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**Terms of reference for the Effectiveness Evaluation Group
(EEG)***

The terms of reference as set out below for a new effectiveness evaluation group were the outcome of the contact group on effectiveness evaluation at the resumed fourth meeting of the Conference of the Parties. All elements of the terms of reference were agreed, with the exception of the membership of the effectiveness evaluation group.

Mandate

1. The Effectiveness Evaluation Group (hereinafter, the “EEG”) will be responsible for and oversee the development of the effectiveness evaluation (EE) report, as requested by the Conference of the Parties (COP). The EEG will integrate information and knowledge collected and synthesized during the process into a final report to the COP and present recommendations for improvement and lessons learned and best practices to the COP.
2. The mandate for the EEG concludes with the presentation of a final report to the Conference of the Parties.

Tasks

3. In order to complete the final report, the EEG will carry out the following activities:
 - (a) Oversee the effectiveness evaluation process for the finalization of the effectiveness evaluation report, including those plans and reports, as outlined in Annex X.
 - (b) Prepare an Effectiveness Evaluation report as outlined in Annex X. In preparing its report, the EEG will also refer to the list of indicators, without prejudice to their final agreement by the COP. The reports and the data submitted for the effectiveness evaluation process by Parties will be used as main sources of information, as appropriate, for the effectiveness evaluation. Compiled data with best comparability, representativeness, and sustainability should be the sources for producing the final effectiveness evaluation report.
 - (c) Reflect on, consider and submit to the COP as appropriate the plans and reports included in Annex X, including party comments on the plans and reports. Data submitted by parties should be addressed in the reports, and the reports should explain when sources of data other than party-submitted data is utilized.
4. In carrying out the tasks in paragraph 3, the EEG may delegate work to the Open-Ended Scientific Group (OESG), the Secretariat, and other groups to meet the EEG’s obligations, within

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allocated resources. The EEG will engage with the relevant groups and take into considerations their recommendations and input.

5. The EEG will invite the Secretariat, the OESG, and other relevant groups to work, as appropriate, based on direction received from the COP to continue to develop and implement the necessary tasks to further the work of the effectiveness evaluation.

6. In addition to its effectiveness evaluation report to the Conference of the Parties, the EEG will provide, and submit to the COP, an overview of lessons learned during the first effectiveness evaluation cycle for consideration in subsequent cycles, including recommendations on any modifications to indicators, monitoring guidance, data sources, reports or the overall framework.

Membership

7. The members of the EEG will be appointed on the basis of equitable geographical distribution, taking into account the need for gender balance and various types of expertise.

8. The EEG will consist of [(15)] [(40)] participants from Parties, as follows:

(a) [Three (3)] [Eight (8)] representatives from Parties nominated by each of the five UN regions;

9. The representatives nominated by the regions will have experience in the work carried out by the EEG.

10. Members of the EEG will serve objectively and provide their expertise in a neutral and impartial manner, and act in the best interests of the Convention.

11. The members of the EEG shall serve for the duration of one Effectiveness Evaluation cycle as determined by the Conference of the Parties. A new group will be reconstituted in accordance with the Effectiveness Evaluation framework timeline in the next cycle.

12. If a member is unable to complete their term of office, the region nominating that member will nominate another person to complete the term.

Invited Experts and Observers

13. The Secretariat in consultation with the EEG will invite two (2) internationally recognized UN experts in effectiveness evaluation as observers, with due consideration for the available expertise.

14. The Co-chairs (2) of the OESG and the Chair of the Implementation and Compliance Committee will be invited to participate as observers.

15. The EEG will invite up to five (5) participants from developed and developing countries drawing from civil society, indigenous organizations, local community organizations, intergovernmental organizations, industry and the UNEP Global Mercury Partnership as observers. The participation of observers will be balanced among the above-mentioned groups and by gender.

16. The EEG may invite additional observers on an ad hoc basis within reasonable limits.

Officers

17. The EEG will elect two co-chairs from among its Party members, one from a developed and one from a developing country, to facilitate its work and meetings.

Procedural matters

18. The EEG will apply the rules of procedure of the Conference of the Parties, mutatis mutandis, unless otherwise provided in the present terms of reference.

19. The EEG may establish such arrangements as are necessary to facilitate its work, in line with the present terms of reference, including establishing sub-groups, within allocated resources. Any sub-groups will be subject to the direction and oversight of the EEG and will cease to exist upon completion of the assigned task. The sub-groups will carry out their work electronically where possible.

20. The EEG will seek to reach agreement by consensus. Should the members fail to reach consensus, the range of their views will be reflected in the relevant report to be submitted to the Conference of the Parties.

Secretariat

21. The Secretariat will provide administrative, logistical, programmatic and substantive support for the meetings and work of the EEG, with the assistance of services as necessary, subject to available resources.

Meetings

22. The EEG will work online and will hold up to two face-to-face meetings as needed, within allocated resources, to review the information available for the evaluation cycle and to develop a report of its findings to the Conference of the Parties. The frequency of face-to-face EEG meetings may be amended as necessary based on the decisions of the Conference of the Parties.

23. Draft documents to be transmitted to the Conference of the Parties will be opened for comments from Parties. Draft documents will be finalized by the EEG at least four months before the meeting of the Conference of the Parties.

Language of meetings

24. The working language of the EEG will be English.

Budget

25. Financial support for travel and daily subsistence allowance should, subject to approval by the Conference of the Parties, be made available to EEG members and invited observers for participation in meetings of the EEG in accordance with United Nations rules and practice
