The Committee adopted the following agenda on the basis of the provisional agenda (UNEP/MC/ICC.3/1):

1. Opening of the meeting.
2. Organizational matters:
 - (a) Adoption of the agenda;
 - (b) Election of officers;
 - (c) Organization of work.
3. Update from the secretariat.
4. National reporting pursuant to article 21 of the Convention.
5. Work programme of the Implementation and Compliance Committee for 2022–2023.
6. Date, duration and venue of the fourth meeting of the Implementation and Compliance Committee.
7. Other matters.
8. Adoption of the report.
9. Closure of the meeting.

(b) Election of officers

9. The Committee elected Ms. Paulina Riquelme (Chile) as Chair and Ms. Itsuki Kuroda (Japan) as Vice-Chair and Rapporteur to serve for the period commencing at the closure of the third meeting until the closure of the fourth meeting of the Committee.

(c) Organization of work

10. The Committee agreed to meet on online over two days, on Monday 7 June and Tuesday 8 June 2021, from 1 p.m. to 4 p.m. (Geneva time, UTC + 2) each day, as set out in the annotations to the provisional agenda.

Item 3

Update from the secretariat

11. The Committee turned its attention to the consideration of document UNEP/MC/ICC.3/2, prepared by secretariat.

12. Introducing the item, a representative of the secretariat drew attention to the document, entitled “Update from the secretariat”, which provided an update on activities undertaken to enhance implementation of and compliance with the provisions of the Convention, as well as on other relevant developments, including the organization of the fourth meeting of the Conference of the Parties, notifications submitted by parties pursuant to paragraph 9 of article 3 and other relevant registrations and submissions received by the secretariat during the period between the second and third meetings of the Committee. In particular, regarding notifications submitted by parties pursuant to paragraph 9 of article 3, the representative of the secretariat noted that, at its second meeting, the Committee had requested the secretariat to request the national focal point of Thailand to clarify its notification with respect to information on the quantities and countries of origin of mercury imported from non-parties.

The secretariat informed the members of the Committee that it had requested the national focal point of Thailand to provide the above-mentioned information on 9 August 2019, 27 September 2019 and 28 April 2021 but that no response had been received as yet.¹

13. The Committee took note of the content of the document presented by the secretariat. In particular, regarding notifications submitted by parties pursuant to paragraph 9 of article 3, the Committee advised the secretariat to once again request the national focal point of Thailand to clarify its notification with respect to information on the quantities and countries of origin of mercury imported from non-parties.

Item 4

National reporting pursuant to article 21 of the Convention

14. The Chair opened the agenda item for consideration of the first national reports submitted pursuant to article 21 of the Convention. According to paragraph 1 of article 21, parties were to 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 was to promote implementation of, and review compliance with, all provisions of the Convention, and was to examine both individual and systemic issues of implementation and compliance and make recommendations, as appropriate, to the Conference of the Parties. As pursuant to paragraph 4 (b) of article 15 the Committee could consider issues on the basis of national reports, the Chair invited the secretariat to present its report to the Committee on the national reports due by 31 December 2019.

15. A representative of the secretariat recalled that in decision MC-1/8, the Conference of the Parties had agreed on the timing and format of national reporting by parties. The full report format covered 43 questions to be answered by all parties every four years, while the short report covered four questions (marked by * in the full format) and was to be submitted every two years. It was to be noted that, in addition to the questions, the reporting format 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 gave parties the opportunity to provide additional comment on each of the articles in free text if they wished to do so. According to the same decision, the first national short reports using available information were due by 31 December 2019. Based on the national reports submitted, the secretariat had prepared its report (UNEP/MC/ICC.3/3/Rev.1), which, pursuant to paragraph 25 (b) of the terms of reference for the Committee, was to include information about parties' reporting performance and identify particular issues that had emerged from the reports and might be of interest to the Committee.

Reporting performance

16. On parties' reporting performance, the representative of the secretariat presented section II of document UNEP/MC/ICC.3/3/Rev.1 and reported that, of the 114 parties² that had to report in the first reporting period (16 August 2017 to 31 December 2019), 63 had submitted their complete reports by the deadline, while an additional 34 had submitted their complete reports by 30 April 2021. Therefore, to date, 97³ out of 114 parties had submitted their reports, which represented an 85 per cent reporting

¹ After the issuance of this report, the secretariat was alerted on 6 January 2022 that Thailand had shared some information in response to the request made by the Committee at its second meeting. That information will be taken up at the fourth meeting of the Committee, in 2022.

² By 31 December 2019, 116 States or regional economic integration organizations had deposited their instruments of ratification, acceptance, approval or accession to the Convention with the Depositary. The Republic of Korea deposited its instrument on 22 November 2019 and Equatorial Guinea on 24 December 2019. As the Convention comes into force 90 days after the deposit of an instrument, the Republic of Korea and Equatorial Guinea did not need to submit the short reports due by 31 December 2019, as they were not yet parties.

³ Complete reports were submitted by: Argentina, Armenia, Austria, Belgium, Benin, Bolivia (Plurinational State of), Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Czechia, Republic of the Congo, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, European Union, Finland, France, Gabon, Gambia, Germany, Guinea, Guyana, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Jamaica, Japan, Jordan, Kuwait, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mali, Mauritania, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montenegro, Namibia, Netherlands, Nicaragua, Niger, Nigeria, Norway, Panama, Paraguay, Peru, Portugal, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Suriname, Sweden,

rate. A further 4 incomplete reports⁴ had been received, and the secretariat was awaiting additional information from the respective national focal points to allow those reports to be filed as complete. That meant that, for the 114 parties that were obliged to report, 13 reports⁵ remained to be received, representing a robust and commendable reporting performance overall.⁶

17. The Committee concluded its consideration of this part of the report and expressed appreciation for the high reporting rate for the first short reports. A Committee member expressed the hope that the high rate of reporting would continue with the full reports due 31 December 2021.

Responses submitted to the four questions in the short reports and related issues for consideration by the Committee

18. The Chair then invited the secretariat to present its findings on the responses submitted to the four questions of the short reports. The representative of the secretariat presented section III of document UNEP/MC/ICC.3/3/Rev.1, including its annex with details on the responses received. She said that parties were required to report on three questions related to article 3 (mercury supply, sources and trade) and one question related to article 11 (mercury wastes). The four questions provided a snapshot of key parts of the life cycle of mercury addressed by the Convention.

19. On the primary mining of mercury (question 3.1), the secretariat reported that 2 parties had responded “yes” to having primary mercury mines operating within their territory and 95 had responded “no”.

20. An observer said that there was a need for consistency of the units reported and a need to cross-check information sources on possible areas with primary mercury mines.

21. On the stocks and sources of mercury and mercury compounds (question 3.3), the secretariat reported that 43 parties had responded “yes”, i.e., they had endeavoured to identify individual stocks of mercury and mercury compounds exceeding 50 metric tons and sources of mercury supply generating stocks exceeding 10 metric tons per year that were located within their territory, while 54 had responded “no”.

22. One Committee member noted the high number of parties that had responded “no”, i.e., that had not endeavoured to identify individual stocks of mercury and mercury compounds exceeding 50 metric tons or sources of mercury supply generating stocks exceeding 10 metric tons per year that were located within their territory. She commented that this might be taken to mean that 54 parties had not endeavoured to act in accordance with their Convention obligation. The Committee member further asked if the secretariat knew the reason behind the high number of parties responding “no”, if the secretariat had followed up with the 54 parties and if there were lessons learned for the next reporting period.

23. The Committee member continued, sharing her country’s own challenge in answering the question in terms of the terminology use of “endeavour” and “identify”, as well as the “yes” and “no”. She noted that if a party had no stocks or sources of mercury to report, it might have answered “no”, which did not necessarily mean that it had not endeavoured to act. Another Committee member said that her country had answered “no” because there was existing legislation in place that required them to conduct the inventory. Thus, they had responded “no” as the work had already been done.

24. The representative of the secretariat acknowledged the information shared by the Committee members and pointed out that some parties had noted similar challenges in the comment areas of their national reports and also directly to the secretariat when it had reached out to specific parties for information not included in their original submissions. The representative of the secretariat also noted that, at its first meeting, the Conference of the Parties had adopted guidance⁷ to support parties in their

Switzerland, Syrian Arab Republic, Thailand, Tonga, Tuvalu, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Viet Nam and Zambia.

⁴ Incomplete reports not yet tallied: India, Lao People’s Democratic Republic, Malta and Togo.

⁵ Reports not yet submitted by: Afghanistan, Antigua and Barbuda, Comoros, Cuba, Djibouti, Eswatini, Ghana, Guinea-Bissau, Kiribati, Marshall Islands, Palau, State of Palestine and United Arab Emirates.

⁶ The reporting rates by United Nations region were as follows: 25 of 31 parties from African States (81 per cent), 18 of 26 parties from Asia-Pacific States (69 per cent), 13 of 13 parties from Central and Eastern European States (100 per cent), 21 of 23 parties from Latin American and Caribbean States (91 per cent) and 20 of 21 parties from Western European and other States (95 per cent).

⁷ The Conference of the Parties, in its decision MC-1/2, adopted 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. As noted in the guidance, stocks could be held by mercury traders,

endeavour to identify individual stocks of mercury and mercury compounds exceeding 50 metric tons and sources of mercury supply generating stocks exceeding 10 metric tons per year. She said that there had not been any systematic analysis of the “no” responses so far, but that given the guidance available there might be a need to further call attention to it and to build parties’ understanding of how to endeavour to identify the stocks and sources to ensure complete responses to question 3.3 for the full reports due by 31 December 2021.

25. On the consent received for the export of mercury from a party’s territory (question 3.5), the secretariat reported that 88 parties had responded “no”, i.e., they had not received consent or relied on a general notification of consent, in accordance with article 3, including any required certification from importing non-parties, for all exports of mercury from the party’s territory in the reporting period. Eight parties had responded “yes”, including 7 that responded “yes, exports to parties”, i.e., they had received consent or relied on a general notification of consent for all exports of mercury from the party’s territory to another party, and 5 that responded “yes, exports to non-parties”, i.e., they had received consent or relied on a general notification of consent for exports of mercury from the party’s territory to a non-party.

26. The representative of the secretariat further pointed out that if a party that had answered “yes, exports to parties” or “yes, exports to non-parties” had not submitted copies of the consent forms to the secretariat, it was recommended that it do so. Otherwise, the reporting format requested that the party answering “yes, exports to parties” or “yes, exports to non-parties” provide other suitable information showing that the relevant requirements of paragraph 6 of article 3 had been met. Only one of the eight parties that had answered yes had submitted all consent forms to the secretariat. One party had indicated that it had relied on general consent given by another party. One party had indicated that it was preparing to submit the consent forms to the secretariat, another had indicated that it held all the forms for the exports to each country it exported to and another had also reported that it held all the consent forms and had submitted a separate document listing the countries it exported to, the date of written consent received, the quantity of mercury, the uses and other data. A further party had indicated in a separate document the countries it exported mercury to and the use for the mercury. In closing, the representative of the secretariat noted that, besides documenting the consent given by the signature of the national focal point or other relevant authority, the consent forms contain important information in support of the provisions of article 3, namely: the quantity of mercury shipped; the date of shipment; whether the mercury was from primary mercury mining; whether the mercury had been determined by the exporting party to be excess mercury from decommissioned chlor-alkali facilities; and whether the purpose of the import of the mercury was environmentally sound interim storage and if not, what the other allowed intended use of the mercury was. She said that it was not clear why only one party had submitted copies of all the forms despite the fact that the reporting format and the guidance passed by the Conference of the Parties at its first meeting recommended doing so.⁸ She also added that without the forms or other suitable information, the secretariat had limited ability to assess whether the requirements of paragraph 6 of article 3 had been met.

27. One Committee member asked if the secretariat knew why the forms were not being sent to the secretariat. Another Committee member asked if there were commercial confidentiality considerations hindering parties from sending the forms to the secretariat. In reply, the representative of the secretariat explained that all general notifications of consent that were received by the secretariat (article 3, paragraph 7, form D) were available on the Convention website (four parties had submitted such notifications). In line with the guidance, the form was to be provided to the secretariat and the secretariat was to maintain a public register of all general notifications. Regarding forms A and B, that is, the form for the provision of written consent by a party to the import of mercury and the form for the provision of written consent by a non-party to the import of mercury, the guidance indicated that they were to be transmitted directly between the specific parties and/or non-parties and recommended that the parties provide copies of the forms to the secretariat. She said that the recommendation to parties that copies of the forms also be sent to the secretariat might need to be reinforced. She also noted that according to paragraph 11 of article 3, each party should include in its reports submitted pursuant to article 21 information showing that the requirements of article 3 had been met, including the provision of written consent. She also pointed out that individual parties had indicated informally that there might be commercial confidentiality concerns if the copies of the submitted consent forms were made fully public.

mines, industrial facilities, recycling facilities, national government or production facilities for mercury-added products. Further, sources could be primary mercury and other mines, recycling activities or decommissioning of chlor-alkali plants, vinyl chlorine monomer plants and other manufacturing locations using mercury processes.

⁸ The Conference of the Parties, in decision MC-1/2, adopted guidance on completing the forms required under article 3 on trade in mercury.

28. Another Committee member said that despite the guidance available there appeared to be a need for more communication and training on the consent and trade provisions, including the forms and the role of the secretariat.
29. On the facilities for final disposal (question 11.2), the representative of the secretariat reported that 20 parties had responded “yes”, i.e., the party had facilities for final disposal of waste consisting of mercury or mercury compounds in its territory, while 68 parties had responded “no” and 2 had responded “do not know”. Of those that answered “yes”, only 4 reported how much waste consisting of mercury or mercury compounds had been subjected to final disposal and the specific method of disposal. The representative of the secretariat said that parties appeared to have difficulty answering the question and that some had made comments to that effect in their reports.
30. One Committee member mentioned the lack of clarity regarding the term “final disposal” under the Convention and raised the prospect of adding appropriate guidance referencing the Basel Convention Technical Guidelines on the Environmentally Sound Management of Mercury Wastes to support parties in answering the reporting form question.
31. Another Committee member said that article 11 of the Convention did not require conformity with the Basel technical guidelines but rather that the guidelines be taken into account, and he therefore did not foresee a role for the Committee in that regard.

Committee consideration of the secretariat report with a view to preparing recommendations to the Conference of the Parties

32. As deliberations to prepare the Committee’s recommendations to the Conference of the Parties were closed to all observers under rule 15 of the rules of procedure, the Chair closed the segment of the meeting to observers and invited the Committee members to proceed with their consideration of the secretariat’s report.
33. The Committee recalled its mandate, as set out in paragraph 2 of article 15, to promote implementation of, and review compliance with, all provisions of the Convention.
34. The Committee noted that article 21 reporting in accordance with the timing and format decided upon by the Conference of the Parties was an obligation of all parties. Where required information was incomplete, insufficient or missing, the secretariat was tasked with following up to ensure that the submitted national reports were complete.
35. Following a discussion of reporting requirements that parties had interpreted in varying ways, a Committee member said that it was not the Committee’s role to consider whether or how an obligation ought to be clarified or elaborated on. Rather, that was an issue for consideration by the parties through the Conference of the Parties, taking into account the Committee’s report.
36. The same Committee member also said that the Committee might wish to report to the Conference of the Parties if it faced challenges in reviewing compliance with existing obligations due to parties’ varying interpretations of relevant provisions, as reflected in the responses contained in the national reports.
37. Following the deliberations on the report of the secretariat, the Committee concluded that the following factors might have contributed to reporting challenges:
- (a) Parties might have interpreted certain reporting requirements in varying ways and that might present challenges to the ability of the Committee to review implementation and compliance with relevant provisions.
 - (b) Parties might have had challenges in reporting on measures taken, or on their progress if the measures were under way at the time of reporting.
 - (c) Some documentation for the national reports had not reached the secretariat, for which there might be various reasons, including parties’ concerns regarding the protection of commercial-in-confidence information.
 - (d) For all parties, it had been a first experience of reporting on obligations under the Minamata Convention.
38. Based on the report of the secretariat and the Committee’s deliberations, the Committee agreed on the recommendations set out in the appendix to the present report.

Item 5**Work programme of the Implementation and Compliance Committee**

39. The Committee then turned its attention to its work programme, covering in particular the period between the fourth and the fifth meetings of the Conference of the Parties, as well as the financial implications of the Committee's work. Upon the invitation of the Chair, a representative of the secretariat introduced the document prepared to support discussions on the matter.

40. The Committee agreed that in the upcoming period it would consider the first full national reports due by 31 December 2021. In the light of its functions and the type of information that it might use as a basis for its work in accordance with paragraph 4 of article 15, it would also consider any request arising from the fourth meeting of the Conference of the Parties and any submission from a party with respect to its own compliance.

41. In the ensuing discussion on the number of Committee meetings that might be warranted between the fourth and fifth meetings of the Conference of the Parties, as well as their duration, the Committee estimated that, in view of the anticipated workload, it would require a two-day in-person meeting during the intersessional period. It also agreed that it would be appropriate to organize an online meeting, in particular to review the full national reports, ahead of the in-person meeting.

Item 6**Venue and date of the fourth and fifth meetings of the Implementation and Compliance Committee**

42. The Committee decided that its fourth meeting would be held online in July 2022 and its fifth meeting would be held in person in March 2023, with the exact timing to be determined by the secretariat in consultation with the Chair. The fifth meeting would be held in Geneva, unless an offer was received from one of the members to host the meeting.

Item 7**Other matters**

43. No other matters were raised.

Item 8**Adoption of the report**

44. The Committee agreed to adopt its report by electronic means, on the basis of a draft prepared by the Rapporteur with the support of the secretariat. The report, including its appendix, would be submitted to the Conference of the Parties for its consideration at its fourth meeting.

Item 9**Closure of the meeting**

45. 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 4.20 p.m. (Geneva time, UTC + 2) on Tuesday, 8 June 2021.

Appendix

Recommendations for the consideration of the Conference of the Parties at its fourth meeting

The Committee recommends that the Conference of the Parties at its fourth meeting decide to, inter alia:

- (a) *Welcome* the high reporting rate, timeliness and completeness of national reports transmitted for the first reporting period;
 - (b) *Remind* all parties of the importance of meeting their reporting obligations in accordance with article 21 of the Minamata Convention;
 - (c) *Express* its appreciation to the parties that submitted their reports;
 - (d) *Consider* the factors that may have contributed to reporting challenges identified by the Implementation and Compliance Committee in its report to the Conference of the Parties at its fourth meeting and consider further action, as appropriate;
 - (e) *Request* the secretariat, with respect to matters relating to reporting on the export of mercury, to propose potential ways for parties to provide the secretariat with information while excising information considered commercial-in-confidence;
 - (f) *Also request* the secretariat to continue to support parties in national reporting, including through training.
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