



Group of Technical Experts on Mercury Waste**Thresholds****Minamata Convention on Mercury**

Geneva, 16-18 February 2022

Draft report of the meeting

1. The group of technical experts on mercury waste thresholds met in Geneva, Switzerland, from 16 to 18 February 2023. Experts nominated by Argentina, Armenia, Canada, Chile, China, Colombia, the European Union, Gabon, Guyana, Indonesia, Jamaica, Japan, Madagascar, Mali, Romania, Saudi Arabia, Sri Lanka, Sweden, Switzerland and the United States attended the meeting. The meeting was chaired by Ms. Gabriela Denisia Vasiliu Isac (Romania). The other co-chair, Ms. Oluwatoyin Olabanji (Nigeria), could not attend the meeting due to flight cancellations. Five observers and a representative of the secretariat of the Base; Rotterdam and Stockholm Conventions also attended the meeting.
2. Ms. Monika Stankiewicz, Executive Secretary of the Minamata Convention, welcomed the participants and opened the meeting. The master of ceremonies welcomed participants to the meeting at 9.00 a.m. on Thursday, 16 February 2023.
3. The agenda was adopted as proposed in UNEP/MC/WT.2/1/Rev.1.
4. The group considered Thresholds for waste falling under sub-paragraph 2 (c) of article 11 (Category C waste). All the members of the group present at the meeting were invited to present their views as to the options described in document UNEP/MC/WT.2/2.
5. After considering all the views expressed by the members, the group agreed to recommend to the Conference of the Parties to establish a threshold for Category C waste, presenting three possible threshold values for the Conference to decide upon. The group agreed on other recommendations in relation to the threshold(s). The text of the report to the Conference of the Parties is presented in the Annex.

In considering the recommendation, the group recalled that the Conference of the Parties requested the group in its decision MC-4/6 to utilize the indicative list of waste types contaminated with mercury or mercury compounds to identify relevant information or data that may inform the group's discussion on mercury thresholds, acknowledging the potential for the group to recommend differing thresholds for different waste categories. The group could not recommend differing thresholds for different waste categories to be defined by the Conference of the Parties, noting that it recommends that Parties may choose not to make use of the threshold presented in its report and to establish different thresholds for different waste categories at a national level, as long as those parties have targeted waste management measures in place to protect the human health and the environment, for example, approaches based on hazardous characteristics or risk considerations, leachate and total concentration thresholds other than the threshold referred to in the previous paragraph 5. In case a party chooses to make use of this circumstance it shall notify the Secretariat.

6. The secretariat explained the way forward as follows:
 - A brief report of the meeting will be drafted by the secretariat in consultation with the Co-chairs and circulated to the group.
 - The group's report to the Conference of the Parties as presented in the Annex will be included in the working document for the 5th meeting of the Conference of the Parties, with a cover note and draft decisions to be developed by the secretariat.

- The secretariat will invite further information on the scientific and technical background of the existing thresholds used by parties, noting that parties are likely to have scientific and technical justification of existing thresholds and that the Conference of the Parties may benefit from such information.
 - The group still continues to work, through online meetings, to develop a guidance document on test methods to be used for the tier-2 threshold for tailings from mining other than primary mercury mining. It is likely that the guidance document will be an information document for the 5th meeting of the Conference of the Parties.
7. The co-chair closed the meeting at 16.30 on Saturday, 18 February 2023.

Annex: Report of the group of technical experts on mercury waste thresholds

1. The group of technical experts established pursuant to decision MC-2/2, which received extended mandates by decisions MC-3/5 and MC-4/6, discussed threshold(s) for mercury wastes falling under sub-category 2 (c) of article 11.
2. The expert group recommends the following to the Conference of the Parties:
 - (a) To establish a threshold of [25] [15] [10] mg/kg total concentration of mercury for wastes contaminated with mercury or mercury compounds.¹
 - (b) To provide that parties may choose not to make use of the threshold referred to in the previous subparagraph to determine whether a given waste is a mercury waste falling under sub-category 2 (c) of article 11, as long as those parties have targeted waste management measures in place to protect the human health and the environment, including paragraph 3 (a) of article 11, for example, approaches based on hazardous characteristics or risk considerations, leachate and total concentration thresholds other than the threshold referred to in the previous subparagraph. Each party that chooses to make use of this subparagraph shall notify the Secretariat. The Secretariat will make available those notifications to the public.
3. The group of technical experts recommends to the Conference of the Parties that consideration should be made for capacity building, technical assistance and technology transfer so as to enable the identification, analysis and other elements of the environmentally sound management of mercury wastes falling under sub-category 2 (c) of article 11.
4. The group of technical experts recommends to the Conference of the Parties to invite the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal to consider reviewing, as appropriate, the technical guidelines on environmentally sound management of wastes consisting of, containing or contaminated with mercury or mercury compounds, with additional guidance for mercury wastes falling under subcategory 2(c) of Article 11, consistent with the recommendations above.
5. The group of technical experts recommends that work needs to be carried out, in collaboration with the relevant bodies of the Basel Convention, to provide legal clarity with respect to the mercury waste status under sub-category 2(c) of Article 11 during transboundary movement of waste as contemplated in paragraph 3(c) of article 11.
6. The group of technical experts recommends to the Conference of the Parties to assess the threshold identified under 2(a) and consider renewing the mandate of the group of technical experts. The group also recommends to the Conference of the Parties to review the threshold after 4 years according to the results of such assessment.

¹ Although the group agreed that one threshold value should be established, the group did not agree on a specific threshold value. The group agreed to propose three threshold values in square brackets. Out of the 19 parties present at the meeting (excluding the co-chair), four parties supported proposing 10 mg/kg as one threshold value, four parties supported proposing 25 mg/kg as one threshold value, eight parties supported proposing 10 and 15 mg/kg in square brackets, and three parties did not express specific support.