National reporting (article 21)

Note by the secretariat

I. Introduction

1. Paragraph 1 of article 21 of the Minamata Convention on Mercury provides that each party shall report to the Conference of the Parties, through the secretariat, on the 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. Pursuant to decision MC-1/8, on the timing and format of reporting, parties were to submit their first full national reports, covering the reporting period from 16 August 2017 to 31 December 2020, by 31 December 2021.

2. Pursuant to paragraph 2 (e) of article 24 of the Convention, in section II of the present note, the secretariat presents a periodic report to the Conference of the Parties based on the information received pursuant to articles 15 and 21 and other available information.

3. Section III of the note provides information on the proposed amendments to the reporting format arising from: (a) decision MC-4/3, in which the Conference of the Parties requested the secretariat to provide draft text to revise the reporting format to enable the collection of information on the measures taken related to the provisions that were added by the amendment to part I and II of annex A to the Convention; (b) decision MC-4/8, in which the Conference of the Parties requested the secretariat, on the basis of parties’ experience of completing the first full reports, to identify any questions in the reporting format that may pose challenges to parties in responding, and to propose related clarifications; and (c) the recommendations of the Implementation and Compliance Committee to amend the reporting format. The text of the proposed amendments is set out in document UNEP/MC/COP.5/15/Add.1.

4. Section IV outlines the intersessional work conducted on the draft reporting guidance, pursuant to decision MC-4/8. The text of the draft reporting guidance is set out in document UNEP/MC/COP.5/15/Add.2.

5. Section V outlines activities planned and implemented by the secretariat to support parties in the preparation and submission of their second short reports, which cover the reporting period from 1 January 2021 to 31 December 2022, and which are due by 31 December 2023.
6. Section VI proposes a draft decision on national reporting for consideration by the Conference of the Parties in the light of parties’ responses to the first full reports, the requests in decision MC-4/8, and relevant recommendations of the Implementation and Compliance Committee.

II. Periodic report of the secretariat based on information received pursuant to articles 15 and 21 of the Convention

7. In accordance with paragraph 2 (e) of article 24 of the Convention, the present section contains the secretariat’s periodic report to the Conference of the Parties based on the information received pursuant to articles 15 and 21 of the Convention and other available information.

8. With respect to information received under article 21, the secretariat reports that it reviewed and followed up on the clarity and completeness of the responses to the 43 questions on measures taken to implement the relevant provisions and on the effectiveness of such measures in meeting the objectives of the Convention for the first full reporting period (covering 16 August 2017–31 December 2020). The present report provides information on the reporting performance of parties, and an overview of the secretariat’s findings and observations on the first full national reports submitted by parties. Submitted national reports that are deemed complete by the party and the secretariat are available on the Convention website.

9. Regarding the reporting performance of parties, the secretariat reports that, of the 123 parties to the Convention that were parties during the first full reporting period ending 31 December 2020, 187 parties submitted their reports by the deadline, while an additional 30 parties submitted their reports by 5 July 2023. Therefore, to date, 117 of 123 parties have submitted their reports to the secretariat. In total this represents a 95 per cent reporting rate for the first full reporting period running from 16 August 2017 to 31 December 2020, in compliance with article 21 of the Convention.

10. The following parties submitted their reports for the first full reporting period: Albania, Antigua and Barbuda, Argentina, Armenia, Austria, Bahamas, Belgium, Benin, Bolivia (Plurinational State of), Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Chad, Chile, China (including Hong Kong SAR and Macao SAR), Colombia, Comoros, Congo, Costa Rica, Côte d’Ivoire, Croatia, Cuba, Cyprus, Czechia, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estonia, Eswatini, European Union, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mali, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Namibia, Netherlands (Kingdom of the), Nicaragua, Niger, Nigeria, North Macedonia, Norway, Oman, Palau, Panama, Paraguay, Peru, Philippines, Portugal, Republic of Korea, Republic of Moldova, 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, Switzerland, Thailand, Togo, Tuvalu, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Viet Nam, Zambia.

11. The reporting rates by region were as follows: 31 of 32 parties from the group of African States (97 per cent), 25 of 30 parties from the group of Asia-Pacific States (83 per cent), 15 of 15 parties from the group of Eastern Europe States (100 per cent), 24 of 24 parties from the group of Latin American and Caribbean States (100 per cent), and 22 of 22 parties from the group of Western European and other States (100 per cent).

12. The secretariat received two incomplete reports (from the Philippines and Rwanda) and is awaiting additional information from the respective national focal points to allow the reports to be filed as complete.

1 By 31 December 2021, 137 States and regional economic integration organizations had deposited their instruments of ratification, acceptance or approval of or accession to the Convention with the Depositary. As the Convention comes into force 90 days after the deposit of an instrument, Australia, Bahrain, Burundi, Cambodia, Cameroon, the Central African Republic, Iraq, Italy, Pakistan, Poland, Qatar, Spain, the United Republic of Tanzania and Zimbabwe were not obliged to submit the full reports due by 31 December 2020, as they became parties after the reporting period of the full report.

2 The online reporting tool auto-generates the submission dates. For submissions by email, the date stamp on receipt is taken as the submission date. These submission dates are confirmed by the secretariat once the reports have been checked for completeness.
13. As at 5 July 2023, the secretariat had not received national reports from the following six parties: Afghanistan, Kiribati, Mauritania, State of Palestine, Syrian Arab Republic, Tonga.

14. It should be noted that eight new parties (Bahrain, Burundi, Cambodia, Cameroon, Italy, Pakistan, Qatar and the United Republic of Tanzania) submitted reports to the secretariat even though the Convention was not yet in effect for them during the first full reporting period. These parties became parties to the Convention in 2021. The responses contained in their reports are tallied separately by the secretariat.

15. Regarding the process of reporting, in September 2021, parties were invited to make use of the online reporting tool to submit the full reports. The national focal points were provided with personalized login credentials for the online reporting tools. A total of 116 parties (99 per cent) used the online reporting tool, while one party submitted its report by email.

16. To support parties in the preparation of information for the first full national reports, in 2021 the secretariat held six online sessions and training to support parties (including top-up sessions in French and Spanish) to complete and submit their full national reports. These sessions also included the introduction of the draft reporting guidance to support parties in preparing their responses for the national reports. The secretariat also regularly reached out and followed up with parties prior to and after the deadline.

17. Based on its review of national reports in accordance with paragraph 4 (b) of article 15 of the Convention, the Implementation and Compliance Committee, in its report to the Conference of the Parties (UNEP/MC/COP.5/14), made the following recommendations on reporting performance of parties to the Conference of the Parties: emphasizing the importance of reporting, to recall parties’ obligation to submit their national reports pursuant to article 21 of the Convention; and to consider further action with respect to those parties that did not submit their national reports for the first full national reporting cycle. These recommendations are incorporated in the annex to the present note.

18. The secretariat reports the following findings and observations regarding the first full national reports submitted by parties for the reporting period 16 August 2017-31 December 2020:

(a) There were indications of strong progress in the implementation of the Convention in specific areas. Parties reported on the closure of two chlor-alkali facilities, the conversion of one chlor-alkali facility to a mercury-free facility, and the phase-out of mercury use in one polyurethane facility (article 5 of the Convention). The secretariat noted that parties also reported on implementing measures to reduce emissions and releases of mercury before specified deadlines (articles 8 and 9) or taking proactive steps to implement the Convention (articles 12, 16, 17, 18 and 19). The secretariat also noted that many parties that had more than insignificant artisanal and small-scale gold mining in their territories have completed their national action plans or are in the process of completing them (article 7), and that parties have reported significant efforts to mobilize resources to implement the Convention at the national level (article 13).

(b) Parties have also shared information on the presence of, and challenges in reporting, activities that are non-compliant with the Convention, in particular informal, illegal, unrecognized primary mercury mining (para. 4 of article 3 of the Convention), artisanal and small-scale gold mining (article 7), and trade without consent of the party (para. 6 of article 3).

(c) The secretariat observed a lack of clarity as to why parties responded “no” to some questions. The secretariat reviewed the responses to the specific questions, including explanations in the space provided in the online reporting tool, and in parts C, D and E of the reporting format, to understand the context of the “no” response. The lack of explanation to the response created a lack of clarity regarding whether the response meant that the question did not apply to a party or that the party was challenged in implementing the measure asked about in a particular question.

(d) The secretariat also observed that parties at times responded to questions with a lack of detail, such as incomplete quantities of mercury (para. 5 of article 3 and article 5), number of facilities (article 5) and incomplete or missing descriptions of progress or effectiveness of measures (articles 7, 8, 9, 11, 13 and 19), which at times prevented the secretariat from developing an overview on specific areas – for instance, on stockpiles and mercury waste. In this respect, the Implementation and Compliance Committee made one recommendation on the implementation of article 5 (to call on parties that had 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 the Convention to do so as soon

as possible, as required in the reporting format). This recommendation is included in the annex to the present note.

(e) Missed deadlines in submitting national plans or relevant notices to the secretariat were noted (article 7), along with inconsistency of responses between reporting periods and among related questions in the national report.

(f) The secretariat also observed the need to improve parts or portions of the reporting format and the online reporting tool to facilitate parties’ responses to specific questions, as is detailed in sections III and IV below.

19. With respect to information received under article 15 of the Convention, the secretariat reports that, during its fifth meeting, in March 2023, the Implementation and Compliance Committee considered an analysis of the report prepared by the secretariat on the first full national reports pursuant to paragraph 25 (b) of the Committee’s terms of reference. The analysis, based on submitted national reports received by 7 February 2023, provided the Committee with information on the reporting performance of parties, and also detailed particular issues emerging from each of the forty-three questions, and parts C, D and E of the reporting format for the Committee’s consideration. The secretariat’s analysis of the first full national reports is contained in document UNEP/MC/COP.5/INF/20, which is further supported by a collation of the responses in summary tables in document UNEP/MC/COP.5/INF/21. During its fifth meeting, the Committee agreed on a set of recommendations as part of its report to the Conference of the Parties on the work carried out to fulfill its functions during the biennium 2022–2023, prepared in accordance with section D of the Committee’s terms of reference. The Committee’s report is set out in document UNEP/MC/COP.5/14.

20. Depending on their relevance to specific agenda items to be considered by the Conference of the Parties at its fifth meeting, the secretariat integrated the recommendations of the Committee into the suggested actions to be considered under various agenda items, including the agenda item on national reporting.

III. Proposed amendments to the reporting format

21. In decision MC-4/3, the Conference of the Parties decided to amend parts I and II of annex A. In paragraph 4 of that decision, the Conference of the Parties requested the secretariat to provide draft text to revise the reporting format to enable the collection of information on the measures taken related to the provisions that were added by the amendment, for consideration by the Conference of the Parties at its fifth meeting.

22. In decision MC-4/8, paragraph 6 (a) the Conference requested the secretariat, on the basis of parties’ experience of completing the first full reports, to identify any questions in the reporting format that may pose challenges to parties in responding, and to propose related clarifications, as appropriate, to the Conference of the Parties at its fifth meeting.

23. The secretariat presented its identification of questions that posed challenges to parties based on its analysis of the full national reports, as part of the secretariat’s report to the Implementation and Compliance Committee. The Committee further deliberated on the matter during its meetings, and subsequently agreed on its recommendations to the Conference on amendments proposed to the reporting format.

24. Furthermore, the secretariat identified additional needs for clarification based on the parties’ experience in completing the first full national reports as shared by parties pursuant to paragraph 6 (b) of MC-4/8.

25. On the basis of its review of national reports in accordance with paragraph 4 (b) of article 15, the Implementation and Compliance Committee, in its report to the Conference of the Parties (UNEP/MC/COP.5/14), made recommendations to amend the reporting format. These recommendations are presented, with minor modifications, in the annex to the present note.

26. The proposed amendments to the reporting format are set out in document UNEP/MC/COP.5/15/Add.1.

IV. Draft reporting guidance for consideration and adoption

27. In decision MC-4/8, paragraphs 6 (b) and (c), the Conference of the Parties requested the secretariat to seek, by 15 December 2022, any additional comments from parties and other stakeholders on the draft reporting guidance that took into account their experiences of completing the
first full reports, and to submit the draft reporting guidance for consideration and possible adoption by the Conference at its fifth meeting.

28. On 12 October 2022, the secretariat held a Minamata Online session entitled “Invitation for comments to the draft reporting guidance, as per decision MC-4/8” to outline the intersessional process in this regard.

29. The secretariat received a total of six comments, five from parties and one from an observer group. All comments received, including those related to the reporting formant, are available on the Convention’s website.

30. The secretariat discussed its findings, identifying parts of the reporting guidance that may be further improved, in its report to the Implementation and Compliance Committee. The Committee further deliberated on the matter during its meetings, and subsequently agreed on its requests to the secretariat on areas to be clarified and improved in the draft reporting guidance.

31. Document UNEP/MC/COP.5/15/Add.2 sets out the draft reporting guidance following the additional comments by parties, the review of the reporting guidance by the secretariat in light of parties’ experiences in completing the first full reports, and the requests on the reporting guidance by the Implementation and Compliance Committee.

V. Secretariat activities to support the submission of the second short reports covering the period 1 January 2021–31 December 2022

32. Pursuant to decision MC-1/8, which sets out the timing and format of national reporting according to article 21, the second short reports cover the period from 1 January 2021 to 31 December 2022, and due by 31 December 2023.

33. In this regard, on 5 April 2023, the secretariat held a Minamata Online session entitled “Launch of the second short national reports (article 21)” to set out reporting obligations and timelines, share insights and lessons learned from the first reporting cycle of the short and full reports, as well as provide detailed information on accessing the online reporting tool to begin reporting. During the session, the secretariat also provided guidance on each question to support reporting and outlined materials, tools and other resources made available by the secretariat to parties to support them to complete their reports by the deadline.

34. In the months leading up to the 31 December 2023 deadline, the secretariat will continue to engage online and in person with parties to again achieve a high reporting rate.

VI. Suggested action by the Conference of the Parties

35. The Conference of the Parties may wish to consider adopting a decision along the lines set out in the annex to the present document. Recommendations from the Implementation and Compliance Committee have been identified in the footnotes to the proposed text.

4 Argentina, Canada, Norway, Slovenia and the United States of America.
Annex

Draft decision MC-5/[--]: National reporting pursuant to article 21 of the Minamata Convention on Mercury

The Conference of the Parties,

Welcoming the high rate of submission (95 per cent) and parties’ implementation and compliance efforts since entry into force of the Minamata Convention on Mercury,

Considering the recommendations of the Implementation and Compliance Committee to the Conference of the Parties at its fifth meeting,

Appreciating the efforts by the secretariat to support parties in fulfilling their obligation to report, including through information sessions, the online reporting tool, and the development of the draft reporting guidance,

Emphasizing the importance of reporting, and recalling parties’ obligation to submit their national reports according to article 21 of the Convention,

Recognizing the importance of clarity in the information transmitted in national reports,

1. Encourages parties to achieve a high rate of reporting for the second short reports due by 31 December 2023;
3. Calls on those parties that have not submitted their national reports for the first full national reporting cycle to do so by 31 December 2023;
4. Calls on parties that have not provided complete information on the number of facilities and on the estimated amount of mercury used in processes listed in part II of annex B to the Convention to do so as soon as possible, as required in the reporting format;¹
5. Encourages parties that are developing Minamata Initial Assessments to complete them as soon as possible so they may be of support to implementation measures and national reporting efforts;
6. Adopts the amendments to the reporting format² and requests the secretariat to reflect the amendments in the reporting format and in the online reporting tool;
7. Adopts the reporting guidance³ for use by parties and requests the secretariat to reflect the amendments to the reporting format as adopted in the reporting guidance;
8. Requests the secretariat to report to the Conference of the Parties at its sixth meeting on the implementation of the present decision.

¹ This paragraph has been prepared by the secretariat on the basis of relevant recommendations included in the report on the work of the Implementation and Compliance Committee (UNEP/MC/COP.5/14).
² As set out in document UNEP/MC/COP.5/15/Add.1.
³ As set out in document UNEP/MC/COP.5/15/Add.2.