

**MINAMATA  
CONVENTION  
ON MERCURY**

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**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 (i)

**Matters for consideration or action by the  
Conference of the Parties: effectiveness evaluation****Giving effect to article 22 of the Minamata Convention on  
Mercury: effectiveness evaluation****Compilation of written comments, questions and clarifications  
submitted during the intersessional consultations on the  
framework for the evaluation of the effectiveness of the  
Convention****Note by the secretariat**

The present note contains a compilation of the written comments, questions and clarifications submitted during the intersessional consultations on the framework for the evaluation of the effectiveness of the Convention, as follows:

(a) Annex I contains specific written comments, questions and clarifications from the following parties, compiled in the order in which they were received: United Kingdom of Great Britain and Northern Ireland (written comments), Islamic Republic of Iran (written comments), United States of America (written comments), European Union and its member States (written comments), Japan (written comments), China (written comments), China (additional questions), United States (clarification).

(b) Annex II contains general written comments from the following parties, compiled in the order in which they were received: Oman, Kuwait, Mauritius.

## **Annexes**

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**Annex I: Parties' specific written comments, questions and clarifications submitted on the framework for evaluating the effectiveness of the Minamata Convention on Mercury**

## **Comments from the United Kingdom**

### **Minamata Convention on Mercury**

#### **Written comments on the framework to evaluate the effectiveness of the Convention**

**20 January 2022**

The UK would like to thank the Secretariat for the opportunity to provide comments on the framework to evaluate the effectiveness of the Minamata Convention.

We welcome the progress that has been made by Parties and the Secretariat on effectiveness evaluation in the build-up to COP4.2. We share the Minamata Convention's commitment to limiting global mercury emissions and releases, and we believe a robust and complete effectiveness evaluation is essential to achieving such aims.

We would like to express our support for the draft framework and decision text proposed by Canada and Norway in Conference Room Paper UNEP/MC/COP.4/CRP.1. We appreciate the facilitative process undertaken by Norway and Canada to develop the paper, which we believe outlines a practical and robust way forward for the Convention's first effectiveness evaluation.

Specifically, we would like to highlight our support for the key elements of the framework, including the proposed reports, process, and timeline, as well as the terms of reference for the Effectiveness Evaluation Committee (EEC) and the Scientific Advisory Group on Effectiveness Evaluation (SAGE). We view the suggested institutional arrangements, structure, and outputs as valuable aspects of an effectiveness evaluation framework that is both inclusive and comprehensive. We therefore believe that the paper represents a promising basis for negotiations at COP4.2.

While we believe that the paper addresses most of the key remaining areas of work related to agreeing the effectiveness evaluation framework (as outlined in document UNEP/MC/COP.4/18), the UK would like to note that the document does not at this stage contain a proposed approach on indicators. In our view, there would be benefit in agreeing a list of indicators as early as possible, in order to facilitate the work of the EEC and to prevent any potential future delays to the effectiveness evaluation report. This may not be possible at COP4.2 due to the significant workload already facing Parties. Nevertheless, we believe it is important that Parties still come to an agreement on a path forward for resolving the issue in the future.

We look forward to the upcoming online consultation session, which we hope will be an important platform for a comprehensive, wide-reaching, and successful dialogue at the planned face-to-face meeting in March.

## Comments from Iran (Islamic Republic of)

Table 1

Proposed indicators for evaluating the effectiveness of the Minamata Convention, by article

A: Article 1 (objective) (The indicator for article 1 is to be read with the relevant monitoring indicator in table 4.)		Source of information on the indicator	Baseline for the indicator
A1. Cross-cutting monitoring indicator	Levels of mercury in the environment and in humans due to anthropogenic emissions and releases	Attributive modelling	Amount in the first evaluation (if models are available)
<b>Notes</b>		<ul style="list-style-type: none"> <li>Attribution is to be estimated using models yet to be developed; thus, information for this indicator may or may not be available for the first effectiveness evaluation cycle.</li> <li>Estimates from modelling are to be accompanied by relevant notes on modelling uncertainties.</li> <li>In case of non-availability of information from models, levels of mercury and trends in mercury levels (changes over time) could be used for attribution purposes.</li> </ul>	
B: Supply cluster Article 3 (mercury supply sources and trade); article 10 (environmentally sound interim storage of mercury other than waste mercury); article 11 (mercury waste)		Source of information on the indicator	Baseline for the indicator
B1. Overall process indicator for articles 3, 10 and 11	Proportion of parties that have implemented key provisions under this cluster (encompassing all process indicators below, i.e., B5, B6, B7, B8, B9 and B13) <b>Number and proportion of Parties that have requested /received technical assistance and financial support for implementation of the provisions under this cluster</b>	- Article 21 reporting	Amount in the first evaluation
B2. Additional cross-cutting outcome indicator for articles 3, 10 and 11	Estimated global supply of mercury, in tonnes per year	- Synthesized information from individual indicators for articles 3, 10 and 11	Amount in the first evaluation
<b>Article 3</b>			
B3. Outcome indicator for article 3	Total amount of mercury mined from primary mercury mines	- 2017 report on global mercury supply, trade and demand - Article 21 reporting - ASGM national action plan reports	Amount in the first evaluation
B4. Outcome indicator for article 3	Amount of mercury traded, broken down by specific purpose	- Article 3 forms	Amount in the first evaluation
B5. Process indicator for article 3	Number of parties that have endeavoured to identify stocks and sources of supply	- Article 21 reporting	Number in the first evaluation
B6. Process indicator for article 3	<b>Number and</b> Proportion of parties with excess mercury from chlor-alkali production that have taken measures for such mercury to be subject to final disposal  <b>Number of the parties that have taken measures to convert mercury based process in their chlor-alkali plants to non-mercury production.</b>	- Article 21 reporting - World Chlorine Council reports	Percentage in the first evaluation
B7. Process indicator for article 3	Number and proportion of parties trading in mercury	- Article 21 reporting - Article 3 forms	Amount in the first evaluation
B8. Process indicator for article 3	Volume of mercury being traded	- Article 21 reporting	Amount in the first evaluation
<b>Article 10</b>			
B9. Process indicator for article 10	Number and proportion of parties that have taken measures to ensure sound interim storage	- Article 21 reporting	Amount in the first evaluation
B10. Outcome indicator for article 10	Amount of mercury stored in an environmentally sound way (as identified in the inventory of stocks)	- Article 21 reporting	Amount in the first evaluation
<b>Article 11</b>			
B11. Outcome indicator for article 11	Amount of waste containing mercury or mercury compounds subject to final disposal	- Article 21 reporting	Amount in the first evaluation
B12. Outcome indicator for article 11	Number of parties with facilities for final disposal of waste containing mercury or mercury compounds	- Article 21 reporting	Amount in the first evaluation
B13. Process indicator for article 11	Number of parties that have measures in place to manage mercury waste in an environmentally sound manner	- Article 21 reporting	Amount in the first evaluation
<b>Notes</b>		<ul style="list-style-type: none"> <li>Data from non-parties could also be important in some instances.</li> </ul>	

**Commented [M1]:** The data of non-parties relevant with emission and release of mercury also should be taken into account.

**Commented [M2]:** Clarification about the reasons for choosing this report as source of information of this indicator is required.

C: Demand cluster Article 4 (mercury-added products); article 5 (manufacturing processes in which mercury or mercury compounds are used); article 7 (artisanal and small-scale gold mining)		Source of information on the indicator	Baseline for the indicator
C1. Cross-cutting process indicator for articles 4, 5 and 7	Proportion of parties that have implemented key provisions under this cluster <b>Number and proportion of Parties that have requested /received technical assistance and financial support for implementation of the provisions under this cluster</b>	- Synthesized information from individual indicators for articles 4, 5 and 7	Percentage in the first evaluation
C2. Cross-cutting outcome indicator for articles 4, 5 and 7	Global use of mercury in the manufacturing of products or processes, in tonnes per application	- Information from industry sources	Amount in the first evaluation
<b>Article 4</b>			
C3. Process indicator for article 4	Number of parties having appropriate measures to prevent the manufacture, export or import of mercury-added products listed in part I of annex A	- Article 21 reporting	Number in the first evaluation
C4. Process indicator for article 4	Number of exemptions per product category that are still valid	- Registry of exemptions	Number in the first evaluation
C5. Process indicator for article 4	Number of parties that have taken two or more measures for the mercury-added products listed in part II of annex A	- Article 21 reporting	Number in the first evaluation
C6. Additional outcome indicator for article 4	Volume, in tonnes of mercury-added products (a) imported and (b) exported, in units per year, for each product category in part I of annex A.	- <b>Official Trade and customs data</b>	Amount in the first evaluation
<b>Article 5</b>			
C7. Process indicator for article 5	Number of parties with exemptions for annex B, part I, processes that are still valid	- Registry of exemptions	Number in the first evaluation
C8. Process indicator for article 5	Number of parties having measures in place to not allow the use of mercury or mercury compounds in manufacturing processes listed in part I of annex B	- Article 21 reporting	Number in the first evaluation
C9. Process indicator for article 5	Proportion of parties that have processes subject to article 5, para. 3, that have taken all measures for the respective processes listed in annex B, part II	- Article 21 reporting	Percentage in the first evaluation
<b>Article 7</b>			
C10. Outcome indicator for article 7	Total amount of mercury used in ASGM globally, in tonnes per year	- Article 21 reporting - ASGM national action plans and reviews thereof - Notifications	Amount in the first evaluation
C11. Process indicator for article 7	Proportion of parties declaring more than insignificant ASGM that have submitted a national action plan	- Notifications	Percentage in the first evaluation
C12. Process indicator for article 7	Proportion of parties that have submitted a national action plan and have reviewed it	- Article 7 reviews	Percentage in the first evaluation
C13. Process indicator for article 7	<b>Proportion of Parties that have implemented their national action plan</b>		
<b>Notes</b>		<ul style="list-style-type: none"> <li>Some data on products may not be easily obtainable.</li> </ul>	

**Commented [AT3]:** Only official trade and customs data should be regarded the source of information of this indicator.

D: Pressure cluster Article 8 (emissions); article 9 (releases); article 12(contaminated sites)		Source of information on the indicator	Baseline for the indicator
D1. Overall process indicator for articles 8, 9 and 12	Share of parties that have implemented key provisions under this cluster  <b>Number and proportion of Parties that have requested /received technical assistance and financial support for implementation of the provisions under this cluster</b>	- Article 21 reporting	Percentage in the first evaluation
D2. Cross-cutting outcome indicator for articles 8, 9 and 12	Total amount of mercury emitted and released	- Global Mercury Assessment 2018 - Inventories - Minamata Convention initial assessments - <b>Article 21 reporting</b>	Amount in the first evaluation
<b>Article 8</b> (The indicators for article 8 are to be read with the relevant monitoring indicators in table 4.)			
D3. Outcome indicator for article 8	Total amount of mercury emitted for each point source category in annex D	- Article 21 reporting - Inventories	Number in the first evaluation
D4. Process indicator for article 8	Number of parties that require BAT/BEP or emission limit values consistent with the application of BAT	- Article 21 reporting	Number in the first evaluation
D5. Process indicator for article 8	Number of parties that have put in place control measures for existing sources (per each of the measures set out in article 8, para. 5)	- Article 21 reporting	Number in the first evaluation
D6. Process indicator for article 8	Number of parties that have established and maintained an inventory of emissions	- Article 21 reporting	Number in the first evaluation
<b>Article 9</b> (The indicators for article 9 are to be read with the relevant monitoring indicators in table 4.)			
D7. Outcome indicator for article 9	Total amount of mercury releases in the inventory from relevant sources	- Article 21 reporting - Inventories	Number in the first evaluation
D8. Process indicator for article 9	Number of parties that have identified relevant sources	- Article 21 reporting	Number in the first evaluation
D9. Process indicator for article 9	Number of parties that have established and maintained an inventory of releases from relevant sources	- Article 21 reporting	Number in the first evaluation
<b>Article 12</b>			
D10. Process indicator for article 12	Number of parties that have developed strategies for identifying and assessing sites contaminated by mercury or mercury compounds	- Article 21 reporting	Number in the first evaluation
D11. Process indicator for article 12	Number of parties that have <b>taken measures and /or</b> developed an inventory of contaminated sites	- Article 21 reporting	Number in the first evaluation
<b>Notes</b>		<ul style="list-style-type: none"> <li>There may be some data gaps, as parties are not obliged to share the information collected as part of their inventory.</li> </ul>	

**Commented [A4]:** Clarification about the reasons for choosing this report as source of information of this indicator is required.

**Commented [M5]:** Clarification is needed. Who has prepared such inventories?

E: Support cluster Article 13 (financial resources and mechanism); article 14 (capacity- building, technical assistance and technology transfer)		Source of information on the indicator	Baseline for the indicator
<b>Article 13</b>			
E1. Process indicator for article 13	Number of parties that have: <ul style="list-style-type: none"> <li>o Contributed to the financial mechanism referred to in article 13, para. 5</li> <li>o Received Global Environment Facility resources</li> <li>o <b>Not been able to receive/and or access to GEF funds</b></li> <li>o Received SIP resources</li> <li>o Mobilized national resources for implementing the Convention within the reporting period</li> </ul>	- Article 21 reporting	Number in the first evaluation
E2. Process indicator for article 13	Amount of resources provided by: <ul style="list-style-type: none"> <li>o Global Environment Facility</li> <li>o SIP</li> <li>o Bilateral support within the reporting period</li> </ul>	- Article 21 reporting - Other public sources	Number in the first evaluation
E3. Additional process indicator for article 13	Number of recommendations from the financial review reflected in the Global Environment Facility/SIP policy documents	- Information from policy documents	Zero
<b>Article 14</b>			
E4. Process indicator for article 14	Number of parties that have: <ul style="list-style-type: none"> <li>o Cooperated in providing capacity-building and technical assistance to another party</li> <li>o Requested technical assistance</li> <li>o Received capacity-building or technical assistance</li> <li>o Promoted or facilitated technology transfer to meet the requests made</li> </ul>	- Article 21 reporting - Other public sources	Number in the first evaluation
<b>Notes</b>		<ul style="list-style-type: none"> <li>▪ The cycle of review of the financial mechanism may well not align with the effectiveness evaluation cycle.</li> <li>▪ As the reporting format does not request dollar values for resources provided, other public sources may need to be consulted.</li> </ul>	
<b>F: Article 15 (Implementation and Compliance Committee)</b>		<b>Source of information on the indicator</b>	<b>Baseline for the indicator</b>
F1. Process indicator	Proportion of issues that the Implementation and Compliance Committee was able to resolve, including indications of systemic issues, if any	- Implementation and Compliance Committee report, as referred to in article 21	Number in the first evaluation
<b>Notes</b>		<ul style="list-style-type: none"> <li>▪ The Conference of the Parties is to consider the terms of reference of the Implementation and Compliance Committee at its third meeting.</li> </ul>	
<b>G: Article 16 (Health aspects)</b> (The indicator for article 16 is to be read with the relevant monitoring indicators indicated in table 4)		<b>Source of information on the indicator</b>	<b>Baseline for the indicator</b>
G1. Monitoring indicator	Mercury levels in selected human populations (as defined by the monitoring arrangements)	- Existing monitoring data and activities	Number in the first evaluation
G2. Process indicator	Number of parties that have taken measures, such as fish advisories, to provide information to the public on exposure to mercury, in accordance with paragraph 1 of article 16	- Article 21 reporting	Number in the first evaluation
G3. Process indicator	Number of parties that have taken measures to protect human health, in accordance with article 16  Number and proportion of Parties that have requested /received technical assistance and financial support for implementation of the provisions under this Article	- Article 21 reporting - Submissions to the secretariat	Number in the first evaluation
<b>Notes</b>		<ul style="list-style-type: none"> <li>▪ Mercury levels in biota are also to be considered.</li> </ul>	

**Commented [M6]:** There is difference in the level of implementation of the obligations of the Convention by Parties who have received financial support from GEF and those parties who have not been able to receive or access such support.

**Commented [M7]:** Further clarification is needed. It is not clear what public sources it means. The information of national reporting under Article 21 seems to be sufficient.

**Commented [M8]:** Does it refer to the policy documents of GEF and SIP?

**Commented [M9]:** Further clarification is needed. It is not clear what public sources it means. The information of national reporting under Article 21 seems to be sufficient.

H: Information and research cluster Article 17 (information exchange); article 18 (public information, awareness and education); article 19 (research, development and monitoring)		Source of information on the indicator	Baseline for the indicator
<b>Article 17</b>			
H1. Process indicator for article 17	Number of parties with designated national focal points	- Article 21 reporting	Number in the first evaluation
H2. Process indicator for article 17	Number of parties that have facilitated the exchange of information related to mercury	- Article 21 reporting -	Number in the first evaluation
<b>Article 18</b>			
H3. Process indicator for article 18	Number of parties that have taken measures to implement article 18	- Article 21 reporting	Number in the first evaluation
H4. Process indicator for article 18	Average number of measures under paragraph 1 of article 18 that are being implemented by parties	- Derived from article 21 reporting	Number in the first evaluation
H5. Process indicator for article 18	Number of parties that have public information on mercury levels in air, humans and biota within their territory	- Article 21 reporting	Number in the first evaluation
H6. Process indicator for article 18	Number of parties undertaking risk communication relating to mercury intake through food and water consumption within their territory	- Article 21 reporting	Number in the first evaluation
<b>Article 19</b>			
H7. Process indicator for article 19	Number of parties that have undertaken research, development and monitoring, in accordance with paragraph 1 of article 19  Number and proportion of Parties that have requested /received technical assistance and financial support for implementation of the provisions under this Article	- Article 21 reporting	Number in the first evaluation
H8. Process indicator for article 19	Number of parties contributing data and knowledge to integrated assessments	- Existing monitoring networks, databases, scientific data and literature	Number in the first evaluation
H9. Additional process indicator for article 19	Number of regions contributing to a regional dataset	- Existing monitoring networks, databases, scientific data and literature	Number in the first evaluation
<b>Notes</b>		▪ Submissions to the secretariat that supplement article 21 reporting	
<b>I: Article 20 (implementation plans)</b>		Source of information on the indicator	Baseline for the indicator
I1. Process indicator	Number of parties submitting implementation plans	- Secretariat report to the Conference of the Parties on implementation plan submissions	Zero
<b>Notes</b>		▪ Parties are not obliged to prepare an implementation plan. Some parties have nevertheless found it useful to prepare such a plan and submit it to the secretariat.	
<b>J: Article 21 (reporting)</b>		Source of information on the indicator	Baseline for the indicator
J1. Process indicator	Proportion of parties reporting on time	- Article 21 reporting	Percentage of the first submission on time
J2. Process indicator	Proportion of reports received on time	- Article 21 reporting	Percentage not available in the first reports
J3. Process indicator	Proportion of parties indicating that information is not available for specific questions	- Article 21 reporting	Percentage not available in the first reports
<b>Notes</b>		▪ Parties are to report every two years.	
<b>K: Article 22 (effectiveness evaluation)</b>		Source of information on indicator	Baseline for the indicator
K1. Process indicator	Evidence of implementation of recommendations from effectiveness evaluation through decisions and actions of the Conference of the Parties	- Conference of the Parties meeting report	Zero
<b>Notes</b>		▪ This article will not be evaluated in the first evaluation.	

Abbreviations: ASGM, artisanal and small-scale gold mining; BAT/BEP, best available techniques/best environmental practices; SIP, specific international programme to support capacity-building and technical assistance

## **Comments from the United States**

### **United States comments on the effectiveness evaluation framework**

The United States supports a robust, science-based and cost-effective effectiveness evaluation for the Minamata Convention, that prioritizes data transparency and integrity. We are pleased to submit comments on the framework for evaluating the effectiveness of the Convention, as invited by the Secretariat in the report of COP-4.1.

Our comments respond to the remaining areas of work needed for the Conference of the Parties to put in place the framework and arrangements for the first evaluation of the effectiveness of the Convention, and to conduct its first evaluation, as presented in Section IV of document UNEP/MC/COP.4/18. These comments draw upon additional insights as presented in documents UNEP/MC/COP.4/CRP.1, UNEP/MC/COP.4/18/Add.1, UNEP/MC/COP.4/INF/11, and UNEP/MC/COP.4/18/Add.2 and UNEP/MC/COP.4/INF/12. We recognize that there will likely be lessons learned in the elaboration and conduct of this first evaluation that will be relevant in subsequent evaluations, as well as additional analytical methods and data that will only be made available for future evaluations.

We submit views on each of the eight remaining areas of work laid out in the table in Section IV of UNEP/MC/COP.4/18 (Areas of Work to Give Effect to Article 22):

1. First effectiveness evaluation cycle;
2. Elements of an effectiveness evaluation framework;
3. Monitoring information and arrangements;
4. Article 21 national reports as a source of information;
5. Available scientific, environmental, technical, financial and economic information;
6. Information and recommendations provided by and through the Implementation and Compliance Committee pursuant to article 15;
7. Reports and other relevant information pursuant to articles 13 and 14;
8. Periodicity of evaluation of the effectiveness of the Convention.

## 1. First effectiveness evaluation cycle

*The Conference of the Parties is to decide at which meeting it wishes to receive the reports that it requires in order to conduct and conclude on the first effectiveness evaluation.*

The United States is hopeful the effectiveness evaluation can be launched at COP 4.2, through adoption of the key elements of the framework and the terms of references for the relevant bodies.

Overall, we support the steps, schedule, plans and reports as outlined in Figure 2 of CRP 1. We also look forward to receiving the Article 21 Synthesis Report and the Trade, Supply and Demand Report, and the plans for a Summary of Available Emissions and Releases Data, facilitated by the Secretariat at COP 5. Our vision for development of this summary is provided under question 5: Available scientific, environmental, technical, financial and economic information.

In our view, the plans described in Figure 2 of CRP1 (such as the Plan for Monitoring Data Compilation and Summary and Plan for Monitoring Data Compilation and Summary) are key intermediate products of the evaluation process. To facilitate transparency and participatory process, each plan should be made available for party review and comment as an intersessional submission. For each plan, a “response to comments” document should be prepared as these plans are refined before next steps are taken. Party review should take place through intersessional submissions at each of these stages of development, as shown in Figure 2 of CRP1. These intermediate products may be discussed at COP 5, though we do not understand that any decisions need or should be taken on them to facilitate the continuation of work. As envisioned in CRP 1, the Effectiveness Evaluation Committee (EEC) can facilitate the process, including by reflecting on Party comments, and may serve as a forum to discuss comments raised by Parties as needed.

## 2. Elements of an effectiveness evaluation framework

*The Conference of the Parties is to conclude on the elements of the effectiveness evaluation framework, including the mandate and terms of reference of the effectiveness evaluation committee; the approach on the indicators (see note below); and the steps and schedule of the effectiveness evaluation.*

In the United States’ view, the effectiveness evaluation framework includes the following elements:

- Policy questions. We view the four policy questions as providing fundamental structure to the overall effectiveness evaluation. To recall, those policy questions are:
  - *Policy question 1: Have the Parties taken actions to implement the Minamata Convention?*
  - *Policy question 2: Have these actions resulted in changes in the emissions and releases of mercury to the environment?*
  - *Policy question 3: Have these changes resulted in changes in levels of mercury in the environment, biota and humans attributable to the Convention?*
  - *Policy question 4: To what extent are existing measures under the Minamata Convention meeting its objective of protecting human health and the environment from mercury?*
- Mandate and terms of reference (ToR) of the Effectiveness Evaluation Committee (EEC). We view the EEC ToR provided in Annex 2 of CRP as a reasonable basis for further discussion and have provided suggested edits to this ToR in Annex 1 of this document.
- Mandate and terms of reference of a scientific committee, like the Scientific Advisory Group of Experts (SAGE) as outlined in CRP 1. We view the SAGE ToR provided in

Annex 3 of CRP as a reasonable basis for further discussion and have provided suggested edits to this ToR in Annex 2 of this document.

- Approach on the indicators. While we view the indicators as a key part of the overall effectiveness evaluation framework, and as a key component to be used by the EEC in developing their report, we have no further comment at this on the indicators beyond the views shared in UNEP/MC/COP.4/INF/11. We look forward to Parties discussing and concluding on the indicators at COP 4.2.

Steps and schedule of the first effectiveness evaluation, including for its constituent reports. We support the steps, schedule and reports outlined in Figure 2 of CRP 1 with the following suggested changes:

- The six green boxes (“Plan for Article 21 Synthesis Report,” “Plan for Trade, Supply and Demand Report,” “Plan for Monitoring Data Compilation and Summary,” “Plan for data analysis based on the monitoring guidance,” “Monitoring Data Compilation and Summary and data analysis based on the monitoring guidance,” “Summary of Emissions and Releases Data,”) should be changed to gold to show that they products rather than processes. In our view, the processes are represented by the horizontal arrows between boxes.
- The current naming of the report on emissions and releases data (“Emissions and Releases Inventory”) should be changed to “Summary of Available Emissions and Releases Data.” This information should be summarized based on available information, such as inventories developed by Parties, rather than be a standalone independent inventory. This change has been incorporated into comments on the ToR for the EEC and SAGE, as well.

### 3. Monitoring information and arrangements

*The Conference of the Parties is to conclude on the arrangements for providing itself with comparable monitoring data, including an expert scientific modality for developing reports on the presence and movement of mercury and mercury compounds in the environment, as well as trends in levels of mercury and mercury compounds observed in biotic media and vulnerable populations, for the effectiveness evaluation.*

The United States supports the existence of a scientific advisory group of experts, such as the SAGE outlined in CRP 1. However as reflected in Annex 2 to this document, we seek some clarifications to that group’s mandate and membership.

In our view, the SAGE will assess the data and coordinate the analyses included in the Scientific Report, based on the monitoring guidance and its guiding questions as set out in UNEP/MC/COP.4/18/Add.2 and UNEP/MC/COP.4/INF/12. The SAGE will make the four elements of the Scientific Report available for review by Parties and the Committee, respond to comments and integrate comments into plans and products for review by the EEC and submission to the COP by the EEC. Those four elements are the Plan for the Monitoring Data Compilation and Summary, the plan for Data Analysis consistent with the Monitoring Guidance, the Monitoring Data Compilation and Summary, and the Data Analysis addressing the guiding questions outlined in the Monitoring Guidance.

We understand that the SAGE should be supported by a roster of experts identified by parties, to work through electronic means and communication, as appropriate. This roster should include experts from, as appropriate: civil society, indigenous organizations, intergovernmental organizations, research and academia, the Global Mercury Partnership, and existing monitoring

networks. We do not see the need for additional observers beyond this roster of experts. These changes are reflected our comments in Annex 3.

In our view, the monitoring guidance expert group should continue its work as authorized under Decision 3/10 to complete the annexes and supplemental materials to the draft monitoring guidance. This work can transition to the SAGE when it is established, if not yet complete at that time.

#### **4. Article 21 national reports as a source of information**

*Based on the analysis of the responses to the short reports (2019) and the full reports (2021), the secretariat is progressing in the development of the Article 21 Synthesis Report. The report is being completed for the fifth meeting of the Conference of the Parties.*

We see the Article 21 national reports as a key source of information and look forward to the development of the Article 21 Synthesis Report.

#### **5. Available scientific, environmental, technical, financial and economic information**

*The Conference of the Parties is to decide to begin work on emissions and releases. The trade, supply and demand report, which includes mercury waste flows and stocks, is being completed by the Secretariat for the fifth meeting of the Conference of the Parties.*

In the United States' view, beginning work on compiling available information on emissions and releases is a key priority following COP 4.2. Sufficient data on emissions and, where available, on releases, is needed to address policy question 3 as described in the monitoring guidance. This work should be produced as a Summary of Available Emissions and Releases Data.

In our view, the work of gathering and summarizing data should be facilitated by the Secretariat with the assistance of a consultant. The work should be overseen by a sub-committee of the SAGE focusing specifically on emissions, and where appropriate, releases. Additionally, the work should provide ample opportunities for consultation with Party experts to review the available data regarding their own emissions and releases and to provide additional information to strengthen the summary.

This information will be used to inform models that link available data on emissions and releases to available monitoring data, thus addressing the question of whether the Convention is fulfilling its objective under Article 1.

#### **6. Information and recommendations provided by and through the Implementation and Compliance Committee pursuant to Article 15**

*At each meeting, the Conference of the Parties is to receive a report from the Implementation and Compliance Committee*

In the United States' view, the Implementation and Compliance Committee (ICC) report is the most appropriate conduit by which to integrate data and information from the ICC to the effectiveness evaluation. As the effectiveness evaluation is not a compliance process, we do not view as helpful or appropriate that the ICC members also serve on the EEC.

## **7. Reports and other relevant information pursuant to Articles 13 and 14**

*At each meeting, the Conference of the Parties is to receive reports on the Global Environment Facility and the Specific International Programme. The Conference of the Parties also conducts periodic reviews of the financial mechanism. It also receives secretariat reports on article 14, pertaining to capacity-building, technical assistance, and technology transfer.*

We have no comments on this section.

## **8. Periodicity of evaluation of the effectiveness of the Convention.**

*The Conference of the Parties is to agree on the periodicity of the following evaluations, this can be done by setting an interval or deciding another appropriate way forward per evaluation cycle.*

The United States supports an eight-year effectiveness evaluation cycle. i.e., the second EE would be scheduled to be completed 8 years after the first EE concludes. We believe this periodicity of the effectiveness evaluation would correspond well with the four-year reporting cycle. A longer cycle will also better accommodate improvements in modelling capacity, and data availability and infrastructure. The initiation of work on the second EE will further depend on the date of the final report and lessons learned from the first EE process.

## Annex 1. U.S. comments on Annex 2 of CRP 1.

*In the text below, we have made additions in bold, removals in strike-through, and comments in italics.*

### Terms of reference for the Effectiveness Evaluation Committee

#### A. Mandate

2. The Effectiveness Evaluation Committee (hereinafter, the “Committee”) will be responsible for and oversee the development of the effectiveness evaluation (EE) report, as requested by the Conference of the Parties (COP). The Committee will integrate information and knowledge collected and synthesized during the process into a final report to the COP.
3. The mandate for the Committee concludes with the presentation of a final report to the Sixth Conference of the Parties (COP6).

#### B. Tasks

4. In order to complete the final report, the Committee will carry out the following activities:
  - a) Oversee the effectiveness evaluation process, including those components developed by the Secretariat and the Scientific Advisory Group on Effectiveness Evaluation (SAGE), and the transparent presentation and analysis of data made available to the effectiveness evaluation
  - b) Prepare a draft and a final effectiveness evaluation report based on the following reports and data sources: Article 21 Synthesis Report; Trade, Supply and Demand report; **Summary of Available Emissions and Releases ~~Inventory Data~~**; Scientific Report; **indicators**, and other relevant information sources made available to the effectiveness evaluation process.
  - c) Reflect on the draft components developed by the Secretariat, including **party comments** on the plans and final reports on Article 21 Synthesis; Trade, Supply and Demand; and, in accordance with input and advice from the SAGE, the **Summary of Available Emissions and Releases ~~Inventory Data~~**.
  - d) Reflect on the draft components developed by the SAGE, including **party comments on** the Plan for Monitoring Data Compilation and Summary; the Monitoring Data Compilation and Summary, the Plan for Data Analysis<sup>7</sup>; the Data Analysis<sup>5</sup>; and, the Scientific Report.
5. In carrying out the tasks in paragraph 3, the Committee may delegate work to the SAGE, the Secretariat, and other groups to meet the Committee’s obligations, within allocated resources. The Committee will engage with the relevant groups and take into considerations their recommendations and input.
6. The Committee will invite the Secretariat, SAGE 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.

7. ~~As part of~~ **In addition to** its report to the sixth meeting of the Conference of the Parties, the Committee will provide an overview of lessons learned during the first effectiveness evaluation cycle for consideration in subsequent cycles, including recommendations on any modifications to indicators, data sources, reports or the overall framework.

### C. Membership

8. The members of the Committee will be appointed on the basis of equitable geographical distribution, taking into account the need for gender balance and various types of expertise.
9. The Committee will consist of **17** ~~19~~ participants from Parties, as follows:
- a) Three (3) representatives from Parties nominated by each of the five UN regions;
  - b) Co-chairs (2) of the Scientific Advisory Group on Effectiveness Evaluation;
  - c) ~~Chair and Vice-Chair (2) of the Implementation and Compliance Committee.~~ *(The United States does not support this representation from the ICC. This is not an implementation process. The ICC reports will be a sufficient vehicle to convey any necessary information, and ICC members can be involved on an ad hoc basis if needed.)*
10. The representatives nominated by the regions will have experience in evaluation, reporting and national implementation, or other expertise relevant to the evaluation.
11. Members of the Committee will **coordinate with other parties in their UN regions to represent those regions and the interest of the parties, and will** ~~serve objectively and provide their expertise in a neutral and impartial manner, stand to the evidence presented to the Committee, and~~ act in the best interests of the Convention. *(In the United States' view, this committee is a representative policy body rather than an expert group.)*
12. The members of the Committee shall serve for the duration of one Effectiveness Evaluation cycle as determined by the Conference of the Parties. A new committee will be reconstituted in accordance with the Effectiveness Evaluation framework timeline in the next cycle.
13. If a member is unable to complete their term of office, the region nominating that member will nominate another person to complete the term.

### D. Invited experts and observers

14. The Secretariat in consultation with the Committee will invite two (2) ~~internationally recognized~~ **UNEP** experts in effectiveness evaluation as observers, with due consideration for the available expertise. *(The United States would prefer if these evaluation experts came from an international body, such as UNEP.)*
15. The Committee will invite up to five (5) ~~experts~~ **participants** from civil society, indigenous organizations, intergovernmental organizations, industry and the UNEP Global Mercury Partnership as observers.
16. The participation of observers will be balanced among the abovementioned groups and by gender.
17. The Committee may invite additional observers **to provide expertise as needed on an ad hoc basis within reasonable limits to help the Committee members interpret the information provided.**

- ~~18. Observers are expected to provide their technical expertise to help the Committee members interpret the information provided.~~

## **E. Officers**

19. The Committee 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.

## **F. Procedural matters**

20. The Committee will apply the rules of procedure of the Conference of the Parties, *mutatis mutandis*, unless otherwise provided in the present terms of reference.
21. The Committee may establish such arrangements as are necessary to facilitate its work, in line with the present terms of reference, including establishing sub-groups, subject to available resources. Any sub-groups will be subject to the direction and oversight of the Committee and will cease to exist upon completion of the assigned task. To reduce costs, the sub-groups will carry out their work electronically, including through virtual meeting platforms if required.
22. The Committee 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.

## **G. Secretariat**

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

## **H. Meetings**

24. The Committee will work online and will hold up to two face-to-face meetings as needed, subject to available 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 Committee meetings may be amended as necessary based on the decisions of the Conference of the Parties.
25. **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 Committee at least four months before the meeting of the Conference of the Parties.

## **I. Language of meetings**

26. The working language of the Committee will be English.

## **J. Budget**

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

## Annex 2. U.S. comments on Annex 3 of CRP 1

*In the text below, we have made additions in bold, removals in strike-through, and comments in italics.*

### Terms of reference for the Scientific Advisory Group on Effectiveness Evaluation (SAGE)

#### A. Mandate

1. The Scientific Advisory Group on Effectiveness Evaluation (hereinafter, the “SAGE”) will provide the Conference of Parties (COP) with an expert scientific modality and carry out the tasks of identification, compilation and synthesis related to monitoring and analysis of environmental data to support the work of the Effectiveness Evaluation Committee (hereinafter, the “Committee”).
2. The SAGE will start its work following the fourth meeting of the Conference of the Parties and will conclude its term at the end of the first effectiveness evaluation cycle.

#### B. Tasks

3. The SAGE will develop a scientific report which compiles, analyses and synthesizes comparable mercury monitoring data on changes in mercury concentrations in environmental media, biotic media and vulnerable human populations over time, and draws conclusions thereon for the consideration of the Committee.
4. The scientific report will be composed of the following elements, built in a two-stage process: (stage 1) the Plan for the Monitoring Data Compilation and Summary, and the plan for Data Analysis consistent with the Monitoring Guidance; (stage 2) the Monitoring Data Compilation and Summary, and the Data Analysis addressing the guiding questions outlined in the Monitoring Guidance.
5. In addition, the SAGE will provide an analysis of data gaps, including the identification of existing gaps as well as potential gaps in information and knowledge related to monitoring, and lessons learned to be submitted to the Committee.
6. The SAGE will provide input and advice to the Secretariat in developing the **Summary of Available Emissions and Releases Data** ~~Emissions and Releases Inventory~~.
7. The SAGE will assess ~~whether~~ the data and **coordinate the analysis** ~~is included to be used~~ in the scientific report is based on the monitoring guidance and its guiding questions as set out in UNEP/MC/COP.4/18/Add.2 and UNEP/MC/COP.4/INF/12.
8. The SAGE will **make the four elements** ~~provide the drafts of the documents~~ listed in paragraph 4 ~~to~~ **available for review** by Parties and the Committee, **respond to comments** and integrate responses into **plans** and ~~final~~ products for review by the Committee and submission to the COP by the Committee.
9. The SAGE may also make recommendations to the Committee on updates or improvements to future versions of the monitoring guidance document beneficial for subsequent effectiveness evaluation cycles.
10. The SAGE may conduct other related duties as tasked by the Committee.

#### C. Membership

11. The members of the group will be appointed on the basis of equitable geographical distribution, taking into account the need for gender balance and different types of expertise.
12. Each of the five United Nations regions will nominate four (4) experts from Parties to represent them as members in the group. The members should have expertise in the core competencies identified in the Monitoring Guidance. Expertise ~~may~~ **should** include: mercury monitoring in core media, existing monitoring networks on mercury, quality assurance of data, modelling environmental transport, trends and fate of mercury, and estimation of mercury emissions and releases.
13. The members of the group will not be eligible to become members of the Effectiveness Evaluation Committee with the exception of the SAGE co-chairs.
- ~~14.~~ The SAGE will invite scientific and technical contributions from a roster of additional experts identified by parties, to work through electronic means and communication, as appropriate. **This roster should include**
15. ~~The SAGE will also invite the participation of up to ten (10) experts from among the following groups, as appropriate: civil society, indigenous organizations, intergovernmental organizations, research and academia, the Global Mercury Partnership, and existing monitoring networks. These experts will sit as observers, with a view to providing provide up-to-date information, scientific knowledge, indigenous knowledge and other relevant expertise. At least two (2) of these observers will be internationally recognized experts in modelling environmental transport, trends and fate of mercury. (In the United States' view, observers are not necessary for the purposes of this expert group, because as many experts as possible should be on the roster, and they should all be able to contribute fully to the conversation as needed.)~~
16. The terms of office of the members will coincide with the effectiveness evaluation cycle determined by the Conference of the Parties. To provide continuity, the Conference of the Parties may renew the terms of office of the members ~~once~~ for subsequent evaluations. If a member is unable to complete their term of office, the region nominating that member will nominate another person to complete the term. ~~If an observer is unable to complete their term, they shall notify the Secretariat who will, in consultation with the SAGE co-chairs, invite another observer from one of the groups listed in paragraph 13.~~

#### D. Officers

28. The group 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. **Co-chairs may serve for no more than two sequential evaluation cycles in that role.**

#### E. Procedural matters

29. The SAGE will apply the rules of procedure of the Conference of the Parties, mutatis mutandis, unless otherwise provided in the present terms of reference.
30. The SAGE may establish such arrangements as are necessary to facilitate its work, in line with the present terms of reference, including establishing sub-groups, subject to available resources.
31. Any sub-groups will be subject to the direction and oversight of the SAGE and will cease to exist upon completion of the assigned task. To reduce costs, the sub-groups will carry out their work electronically.

## **F. Secretariat**

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

## **G. Meetings**

33. The group will primarily work online and meet face-to-face not exceeding two times (subject to available resources) during an effectiveness evaluation cycle to coordinate scientific activities on mercury and produce the scientific report for the Committee.

## **H. Language**

34. English will be the working language of the group.

## Comments from the European Union and its Member States

### Comments by the EU and its Member States on the Norway/Canada CRP for a framework for the first Effectiveness Evaluation of the Minamata Convention on Mercury

At COP4.1, Norway and Canada presented a CRP on a framework for the first Effectiveness Evaluation of the Minamata Convention on Mercury (UNEP/MC/COP.4/CRP.1). CRP.1 aims to use the results of the informal outreach between COP3 and COP4.1 as the basis for a draft decision (MC-4/[--]). Parties are invited to send their comments to the Secretariat of the Minamata Convention by 20 January 2022.

We are pleased to forward the EU&MS comments to the CRP.

#### Policy Questions

The EU and its Member States find that the policy questions included in Table 1 in Annex 1 of CRP20 are good questions. The inclusion of policy questions was raised by the Effectiveness Evaluation expert group between COP2 and COP3. They have been used in the development of the monitoring guidance, but we believe that it should be considered if Table 1 (with the policy questions) should be included in the CRP Annex 1 between Figures 1 and 2.

#### CRP.1 Annex 2 - Membership of the Effectiveness Evaluation Committee

Concerning the representatives from each of the five UN Regions, the EU&MS favour decreasing the number from three to two (para 8).

#### CRP.1 Annex 3 - Tasks of the Monitoring and Modelling Group / Scientific Advisory Group

Compared to CRP.20, the scope of the Monitoring and Modelling Group tasks are significantly expanded. The EU&MS believe that the scope should be limited to the creation of the monitoring and modelling reports. The size of the group should also be in proportion to the Effectiveness Evaluation Committee (EEC).

We would suggest to keep the name "Monitoring and Modelling Group". The wording "Scientific Advisory Group" (SAGE) could be misleading.

We agree to a two-stage process proposed in Annex 3, para 4. However, we are not in favour of the description of the two-stage process. We believe that careful consideration should be given as to whether the "plans" and "summary" (para. 4) should be included in the ToR or if a reference to the monitoring guidance would be the way forward.

The tasks of the Monitoring and Modelling Group should be limited to monitoring and modelling reports. The following points could therefore be deleted from the task list in CRP.1:

- a. Paragraph 6 (provide input and advice to the Secretariat in developing the Emissions and Releases Inventory), as the emissions report has already been envisaged.
- b. Paragraph 8 (provide draft plans on data compilation and analysis to COP.6) seems like an unnecessary intermediate step as documentation in the monitoring report is sufficient.
- c. Paragraph 9 (make recommendation on Monitoring Guidance): If an update is required, this is an open process in which members of the Monitoring and Modelling Group can participate. It does not need to be mentioned separately.
- d. Paragraph 10 (conduct other related duties): This is an open-ended mandate. Instead, it should be worded narrowly and clearly.

CRP.1 does not yet contain a proposal for the periodicity of the Effectiveness Evaluation. However, a decision on this is required by the Convention, even if the date of the decision remains open. Given the periods of time required for an Effectiveness Evaluation (four years or more), a period of at least six years would be appropriate.

## Comments from Japan

### Japan's submission regarding the framework for the Effectiveness Evaluation of the Minamata Convention on Mercury

20 January, 2022

The Government of Japan considers the protection of human health and the environment from anthropogenic mercury pollution through the implementation of the Minamata Convention on Mercury as an issue of high priority. Japan expects that the process for the effectiveness evaluation of the Convention is based on scientific knowledge and that it evaluates efforts under the Convention in an appropriate manner. We intend to actively contribute to discussions toward the adoption of a decision at the second segment of COP4 on effectiveness evaluation so that the first effectiveness evaluation can begin no later than 2023, as required by the Convention.

We express our gratitude to Norway and Canada for taking the initiative regarding intersessional work on the framework for effectiveness evaluation, and we fully support the outcome of the first segment of COP4 where Parties welcomed the CRP<sup>1</sup> by Norway and Canada, and it was decided that the secretariat would enable Parties to further exchange views on this matter. Japan sincerely welcomes the opportunities for intersessional consultations due to the arrangements of the Secretariat.

General and specific comments on a framework for the first effectiveness evaluation are as follows.

#### General comments

Japan supports that the framework for effectiveness evaluation includes the establishment of an Effectiveness Evaluation Committee (EEC) mainly comprised of policy makers, and a Scientific Advisory Group on Effectiveness Evaluation (SAGE) to analyze scientific information including monitoring data. Regarding their membership, arrangements should be made for a balanced geographical representation, as well as inclusion of a diverse range of expertise in the SAGE for providing advice on monitoring techniques and data interpretation.

Considering that Article 22, Paragraph 3 of the Minamata Convention stipulates that the effectiveness evaluation shall be conducted on the basis of available scientific information, it is important to collect the available and latest scientific information to the fullest extent. This includes data of mercury concentrations measured by various organizations and multi-media models that supplement the mercury level data and attribute the changes to the actions under the Convention. Since past monitoring data cannot be obtained retrospectively, arrangements should be made to promote sharing and utilization of existing monitoring data while taking into consideration their uncertainties, instead of restricting monitoring data to those that fully meet the provisions under the Monitoring Guidance.

#### Specific Comments

##### 1. Timeline

Japan supports that the first effectiveness evaluation begins at the second segment of COP4 in 2022 as proposed in the CRP. It is also appropriate to conclude the first effectiveness evaluation in COP6 (2025) as proposed in the CRP.

The main source of information for the effectiveness evaluation are the national reports submitted by Parties pursuant to Article 21 of the Convention. As decided in COP1, full national reports pursuant to Article 21 are to be submitted every four years, meaning the first effectiveness evaluation will consider the first full national reports submitted in December 2021. Based on the outcomes of the first effectiveness evaluation cycle, iterative work will be required to identify the information needed to further the effectiveness evaluation and to reflect this in the format and guidance on Article 21 reporting. Considering that the COPs for the Minamata Convention are held every two years, an appropriate timeline would be to (1) present the results of the first effectiveness evaluation cycle at COP6 (2025), (2) conduct a series of consultations, and (3) conclusions should be reflected into the Article 21 full national reports (to be submitted by the end of 2029) by COP7 (2027) at the latest. By setting the aforementioned timeline, synergies of Article 21 reporting and Article 22 effectiveness evaluation can be maximized in a timely manner.

<sup>1</sup> UNEP/MC/COP.4/CRP.1, A framework for the first Effectiveness Evaluation of the Minamata Convention on Mercury

[https://www.mercuryconvention.org/sites/default/files/inline-files/UNEP-MC-COP.4-CRP.1\\_NorCan\\_EE.English\\_Final.pdf](https://www.mercuryconvention.org/sites/default/files/inline-files/UNEP-MC-COP.4-CRP.1_NorCan_EE.English_Final.pdf)

## 2. Transparency and Participation

The effectiveness evaluation of the Minamata Convention is an obligation of the COP, and all Parties should be involved. Japan supports that the Effectiveness Evaluation Committee (EEC) would be responsible for the development of the effectiveness evaluation report with support from the Secretariat as proposed in the CRP. At the same time, it is essential to provide a commenting period at key milestones, to ensure that Parties that do not have members in the EEC can provide comments and information on the work process and products, and therefore increase their ownership in an evaluation process. Japan supports the Party Review process as indicated in Figure 2 of the CRP.

Japan supports that the SAGE has the role to assess and analyze available monitoring data and scientific information from an expert point of view. At the same time, there is a need for a system that allows experts who are not members of the SAGE to provide comments and information on the work process and products, and to fully reflect the diverse fields of expertise required to conduct a robust effectiveness evaluation. Therefore, it is important to not only have a Party Review process as indicated in Figure 2 of the CRP, but to also make arrangements for receiving technical inputs openly by creating a roster of scientists who are not members of the SAGE but who are recommended by Parties to provide their expertise.

## 3. Purpose and operational arrangements of Effectiveness Evaluation

The purpose of evaluating the effectiveness of the Minamata Convention is to assess overall whether the actions taken by Parties to implement the obligations under the Convention are contributing to the protection of human health and the environment at a global level. Effectiveness evaluation is not intended to identify and criticize lack of action or non-compliance by specific Parties, or to evaluate mercury pollution at a local scale.

As stipulated in Article 22, Paragraph 3 of the Convention, national reports submitted pursuant to Article 21 and recommendations to the COP made by the Implementation and Compliance Committee (ICC) are identified as sources of information for the effectiveness evaluation. Japan supports that the members of the ICC that is responsible for reviewing the information in the reports and making recommendations, especially the Chair and Vice-Chair, are also members of the EEC as proposed in the CRP. However, it is also necessary to consider the details of how to address the possible overlap between the country represented by the Chair or Vice-Chair with the countries of the representatives from Parties nominated by each of the UN regions to the EEC, as well as how to address the replacement of the Chair and Vice-Chair of the ICC, since the cycle of electing them is different from the effectiveness evaluation cycle. It should also be noted that the membership of the Chair/Vice-Chair of the ICC in the EEC does not signify the intent to address the non-compliance of a particular Party in the EEC.

## 4. Use of the Emissions and Releases Inventory

In Figure 2 of the CRP, the Emissions and Releases Inventory is to be prepared by the Secretariat with recommendations and inputs from the SAGE. If this work is simply the compilation of emissions and releases inventories developed by Parties under the Convention, it may be possible for the Secretariat to undertake this task. However, in order to aggregate the data on a global level and use it for effectiveness evaluation, the emissions and releases inventories developed by Parties have issues in terms of accuracy and comprehensiveness as a whole, and it is also not possible to obtain data on emissions and releases before the Convention entered into force. Therefore, we believe that it is necessary to conduct a comprehensive estimation at a global level, like in the Global Mercury Assessment. Therefore, Japan believes that it is desirable for a scientific community such as the SAGE as proposed in the CRP to develop the Emissions and Releases Inventory, while making use of the inputs from the Secretariat (specifically, information obtained through the reports pursuant to Article 21 such as the emissions and releases inventories created by Parties). The SAGE should include members who are suitable for such process.

## 5. Monitoring guidance

Japan believes that the draft of "Guidance on Monitoring of Mercury and Mercury Compounds to Support the Effectiveness Evaluation of the Minamata Convention on Mercury" (hereinafter, the "monitoring guidance") is valuable for providing a certain level of criteria needed to ensure comparability of monitoring data of mercury in the three core matrices (air, biota, and human biomonitoring). We express our gratitude to all the scientific experts who contributed to its preparation.

According to the CRP, the SAGE would assess whether the data to be used in the scientific report is based on the monitoring guidance. The draft monitoring guidance presents examples of criteria to assess the quality of mercury monitoring data.

Firstly, regarding the assessment whether the data follows description of the monitoring guidance, Japan is of the understanding that the guidance is a document that describes preferable processes and principles and is not a set of procedures that Parties are obligated to comply with. While acknowledging the necessity of the process to assess the conformity with the monitoring guidance, Japan is concerned the possibility that amount of available data used for effectiveness evaluation would be significantly reduced, if the data is excluded due to some deviation from the descriptions of the guidance. In particular, it is impossible to conduct quality management or change measurement methods retrospectively for monitoring data generated before the Convention came entry into force and/or before the monitoring guidance was prepared is not included. Therefore such data should be also accepted, while noting a certain level of uncertainty.

QA/QC is an important factor to increase the comparability of monitoring data. Since it is a labor-intensive task for the SAGE to check the quality control status of data individually, it is necessary to consider an efficient system. The Status of QA/QC could be confirmed by the explanation of the procedures followed by the Party or research institution that conducted measurements.

## 6. Sources of information

### Data surveyed by other than the Parties

Mercury analysis technologies for atmosphere, biota, and human samples have been put into practice for a long time and therefore monitoring activities have been conducted by various countries and research institutes even before the Convention came into force. In addition, since there are survey data on the high seas and those conducted by non-Parties, it is desirable to collect a wide range of available data not limited to the National Monitoring Program submitted by the Parties, in order to carry out a more scientifically robust effectiveness evaluation. Regarding survey data by the research institutes other than national institutions, there is no reason to exclude those data obtained under a certain analytical procedures and quality management.

### UNEP Products

UNEP's Global Mercury Assessment is recognized in decision MC-1/9 as an important source of information for effectiveness evaluation. Information on emissions to the atmosphere is also available from national emission inventories pursuant to Article 8 of the Convention, and Minamata Initial Assessments. However, these data are limited to the Parties, and are insufficient to assess how the Convention contributed to changes in mercury emissions and mercury levels at a global level. In addition, these data are comprised of both estimates based on measured values of mercury emissions and estimates using the UNEP Toolkit and therefore the estimation methodologies and associated uncertainties vary significantly. National release inventories pursuant to Article 9 of the Convention are limited to releases from relevant sources that are not covered by other articles, and therefore are not suitable for assessing changes in mercury releases at a global level. For these reasons, the approach adopted in the Global Mercury Assessments should be considered in addition to inventories created pursuant to the Convention.

Similarly, if information submitted by the Parties alone is expected to be insufficient in providing an accurate picture of the situation at a global level, efforts should be made to obtain more comprehensive data.

### Information on scientific understanding

Although monitoring data is an important source of information for analyzing changes in mercury concentration in atmosphere, biota, and humans, scientific knowledge of the environmental fate and transportation of mercury is essential for its interpretation. Thus, it is impossible to evaluate the effectiveness of the Convention from the information submitted from the Parties alone. Estimating the concentration distribution of multiple mercury media and their interlinkages using a multi-media model is also one of the scientific knowledge that has the potential to complement monitoring data. Therefore, it is appropriate to position it as an "available scientific information" of Article 22-3 of the Convention.

## 7. Data ownership

Japan supports the proposal by Norway and Canada that the SAGE shall develop the plan for submission, compilation, and management of monitoring data. However, ownership of the monitoring data collected by each Party should belong to the Party itself (although human monitoring data would be more complicated due to ethical considerations), and arrangements should be made to ensure the transparency of the data ownership even if it is submitted for the purpose of effectiveness evaluation.

## Comments from China

### China's comments on documents of effectiveness evaluation

China appreciates the opportunity to provide comments on the documents related to effectiveness evaluation and would like to thank the Secretariat for organizing these two online sessions to facilitate view exchanging among Parties, and also thank Norway and Canada for submitting the CRP.

In our written comments at this stage, we mainly focus on the use of modelling and data quality in effectiveness evaluation. Several specific comments on the CRP and the monitoring guidance are as follows.

#### I. Comments on CRP submitted by Norway and Canada

No.	comments	reason
1	It is suggested to delete level 4 "Attribution of observed changes, via models, as/when available" of the framework for the effectiveness evaluation.	Content related to modelling goes beyond the mandate of MC-3/10. Besides, international studies on modelling of environmental impact of mercury still remain immature currently, which is not suitable for application.

#### II. Comments on the monitoring guidance

No.	comments	reason
1	It's suggested to add the following definition of comparable monitoring data in Chapter 2, Page 18. "The comparable monitoring data should be defined by two dimensions. The first dimension should be reliability. Monitoring data should be acquired following well-documented quality assurance & quality control procedures approved by EEC or SAGE. The second dimension should be representativeness. Monitoring data should represent the real distributions of Hg and its compounds in related various environmental media. Monitoring sites should be classified clearly due to the impact levels of anthropogenic emissions or releases. Monitoring data that reflects temporal trends over a longer time should be selected as a matter of priority. The trophic level of select bio indicators should be well-documented. Monitoring data with reliability and representativeness can be used for effectiveness evaluation."	Comparable monitoring data are required in conducting effectiveness evaluation. In order to carry out evaluation, it is necessary for Parties to be informed what kind of data are comparable.
2	The following basic QA/QC requirements should be added in Chapter 3.10. "For automated Hg air monitoring, at least 168 hours of continuous monitoring should be	The monitoring guidance is developed to guide Parties to conduct monitoring activities and collect comparable data.

No.	comments	reason
	<p>conducted in each season, with auto-calibration of 24 or 48 h interval and manual calibration of 0.5 yr interval.</p> <p>For manual Hg air monitoring, at least 24 h parallelized field sampling should be conducted in each season, with field blank sampling. Standard gas injection calibration should be performed in each season before the field sampling to evaluate the performance of sorbent traps.</p> <p>For passive sampling, well-documented wind speed, wind direction, and temperature records are necessary. Field intercomparison should be conducted before the deployment of a passive sampler to evaluate the performances.</p> <p>For wet deposition sampling, a field blank is required for each sampling.</p> <p>The laboratory for treating the samples obtained from manual Hg air monitoring, passive sampling, and wet deposition sampling should be evaluated by testing samples supplied by an international proficiency test. Samples should be measured repeatedly and the RSD of each repeatedly measured sample should be less than 10%. The squared R values should be higher than 0.99.</p> <p>Method blank and reagent blank should be recorded. The whole procedure blank should be lower than method quantitation limit and lower than 20% of Hg concentration in associated sample”</p>	<p>Therefore, basic QA/QC requirements should be provided to ensure the reliability of data collected from Tier 1 activities.</p> <p>Monitoring data failing to meet aforementioned QA/QC requirements should not be used in effectiveness evaluation. Parties can also establish or improve existing monitoring network according to the requirements.</p> <p>The guidance should provide basic requirements of data representativeness for different monitored targets.</p>
3	<p>The following classification of monitoring sites should be added in Chapter 3.6.</p> <p>“Monitoring sites should be classified following the rules:</p> <p>Industrial/Contaminated site: industrial source (listed in Minamata Convention on Mercury Annex B and D) within a 10 km radius.</p> <p>Urban site: not less than 20,000 inhabitants and none of the industrial source within a 10 km radius.</p> <p>Rural site: between 2,000 and 20,000 inhabitants and none of the industrial source within a 10 km radius.</p> <p>Remote/Background site: less than 2,000 inhabitants within a 10 km radius and none of the industrial source within a 50 km radius.”</p>	<p>The same with above.</p>
4	<p>The following basic QA/QC requirements should be added in Chapter 4.5.</p> <p>“Tissues of selected bioindicators should be treated and measured parallelly. Method blank and reagent blank should be recorded. Total Hg concentrations should be recorded in wet weight. The performances of pretreatment and measurement should be evaluated by certified reference</p>	<p>The same with above.</p>

No.	comments	reason
	materials. The geophysical location and peripheral industry distribution of sampling site should be well-documented.”	
5	<p>Contents related to data management, modelling and analysis have beyond the mandate of MC-3/10 Decision, therefore should be deleted in the guidance. Please delete contents as below:</p> <ol style="list-style-type: none"> <li>1. Page 9, Objective 2 to 6</li> <li>2. Page 14-15, Cross-media data management and analysis</li> <li>3. Page 18, Objective 2 to 6</li> <li>4. Page 19 last 3 paragraphs</li> <li>5. Page 20-21 Objective 2 to 6</li> <li>6. Page 24-25 Chapter 2.6 Data management</li> <li>7. Page 38-39 Chapter 3.12 Management, analysis, and evaluation of atmospheric mercury data</li> <li>8. Page 56 Chapter 4.6 statistical considerations</li> <li>9. Page 69-71 Chapter 5.9 Management and analysis of human biomonitoring data</li> <li>10. Page 73-92 Chapter 6 Cross-media data management and analysis</li> <li>11. Table A.2, A.3, and A.4 Modelling/Analysis column</li> </ol>	<p>Content related to data management and modelling goes beyond the mandate of MC-3/10. Besides, international studies on modelling of environmental impact of mercury still remain immature currently, which is not suitable for application.</p>

## Questions from China

### Questions raised at the 27 January 2022 consultation on the framework of effectiveness evaluation.

#### First about the role of the Secretariat

In Figure 2 and Paragraph 67-69 in Annex II of MC-3/14, the Secretariat should compile four reports:

- 1) synthesis report resulting from Article 13, 14 and 15 mandated by the Convention, including reports on the review of the finance mechanism, reports on capacity-building and technical assistance, and reports from the Implementation and Compliance Committee;
- 2) the article 21 synthesis report;
- 3) the emissions and releases report; and
- 4) the trade, supply and demand report.

But we noted that the first “synthesis report”(which is about financial mechanism, capacity-building) is not mentioned in both the text and Figure 2 of the CRP.

#### Second about SAGE

In the CRP, one task of SAGE is to develop a “scientific report” which compiles, analyses and synthesizes comparable mercury monitoring data and draw conclusions. What are the differences between the “scientific report” and the “monitoring report” presented in Figure 2 in MC-3/14, and what’s the relationship between the “scientific report” and the “attribution report”? One of the tasks of SAGE is to provide input and advice to the Secretariat in developing the Emissions and Releases Inventory. What is the relationship between the Emissions and Releases Inventory and the data obtained from monitoring in accordance with the draft guidance?

#### Third about the overall roadmap

EEC, SAGE and the Secretariat are responsible for different report preparation. It is suggested to put forward a complete roadmap for effectiveness evaluation and clarify their schedule respectively so as to grasp the overall EE progress.

## Clarifications from the United States

### Brief Clarifications from the U.S. on Effectiveness Evaluation of the Minamata Convention

The United States would like to thank the Secretariat for arranging the January consultation on the effectiveness evaluation. We appreciated the opportunity to hear views shared by other Parties regarding quality assurance, the role of the SAGE, and the importance of transparency in the Effectiveness Evaluation process. We would like to share a few additional points for clarification regarding our position on these issues. During the discussion, some Parties raised concerns about how to assure data quality in monitoring for the effectiveness evaluation. To address these concerns, the United States recommends the “data flagging” approach described in the monitoring guidance. In this approach, details about the circumstances in which data were gathered are attached to the collected information. All data gathered is included in the initial collection, because even information which is highly uncertain -- including information being generated by new monitoring systems that may not satisfy all quality criteria -- could still be useful and important. The data flags will enable experts to make decisions about how available data is included in specific analyses in a transparent and consistent manner and that data used in a specific analysis are fit for that purpose. Data flags will also enable experts to make alternative choices about which data to include in an analysis and test the robustness of conclusions. China has, in their written comments, provided several criteria that would be very useful as data flags or data descriptors. The United States expects more information about this flagging approach and additional data descriptors to be included in supplemental materials to be developed for the monitoring guidance.

Parties also discussed the development of emissions and releases information to inform the effectiveness evaluation. In the United States’ view, a significant amount of work is needed to develop a meaningful summary of available emissions and releases data. Information will need to be gathered from many sources, and choices will need to be made about how to fill data gaps. To understand the observed changes in environment, it will be important to have an estimate of emissions and releases that is as comprehensive as possible, including both anthropogenic and non-anthropogenic sources. Such an estimate will require scientific and expert input. While some of the work can be performed by a consultant, the development of the emissions and releases summary should be guided by the experts of the Scientific Advisory Group on Effectiveness Evaluation (SAGE) as described in CRP1 in an open and transparent process. If decisions are made without this full expert consultation, we are concerned that the products used in the development of the evaluation may not receive the support needed to gain the investment and trust of all Parties.

The SAGE as envisioned in CRP1 has a scope clearly and helpfully limited to the effectiveness evaluation, as described in the SAGE Terms of Reference. It allows for both a core group of Party experts as well as a much wider roster of scientific experts and other stakeholders who can contribute to different aspects of the scientific process. In such a process, there is no need to seat a specific group of observers because all experts and stakeholders are welcome. In the United States’ view, this creates opportunities for wide participation and transparency, while also providing for sufficient leadership by Parties to make good decisions in a process in which differences among Parties are likely to arise. The SAGE, as proposed, is distinct from the concept of a broader “Science Advisory Group,” which, like other Parties, the United States feels is not necessary for the Minamata Convention as a whole.

The United States looks forward to an active conversation on these details and to beginning the Effectiveness Evaluation with a decision at COP4.2.

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**Annex II: Parties' general written comments submitted on the framework for evaluating the effectiveness of the Minamata Convention on Mercury**

## Comments from Oman

**From:** Chemicals and Waste Management Department <chemical\_dept@ea.gov.om>

**Sent:** Friday, 14 January, 2022 4:05 PM

**To:** MEA-Minamata Secretariat <mea-minamatasecretariat@un.org>

**Cc:** Claudia ten Have <claudia.tenhave@un.org>

**Subject:** Re: Written Comments Deadline: 20 January 2022 on the framework for evaluating the effectiveness of the Convention (Article 22)

Dear MEA- Minamata Secretariat,

أولاً"بناء على تقييم مجلس إدارة امانة الاتفاقية لدول الأطراف التي دخلت حيز التنفيذ لبنود الاتفاقية وانتهت مشروع (التقييم المبني للزئبق (MIA-تلا حظ بأن هناك ما يكفي من الأدلة التي تؤكد على وجود آثار سلبية عالمية كبيرة للزئبق ومركباته وبالتالي تبرر هذه الأدلة اتخاذ المزيد من الإجراءات الدولية للحد من مخاطر الزئبق على صحة الإنسان والبيئة والتي تؤكد على مدى أهمية فعالية الاتفاقية وضرورة حث الحكومات على اعتماد خطط بأهداف واضحة من أجل الحد من انبعاثات الزئبق وإطلاقاته.

وفي إطار السعي والحرص الكبير الذي توليه سلطنة عمان لتوحيد وتكامل الجهود مع جهود المجتمع الدولي لحماية البيئة وصحة الانسان من جميع أنواع التلوث فقد ودخلت سلطنة عمان حيز التنفيذ وفق أحكام الفقرة (2) من المادة (31) من الاتفاقية المذكورة، وذلك اعتباراً من 21 سبتمبر 2020م. وعليه فإن سلطنة عمان مازالت في طور بداية المرحلة الأولى من تنفيذ مشروع MIA والذي سيتم من خلاله وضع دليل واضح لتنفيذ احكام الاتفاقية والذي سيساعد على اتخاذ إجراءات جرد ومؤشرات وبيانات واضحة يتم من خلالها معرفة كميات الزئبق والطلب عليه وانبعثاته وإطلاقاته في السلطنة من خلال الأنشطة التي سيتم رصدها والذي يعتبر كدليل ربما قابل للقياس بناء على الفقرة 1 من المادة 22 بشأن مدى فعالية الاتفاقية، من تاريخ دخول الاتفاقية حيز النفاذ.

Firstly, based on the assessment of the Board of Directors of the Convention Secretariat for the States Parties that entered into force of the provisions of the Convention and completed the (Initial Mercury Assessment-MIA) project, it notes that there is sufficient evidence to confirm the existence of significant global negative effects of mercury and its compounds, Thus, this evidence justifies taking more international measures to reduce the risks of mercury to human health and the environment, which emphasizes the importance of the effectiveness of the Convention and the need adopt plans with clear objectives in order to reduce mercury emissions and releases.

In the context of the great endeavor and keenness of the Sultanate to unify and integrate efforts with the efforts of the international community to protect the environment and human health from all kinds of pollution, the Sultanate of Oman has entered into force in accordance with the provisions of Paragraph (2) of Article (31) of the aforementioned agreement, as of September 21, 2020. Accordingly, the Sultanate of Oman is still in the process of beginning the first phase of the implementation of the MIA project. This will be a clear guide to implement and develop the articles and aims of the Convention, which will help to make inventory with a clear procedure. This will provide an indicators and clear data to assess and support us to know the quantities, demand, emissions and releases of mercury in the Sultanate through the activities that will be carried out. This will be considered as possibly measurable evidence based on Article 22, paragraph 1, of the effectiveness of the Convention, from the date of entry into force of the Convention.

Warm Regards,  
Mohammed Majid Alkasbi  
Sultanate of Oman Focal Point  
Environment Authority

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## **Comments from Kuwait**

### **Received from the Government of Kuwait**

#### **Comment on the framework for the first Effectiveness Evaluation of the Minamata Convention on Mercury**

Minamata convention is one of the most important conventions that Kuwait government is eager to implement all its articles and provisions.

In addition, it is our priority to attend its meetings either online or in any party's country.

After reading the proposed framework for the effectiveness evaluation of the minamata convention by government of Norway and Canada, Kuwait environment public authority wants to take the chance to thank and appreciate the great work government of Norway, Canada did, and big effort they did to establish this proposed framework.

It was well organized and easy to understand and apply, and it covers all aspects of the convention, and it includes very important items that should be consider in the effectiveness evaluation of the convention.

Moreover, about the language of meeting as mentioned we think that English language is the best language to work with because it the most international language that countries work with and understand.

## Comments from Mauritius

**From:** Mr Rajiv Beedassy <rbeedassy@govmu.org>

**Sent:** Thursday, 20 January, 2022 11:45 AM

**To:** MEA-Minamata Secretariat <mea-minamatasecretariat@un.org>

**Cc:** Claudia ten Have <claudia.tenhave@un.org>; 'Jogeeswar Seewoobaduth' <jseewoobaduth@govmu.org>

**Subject:** Written Comments Deadline: 20 January 2022 on the framework for evaluating the effectiveness of the Convention (Article 22)

Dear Secretariat

Please refer to the email dated 14 January 2022, regarding comments on the framework for evaluating the effectiveness of the Convention (Article 22).

The Minamata Convention in its Article 22 on Effectiveness Evaluation, requires that the Conference of Parties shall evaluate the effectiveness of the Convention, beginning no later than six years after the date of entry into force of the convention and periodically thereafter at intervals to be decided by it.

We wish to convey our appreciation for the significant effort made by the Convention Secretariat, Governments of Norway and Canada in the preparation of the proposed framework on the first effectiveness evaluation of the Convention in line with Article 22.

We take good note on the draft decision and the proposed framework which includes an effectiveness evaluation structure, process, and timeline; terms of reference for the Effectiveness Evaluation Committee, and; terms of reference for a Scientific Advisory Group on Effectiveness Evaluation.

In this respect, Republic of Mauritius is, in principle, agreeable to the proposed framework and has no additional comments at this stage.

Thanking you.

Regards

Mr Rajiv Beedassy

  

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