

**MINAMATA  
CONVENTION  
ON MERCURY**

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

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**Decision adopted by the fourth meeting of the Conference of the  
Parties to the Minamata Convention on Mercury****MC-4/6: Mercury waste thresholds**

*The Conference of the Parties,*

*Recalling* the thresholds for certain categories of wastes provided for by the Conference of the Parties in decision MC-3/5, as well as the work done by the group of technical experts established in decision MC-2/2 and by the secretariat to allow for further consideration of mercury waste thresholds by the Conference of the Parties at its fourth meeting,

*Welcoming* the report of the group of technical experts on mercury waste thresholds,

*Noting* that, in accordance with decision 3/5, the work of the group of technical experts on mercury waste thresholds has been focused primarily on a total mercury concentration approach in considering a threshold for mercury wastes falling under subparagraph 2 (c) of article 11,

*Noting also* that some parties have expressed an interest in broadening the focus of the work of the group of technical experts to consider approaches other than the total mercury concentration approach, including risk-based considerations,

*Noting further* that waste contaminated with mercury or mercury compounds may pose a risk to human health or the environment if it is deposited or spread onto land without proper management measures,

*Highlighting* the need for parties, particularly developing country parties, to be able to identify the mercury waste entering their countries in order to protect the most vulnerable populations from mercury pollution,

*Acknowledging* that the Conference of the Parties, at its fourth meeting, was unable to take a decision with respect to the thresholds proposed to date by the group of technical experts,

*Taking into account* the report of the group of technical experts on mercury waste thresholds, set out in annex II to the note by the secretariat on the report on the intersessional work on mercury waste,<sup>1</sup>

1. *Decides*, with the goal of recommending and facilitating a decision on waste falling under subcategory 2 (c) of article 11 at the fifth meeting of the Conference of the Parties or as soon as possible thereafter, to extend the mandate of the group of technical experts to develop and consider new information and opportunities to present in a report to the Conference of the Parties;

2. *Invites* parties to share information and data on the waste categories listed in the indicative list contained in table 3 of the annex to decision MC-3/5, including with respect to any

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<sup>1</sup> UNEP/MC/COP.4/8.

relevant national or local thresholds and their establishment, and requests the secretariat to compile such information and distribute it to the group of technical experts as soon as possible and make it available electronically;

3. *Requests* interested parties to submit information, when appropriate or at the request of the group of technical experts, on approaches other than the total mercury concentration approach to the secretariat for consideration by the group of technical experts;

4. *Decides* that prior to the fifth meeting of the Conference of the Parties the group of technical experts is to:

(a) Seek to collaborate, as appropriate, with the small intersessional working group established under the Basel Convention in decision BC-14/8, on technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with mercury or mercury compounds, with a view to exchanging information and avoiding duplication of effort;

(b) 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, as appropriate and noting that the group should prioritize wastes that are common among parties and likely to pose a risk to human health or the environment and should take into account that parties have varying waste management capacities;

(c) Collect and incorporate additional information or conduct further analysis, as needed and available, to supplement the information provided by parties in response to paragraph 1 of the present decision;

(d) Consider the situation of parties that already manage mercury waste in an environmentally sound manner, including through the use of a risk-based approach that takes into account leaching potential;

5. *Decides* that no threshold needs to be established for tailings from artisanal and small-scale gold mining in which mercury amalgamation is used to extract gold from ore, and that all tailings from such mining should be managed in an environmentally sound manner pursuant to article 7 and in line with the national action plans that respective parties develop using the guidance document on the preparation of national action plans for artisanal and small-scale gold mining;<sup>2</sup>

6. *Decides* to define the following two-tier thresholds above which tailings from mining other than primary mercury mining are not excluded from the definition of mercury waste pursuant to paragraph 2 of article 11:

(a) Tier-1 threshold to be applied first: 25 mg/kg total mercury content;

(b) Tier-2 threshold to be applied to tailings above the tier-1 threshold: 0.15 mg/L in the leachate using an appropriate test method simulating the leaching of mercury at the site where the tailings are deposited;

7. *Requests* the group of technical experts 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;

8. *Invites* parties to review the membership of the group of technical experts as necessary and to inform the secretariat of any change in the membership through the Bureau representatives of the five United Nations regions;

9. *Requests* the group of technical experts to invite, as appropriate, scientific and technical contributions from a roster of additional experts identified by parties;

10. *Also requests* the group of technical experts to continue its work primarily by electronic means and to hold one face-to-face meeting of sufficient duration to address mercury wastes falling under paragraph 2 (c) of article 11, subject to the availability of resources, and to report on its work to the Conference of the Parties at its fifth meeting;

11. *Requests* the secretariat to transmit the present decision to the appropriate bodies of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and to invite them to take the present decision into account;

<sup>2</sup> UNEP/MC/COP.1/17, annex II, as amended by the Conference of the Parties at its fourth meeting and set out in UNEP/MC/COP.4/29, annexes I and II.

12. *Also requests* the secretariat to continue to support the work of the group of technical experts.
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