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Item 5 (a) (iii) of the provisional agenda*

**Matters for consideration or action by the Conference of
the Parties: mercury-added products and manufacturing
processes in which mercury or mercury compounds are
used: Harmonized System codes**

**Background information on possible approaches to identifying
and distinguishing non-mercury-added products and
mercury-added products listed in annex A on the basis of the
Harmonized System framework**

Note by the secretariat

As is mentioned in the note by the secretariat on the matter (UNEP/MC/COP.3/5), the full report on possible approaches to identifying and distinguishing non-mercury-added products and mercury-added products listed in annex A to the Minamata Convention on Mercury is set out in the annex to the present note, which has not been formally edited.

* UNEP/MC/COP.3/1.

Annex

Report on possible approaches to identifying and distinguishing non-mercury-added products and mercury-added products listed in annex A to the Minamata Convention on Mercury on the basis of the Harmonized System framework

A collaboration between the Secretariat of the Minamata Convention and the Products Partnership Area of the UNEP Global Mercury Partnership

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1 Overview

1.1 Context and rationale

The second meeting of the Conference of the Parties to the Minamata Convention on Mercury (COP-2) expressed a strong interest in assessing before COP-3 whether customs codes could be a useful tool to generate better national and global information about the mercury-added products listed in Annex A to the Convention which, for Part I of Annex A, includes a fast-approaching 2020 deadline for restrictions on the manufacture and trade of these products. In addition, shortly after the 2020 deadline, Article 21 requires countries to report on their implementation of their obligations under Article 4. Meanwhile, several countries have already engaged independently in discussing and/or creating customs codes specific to mercury-added products.

COP-2 adopted Decision MC-2/9 (see Appendix A), requesting the Secretariat of the Minamata Convention, in collaboration with the UNEP Global Mercury Products Partnership (Products Partnership) and in consultation with other relevant organizations, to suggest:

... "approaches for customs codes to identify and distinguish non-mercury-added and mercury-added products listed in Annex A to the Convention, including approaches for their possible harmonization."

In the decision, the Conference of the Parties acknowledged that improving the data generated by the Harmonized System may be a way to facilitate the implementation of Article 4 of the Convention, improve national reporting under Article 21 and foster better communication among trading partners.

This document provides background information and presents approaches for Parties, as well as non-Parties, to take advantage of more precise and globally coordinated commodity codes consistent with the Harmonized System framework.

At present, the customs and tariff codes used for managing global trade rarely distinguish between mercury-added products listed in Annex A to the Convention (see Appendix B) and non-mercury-added products. As one of many examples, international trade in "liquid-filled thermometers" is harmonized under the 6-digit HS code 9025.11. The liquid in the thermometer could be mercury, or it could be some other liquid such as alcohol. Therefore, when governments seek to use data from HS code 9025.11 to estimate imports or exports only of thermometers containing mercury, those specific data are not available.

1.2 Reporting

Under Article 4, the Convention generally prohibits the manufacture, import, and export of mercury-added products listed in Part I of Annex A, unless an exemption has been specifically registered by a Party pursuant to Article 6. It also requires Parties to take measures for the mercury-added products listed in Part II of Annex A. Under the Convention, there are currently nine product categories listed in Part I of Annex A related to batteries; switches and relays; lighting; cosmetics; pesticides, biocides and antiseptics; and measuring devices. For these nine product categories, manufacture, import, and export is generally prohibited after 2020. Dental amalgam is the only mercury-added product listed in Part II of Annex A.

The generation and sharing of information among countries, by governments to the public, and by countries and stakeholders through the Secretariat are important mechanisms for supporting effective implementation of the Convention. Because this initiative could expand the use of the existing coding system to better identify and track mercury-added products if implemented at the national level, it is anticipated that the improved data would help to reduce the administrative and financial burden on Parties reporting under the Convention in accordance with Article 21, which calls for Parties to report on measures each Party has taken with respect to the Convention, similar to reporting requirements found in other multilateral environmental agreements, such as Basel, Rotterdam, and Stockholm Conventions.

1.3 Scope of work

Decision MC-2/9 requests the Secretariat to suggest approaches for building on the basic HS codes structure to identify and distinguish between mercury-added and non-mercury-added products, including approaches for their possible harmonization (where "harmonization" implies that the same codes would be used by Parties for the same mercury-added products), and to present its report for consideration by the Parties at COP-3, which will take place in November 2019.

The scope of this report includes the following main elements:

- A general overview of the issue.
- A more detailed presentation of the Harmonized System and current customs codes based on that structure, including discussion of key points such as how the codes are developed, how and by whom they are used, how the numbering system works, who is responsible to create or revise customs codes, how new codes are formally adopted at the national or international level, etc.
- A summary and discussion of relevant information already gathered as a result of the survey organized in 2018 by the Products Partnership, including indications of country support, comments received, some relevant customs codes already in use, and a listing of interested government ministries and agencies.
- Key information received from consultations with experts and stakeholders, including the World Customs Organization (WCO) and relevant MEA secretariats, to fully understand how the customs codes are defined and implemented, including but not limited to the level or sub-heading (six digits, eight digits and more) used for each product category, the technical language used to describe the product category, the identification of other relevant customs codes in use, and the formal procedures for changing and adopting new customs codes.
- The presentation of several possible approaches for using customs codes to better differentiate between mercury-added and non-mercury-added products, as well as approaches for the harmonization of these codes, based on the above research and taking into account efforts already taken by a number of Parties.

This report was coordinated by the Secretariat of the Minamata Convention in consultation with the Products Partnership. An outside expert was employed to provide input to a draft report, which was circulated by the Secretariat for comments from Parties and other stakeholders. Comments received in this process have been taken into account in this final report, presented to the Conference of the Parties at its third meeting for its consideration in November 2019.

2 Customs codes

2.1 Purpose and use

The Harmonized Commodity Description and Coding System, also known as the Harmonized System (HS), comprises internationally standardized nomenclature used to classify traded commodities. The Harmonized System came into effect in 1988 and has since been developed and maintained by the World Customs Organization (WCO), an independent intergovernmental organization based in Brussels, Belgium.¹

Since its creation, the Harmonized System has undergone several revisions, the most recent of which took effect on 1 January 2017. As of May 2019, there were 211 countries, territories, and customs and economic unions applying the Harmonized System, making it a globally recognized and effective system. For example, even though the CARICOM member countries (and others) are not contracting Parties of the WCO, the Common External Tariff of the Caribbean Community is directly based on the Harmonized System.²

HS codes are used by customs authorities, statistical agencies, and other government regulatory bodies to monitor and control the import and export of commodities through customs tariffs, collection of international trade statistics, rules of origin, monitoring of controlled goods (e.g., wastes, endangered species, etc.), and other measures.³

The Harmonized System identifies traded commodities for trade facilitation, customs, statistics, monitoring, control and other purposes—according to separate chapter numbers, headings, sub-headings, and further levels of detail depending on the commodity—on nearly all international shipping documents. However, at present the HS data are generally not sufficiently detailed to differentiate between mercury-added and non-mercury-added products, as further explained in Section 2.2. As an illustrative example, Appendix C presents HS data on Mexico's international trade in thermometers and pyrometers (HS code 9025.11), according to trade records submitted to the UN Statistics Division by the Mexican government. However, it is not possible to determine from this data how many of these thermometers and pyrometers contain mercury.

As presented in Section 5.2, there are a few countries such as Argentina, India and Uruguay that have implemented more specific commodity codes at their national levels that could provide data on mercury-added products (e.g., for silver oxide button cells, air-zinc button cells, clinical thermometers, certain measuring devices). However, these codes are neither harmonized among these countries, nor are they yet in use by many other countries.

2.2 Numbering system and nomenclature

Generally, the Sections and Chapters of the Harmonized System, managed by the World Customs Organization, are arranged in order of a product's degree of manufacturing or technological complexity. Natural commodities, such as live animals and vegetables, for example, are described in the early Sections of the HS, whereas more technologically complex goods such as machinery and precision instruments are described in later sections. The Harmonized System is organized into 21 Sections which are subdivided into 96 Chapters.⁴ These Chapters are further subdivided into approximately 1,200 Headings and 5,400 Subheadings describing products in more detail. In addition to the HS codes and commodity descriptions, each Section and Chapter of the HS is prefaced by legal notes, which are intended to clarify the proper classification of goods.

A basic HS code consists of up to six digits. The six digits can be broken down into three parts. The first two digits (HS-2) identify the Chapter in which the goods are classified (e.g. *85 Electrical machinery and equipment and parts thereof*). The next two digits (HS-4/Heading) identify groupings within that Chapter (e.g. *85.06 Primary cells and primary batteries, parts thereof*). The next two digits (HS-6/Subheading) are even more specific (e.g. *8506.10 Manganese dioxide*). Table 1 below shows the 4-digit code or Heading assigned by the WCO for "primary cells and primary batteries," followed by 6-digit Subheadings for major types of batteries.

¹ See <<http://www.wcoomd.org/en/topics/nomenclature/overview.aspx>>

² See the Revised Common External Tariff of the Caribbean Community: Based on the 2017 Edition of the Harmonized Commodity Description and Coding System (HS), last edited 11 April 2018, Caribbean Community Secretariat <[https://caricom.org/documents/16273-revised_cet_of_caricom_hs_2017_revised_11_april_2018_\(for_link\).pdf](https://caricom.org/documents/16273-revised_cet_of_caricom_hs_2017_revised_11_april_2018_(for_link).pdf)>

³ Ibid.

⁴ Chapters 01-97, of which Chapter 77 is "reserved" (not in use).

Table 1. Commodity codes for batteries

HS code	Description
8506	Primary cells and primary batteries
8506.10	-Manganese dioxide
8506.30	-Mercuric oxide
8506.40	-Silver oxide
8506.50	-Lithium
8506.60	-Air-zinc
8506.80	-Other primary cells and primary batteries

Up to the 6-digit level, contracting Parties to the Convention on the Harmonized Commodity Description and Coding System have agreed to use the HS Nomenclature for Chapter, Heading, and Subheading, including relevant Legal Notes. Management of the HS codes at this level is the responsibility of the WCO. With very few exceptions, all countries therefore use the same nomenclature up to the 6-digit level.⁵ In other words, these 6-digit codes cannot be modified or customized by individual Parties.

As stated by the WCO, “The HS was designed and developed as a “core” system so that countries and organizations adopting it could make further subdivisions (national subdivisions) according to their particular needs. Customs tariffs and statistical nomenclatures for the import and export of goods can, today, be readily based at the national level on this instrument.”

Thus, Parties commonly go beyond the 6-digit HS codes. At the regional and national levels, mostly for the purpose of imposing customs duties, countries often create 8-digit “tariff” codes or items, along with Additional or Supplementary Notes to better explain the tariff schedules.⁶ Similarly, customs codes of ten digits or more may be created for statistical and other purposes, sometimes at the recommendation of the WCO, as explained in Appendix D. For example, the 6-digit code for liquid-filled thermometers has been expanded to eight digits by a number of countries to differentiate between “clinical” thermometers (e.g., Canada uses tariff item 9025.11.10) and “other” thermometers (e.g., Canada uses tariff item 9025.11.90). In such a case, one could expand the nomenclature to ten digits to further differentiate between mercury-added and mercury-free thermometers. This is precisely what Uruguay has done, expanding the 8-digit code 9025.11.10 for clinical thermometers to create two distinct 10-digit codes:⁷

- 9025.11.10.10—clinical thermometers containing mercury
- 9025.11.10.90—other clinical thermometers

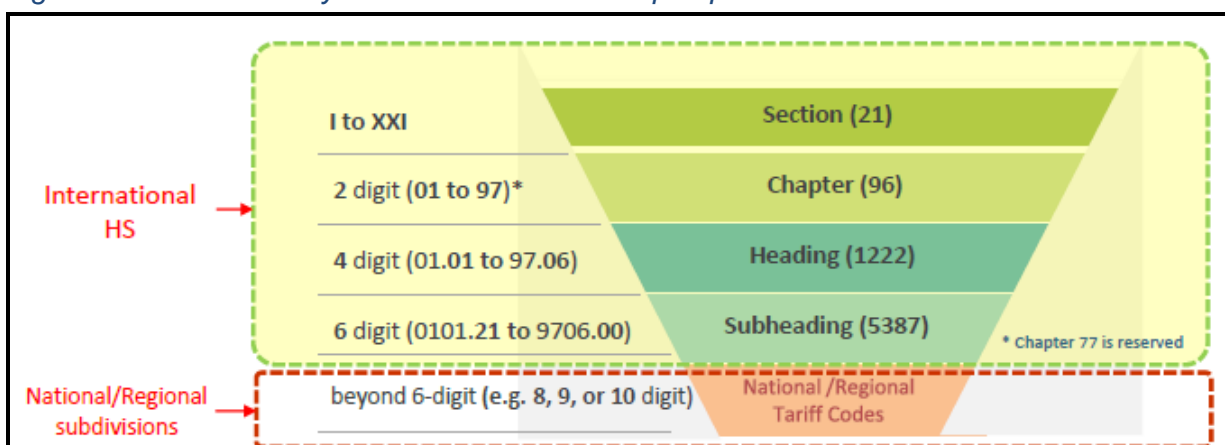
Figure 2-1 below shows 1) a visual representation of the manner in which national and regional subdivisions are built upon the numbering system used by the WCO Harmonized System; and 2) codes from Uruguay’s Harmonized Tariff System (HTS), which is based on the WCO Harmonized System.

⁵ See <<https://unstats.un.org/unsd/tradekb/Knowledgebase/50018/Harmonized-Commodity-Description-and-Coding-Systems-HS>>

⁶ See <http://everything.explained.today/Harmonized_System>

⁷ Ref. letter 105/001/000010/707, dated 29 March 2017, Uruguay Ministry of Economy and Finance. The rationale or accepted methodology for creating distinct 10-digit codes as above is that once any 8-digit Subheading is divided into 10-digit statistical suffixes, then the statistical suffixes should be defined in such a way as to accommodate all commodities that would previously have been included in the 8-digit Subheading. Thus the combination of the two 10-digit codes, “clinical thermometers containing mercury” plus “other clinical thermometers” add up to the totality of “clinical thermometers” identified at the 8-digit level.

Figure 2-1. The hierarchy of customs codes: Two perspectives



Source: WCO, Structure of the Harmonized System codes (HS 2017)

Customs code	Purpose	Product definition
90	Chapter	Optical, photographic, cinematographic, measuring, checking, precision, medical or surgical instruments and apparatus; parts and accessories thereof
9025	Heading	Hydrometers and similar floating instruments, thermometers, pyrometers, barometers, hygrometers and psychrometers, recording or not, and any combination of these instruments
9025.1	HS Subheading (5-digit)	-Thermometers and pyrometers, not combined with other instruments
9025.11	HS Subheading (6-digit)	- -Liquid filled, for direct reading
9025.11.10	National subdivision (typically determines duty)	- - -Clinical thermometers
9025.11.10.10	National subdivision (statistical suffix)	- - - -Containing mercury

Source: Based on codes developed by Uruguay

2.3 Differences between codes of six digits and more than six digits

As previously discussed, at the 6-digit level, HS codes are harmonized internationally and used by most countries worldwide. Customs codes of eight digits are commonly, but not always, used by individual countries and regional organizations to identify goods for tariff purposes. Codes of ten (and sometimes more) digits are also often used by individual countries for statistical and other purposes.

When trading partners happen to have different codes (i.e., beyond the 6-digit level) for the same product, the code of the importing country is always used on the shipping manifest.

2.4 Procedure for creating and revising HS codes of six digits

The management of customs codes up to six digits is the responsibility of the WCO. Changes at the 6-digit level are implemented only every five or six years in accordance with the WCO submission and approval process.⁸ Based on a draft proposal prepared by the WCO Secretariat, the WCO Council formally adopted during 27-29 June 2019 all amendments to the Harmonized System Nomenclature, which will enter into force in 2022. Any subsequent proposals for amendments at the 6-digit level (which need to be submitted to the WCO through a recognized national or international entity) will not take effect before 2027.

⁸ Since it was introduced in 1988, the HS Nomenclature has been revised five times. These revisions entered into force in 1996, 2002, 2007, 2012 and 2017.

The maintenance of the Harmonized System by WCO includes measures to secure uniform interpretation of the Harmonized System, as well as its periodic updating due to developments in technology and changes in trade patterns. The WCO manages this process through the Harmonized System Committee, which examines policy matters, takes decisions on classification questions, settles disputes and prepares amendments to the Explanatory Notes. The Harmonized System Committee also prepares amendments for updating the Harmonized System. Since the implementation of the HS in 1988, the WCO has published an updated version of the Harmonized System generally every five years. The most recent edition of the Harmonized System entered into force on 1 January 2017. As a result of new technological developments, changing trade patterns, environmental, security and social concerns, etc., it is necessary for the WCO to delete, revise and/or create new codes to respond to these changes. For example, as compared with the HS Fifth Edition (2012), the HS Sixth Edition (2017) included more than 1,500 revisions among its total of 5,387 HS codes, including the addition of HS codes for hazardous chemicals to be notified under the Rotterdam Convention, and persistent organic pollutants controlled under the Stockholm Convention.

The procedure for the review of the Harmonized System starts with the submission of a detailed proposal for amendments of the Harmonized System to the WCO Secretariat that provides administrative support to the Harmonized System Committee.⁹ Meetings of the Harmonized System Committee and the Harmonized System Review Sub-Committee take place twice every year. Proposals are first reviewed by the Harmonized System Review Sub-Committee, in consultation with the Scientific Sub-Committee, if necessary. The Harmonized System Review Sub-Committee reports on the outcome of its review to the Harmonized System Committee that then approves the proposals; in the absence of consensus, proposals can be approved by a two-thirds majority vote. All provisionally approved proposals are aggregated and, at the end of the review period, presented to the WCO Council for adoption. After approval by the Council, any Harmonized System Contracting Party has six months to enter a reservation with regard to any of the recommended amendments. Due to its consultative nature, the process takes several years. The sixth Harmonized System review cycle took place from November 2014 to June 2019, with the aim of an updated version of the Harmonized System that will enter into force in January 2022. Some examples of new HS codes developed in response to external requests are provided in Section 0.

2.5 Procedures for creating and revising customs codes of more than six digits

Customs codes with more than six digits—typically used for tariff and statistical purposes—may be revised or created unilaterally by each country according to its own procedures. It was at the 8- and 10-digit levels that the Products Partnership envisioned potential collaboration among the Parties, with the objective of obtaining better trade data distinguishing non-mercury-added and mercury-added products listed in Annex A to the Minamata Convention.¹⁰

To best accommodate their data needs, governments may on their own initiative add two or more digits to an existing 6-digit HS code. As discussed above, for example, import and export data specific to mercury-added thermometers may be obtained by creating codes of more than six digits. In a similar manner, creating customs codes for other Annex A product categories would generate better data on the imports and exports of mercury-added and non-mercury-added products.

Most countries using the Harmonized System have established procedures for implementing customs codes of more than six digits. Regardless of the agency or ministry initially submitting to its government a request for new codes, the final decision would typically be taken by a country's Ministry of Finance and Economy, or other ministry in charge of the Customs agency, which is in turn responsible to ensure that shipping documents comply with the proper codes. The procedure for introducing revised customs codes of more than six digits for mercury-added products could be as follows:

1. A country's Ministry of Environment seeks to improve its understanding of the import and use of mercury-added thermometers so as to implement certain provisions of the Minamata Convention, and contemplates for that purpose the establishment of discrete customs codes.
2. Because many mercury-added thermometers are used in hospitals, laboratories, etc., and pose a health risk when they break or are improperly discarded, the Ministry of Environment collaborates with other relevant authorities, such as the Ministry of Health, for example, to make the case for better data via new customs codes, citing a similar initiative in a neighbouring country or with other trading partners, if known.

⁹ For example, in a recent final decision (UNEP/CHW.14/CRP.28), the Basel Convention COP, *inter alia*, requested the Secretariat to submit to the WCO a proposal for amending the Harmonized System to allow the identification of eight types of wastes. See "Summary of the Meetings of the Conferences of the Parties to the Basel, Rotterdam and Stockholm Conventions (29 April - 10 May 2019)," Geneva, Switzerland. *Earth Negotiations Bulletin*, Volume 15, Number 269, 13 May 2019.

¹⁰ The Products Partnership had considered some possible codes as seen in <<http://web.unep.org/globalmercurypartnership/hs-codes-mercury-added-products>>

3. These two ministries approach the Ministry of Finance and Economy with their proposal, since the Ministry of Finance and Economy has authority over Customs.
4. The Ministry of Finance and Economy convenes an advisory committee of interested Parties to determine whether the proposal has merit, and to raise any potential concerns. The advisory committee includes representation from Customs and Excise, among others, to ensure appropriate technical code subheadings and definitions.
5. The Ministry of Finance and Economy accepts the recommendation of the advisory committee to introduce new codes developed by the committee, and informs the Ministries of Environment and Health of its intention to mandate Customs and Excise to implement the new code.

The World Trade Organization (WTO) maintains centralized websites for tariff and statistical codes of its members, namely:

- Tariff Analysis Online¹¹ is the most versatile and detailed, according to WTO. The tariffs are available at the level of eight or more digits using the Harmonized System structure. At this level of detail, comparisons between countries are not always straightforward because countries do not always use the same code numbers to define products.
- The Tariff Download Facility¹² is somewhat simpler. The data on tariffs and import statistics are available in no more than the six digits of the Harmonized System (HS) codes, which are standard for all countries.
- Finally, for the 164 member countries of the WTO, key information on trade statistics, WTO commitments, etc., is also readily available.¹³

If a country is a member of a regional trade organization (see below in this section), the regional trade organization would also be involved in any discussion of a new tariff code of eight digits. However, the formal process of developing a new code of more than eight digits would not necessarily have to be done in collaboration with other countries. Some national and regional examples follow.

Canadian procedure

For goods imported into Canada, the HS classifications are updated at the HS-6 level every five years by a WCO Council Recommendation to amend the HS Nomenclature. Additionally, classifications may be modified at the HS-8 level (Canadian financial/tariff level) or the HS-10 level (Canadian statistical level). Representatives from Finance Canada and Statistics Canada meet twice a year to review requests for classification additions or modifications.

United States procedure

In the United States, 8-digit codes are created for the purpose of defining duties and tariffs on imported commodities, while 10-digit codes are created for statistical and other purposes. Any requests for new 10-digit codes are reviewed two times each year. More detailed instructions for requesting code changes for statistical purposes may be found in the Preface to the U.S. Harmonized Tariff Schedule.¹⁴

MERCOSUR procedure

In the case of the Mercado Común del Sur,¹⁵ the MERCOSUR Common Nomenclature (NCM) also uses the 6-digit structure of the Harmonized Commodity Description and Coding (HS) System managed by the WCO, but adds two more digits to better identify and classify merchandise traded within MERCOSUR, and between the MERCOSUR member countries and the rest of the world. The resulting 8-digit subheadings are typically used for fixing common tariffs. The database of the NCM is maintained by the Technical Advisory Sector of the MERCOSUR Secretariat. Sub-subheadings of ten digits or more may be created by individual countries at their own discretion for statistical and other purposes.

ASEAN procedure

In the case of the Association of South East Asian Nations (ASEAN),¹⁶ once a new set of 6-digit HS codes has been created through the WCO process, ASEAN member countries participate in meetings of the ASEAN Technical Sub-working Group on Classification, where they collaborate on the development of 8-digit regional customs codes under the headings of the new 6-digit codes. These 8-digit codes are then applicable to all ASEAN member states.

¹¹ <http://tariffanalysis.wto.org?ui=1>

¹² <http://tariffdata.wto.org/Default.aspx?culture=en-US>

¹³ https://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm

¹⁴ See <<https://hts.usitc.gov/current>> starting on page 5.

¹⁵ MERCOSUR full members are Argentina, Brazil, Paraguay, Uruguay and Venezuela (suspended since 1 December 2016). Associate countries are Bolivia, Chile, Colombia, Ecuador, Guyana, Peru and Suriname. Observer countries are Mexico and New Zealand.

¹⁶ The ASEAN member states include Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam.

Subsequently, under the new 8-digit headings, each country develops and classifies 10-digit national statistical codes for specific products of national concern.

EU procedure

In the case of the European Union,¹⁷ the EU goods nomenclature is the Combined Nomenclature (CN) established by Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987),¹⁸ which meets the requirements of the EU Common Customs Tariff and external trade statistics and of EU legislation on importation and exportation of goods. The CN code is the key element of the administrative document submitted by the economic operators to customs and used by customs in their monitoring of external trade flows. The CN is an 8-digit code system, consisting of two integrated components including the six HS digits and one or two additional digits, which are further EU subdivisions to the HS nomenclature.

The CN can be further broken down at 10-digit level. 10-digit codes are called TARIC codes,¹⁹ created according to the legislative needs such as autonomous tariff suspensions; anti-dumping and anti-subsidies measures; control on movement of fluorinated greenhouse gases; etc. TARIC codes can also be created purely for monitoring reasons. In this case, they are called “TARIC statistical codes” and are published annually in Annex X to the CN.

Possible procedure for developing 7th and 8th digits at the EU level: Annual revision of the CN

Should the Minamata COP invite Parties to complete their national goods classification system, the European Commission may propose to EU Member States to create specific additional sub-headings distinguishing mercury-added products by completing the CN accordingly.

The development of specific 7th and 8th digits on mercury-added products could take place by means of the revision of the CN, which occurs on an annual basis. The legal instrument amending the CN takes the form of an Implementing Regulation from the European Commission on which the EU Customs Code Committee composed of representatives of the 28 Member States is invited to provide an opinion.

Possible procedure for developing 9th and 10th digits at the EU level: Completing TARIC codes

Should the EU be of the opinion that there is a need to monitor only the import of mercury-added products and non-mercury-added products, this could be done by creating 10-digit TARIC codes without creating corresponding 7th and 8th digits in the EU CN. This option would only provide information on the imports into the EU.

As an illustrative example, whilst the CN includes code 8506.40.00 for silver oxide batteries, 9th and 10th digits could be added as ‘10’ in TARIC for ‘Containing mercury’ (i.e., 8506.40.00.10) and ‘90’ for ‘Other’ (i.e., 8506.40.00.90), assuming there are no conflicting TARIC subdivisions previously defined.

¹⁷ As of August 2019, the EU member states included Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom.

¹⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01987R2658-20190101>

¹⁹ TARIC stands for TARif Intégré Communautaire (in French), or Integrated Tariff of the European Communities (in English).

3 Customs codes survey

3.1 Purpose, timing and general response

After carrying out some relevant background research, the Products Partnership sought to determine the level of interest among Parties to the Minamata Convention in enhancing customs codes as a potential source of improved Annex A product data in support of the Convention.

In July 2018, the Secretariat of the Minamata Convention – on behalf of the Products Partnership – sent a brief online survey (included in Appendix F) to representatives of all governments that had attended COP-1. Along with other explanatory information, the following key points were included in the communication:

- Enhanced commodity codes (to be identified under the Harmonized System) would be a valuable source of data on international trade in mercury-added products. Both the effective date of the phase-out for mercury-added products in Part I of Annex A, and the first national reporting deadline under the Convention are fast approaching. Common customs codes to generate relevant information on mercury-added products would facilitate all Parties' implementation of the Convention under Article 4 and under Article 21.
- There are significant advantages in promoting collaboration among countries that decide to identify and use enhanced customs codes for this purpose. A number of countries are already discussing this idea, and collective harmonization in the short term is easier than managing competing customs codes in the future. Clear benefits will accrue to countries that coordinate and use the same 8- and 10-digit sub-headings for the same mercury-added products.

The responses to the survey, covering five UN regions, were overwhelmingly supportive of a customs codes initiative based on the HS framework, as summarized in Appendix F. The survey also elicited useful comments from the respondents, which are included in the same appendix.

The results of the survey encouraged the African, Latin American and Caribbean regions to put forward a draft decision at COP-2 to support further work on an HS-based initiative. The subsequent discussions at COP-2 ultimately resulted in Decision MC-2/9, which is attached as Appendix A.

3.2 Customs codes identified by countries responding to the survey

Appendix G lists specific customs codes and products identified by countries responding to the Products Partnership survey. The seven survey respondents that chose to list specific customs codes were Argentina, Bosnia and Herzegovina, Burundi, Canada, Mexico, Uruguay and Vietnam. A summary of the product categories they identified is presented in Table 2 below.

The product groups most often identified by these seven respondents were those groups that include the more visible or higher volume mercury-added products (i.e., batteries, switches/relays, lamps and measuring devices). In its survey response, only Mexico covered all of the product categories listed in Part I of Annex A to the Convention. The customs codes listed in response to the survey also reflect, in some cases, domestic interest in mercury-added products not currently regulated by the Minamata Convention. For example, Canada is interested in tracking mercury-added products exempted from its mercury regulations, such as laboratory analytical standards and dental amalgam, while Argentina is interested in obtaining better information on industrial processes using mercury as a catalyst or reaction initiator or accelerator.

Table 2. Product categories of particular interest as identified by respondents to the survey

Mercury-added product categories covered by Annex A to the Minamata Convention	Argentina	Bosnia and Herzegovina	Burundi	Canada	Mexico	Uruguay	Vietnam
Batteries	X	X	X		X		X
Switches and relays	X				X		X
Compact fluorescent lamps	X	X		X	X	X	
Linear fluorescent lamps	X	X		X	X	X	
High-pressure sodium or mercury vapor lamps	X	X	X	X	X	X	
Cold-cathode and external electrode fluorescent lamps				X	X	X	
Cosmetics					X		
Pesticides, biocides, etc.					X		
Measuring devices	X	X			X		X
Dental amalgam				X			
Product categories not covered by Annex A							
Mercury, mercury compounds and/or non-dental amalgams		X	X		X		
Other mercury-added products not covered by Annex A	X	X		X	X		

These country responses to the survey are helpful for several reasons:

- They indicate the general domestic priorities for product categories to be defined by more precise customs codes;
- They have identified a number of codes of more than six digits that may eventually be harmonized with other countries; and
- They confirm that up to now most countries have not very much considered or been motivated to harmonize their efforts with other countries.

3.3 Key ministries and agencies dealing with customs codes

As evident in the responses to Question 4 above, a broad range of authorities and other stakeholders may be involved in the revision or development of new customs codes of more than six digits, depending on the process that each country follows for this type of change. However, the key authorities involved in nearly every country include the Ministry of Finance and Economy (typically responsible for Customs and Excise),²⁰ and the Ministries of Environment and Health—or equivalent ministries to these.

While discussed in more detail below, typically a ministry (such as health or environment) that identifies the need for a new or revised customs code will first make its case to the ministry of finance or economy, which may convene an advisory committee on the matter. If that procedure leads to a positive decision by the ministry of finance or economy, then the customs authorities are responsible for implementation of the new or revised code.

²⁰ An “excise” is a tax levied on certain goods and commodities produced or sold within a country, and on licenses granted for certain activities.

4 Research and stakeholder consultation

The COP-2 Decision requested possible approaches for customs codes to identify and distinguish between mercury-added and non-mercury-added products listed in Annex A to the Convention, as well as approaches for the harmonization of the relevant customs codes. In order to adequately respond to these requests, more detailed information was required on relevant customs codes already in use, on the technical procedures for creating and revising customs codes, on the challenges with regard to harmonization, etc. As such, in parallel with the ongoing research, several key stakeholders were asked for input due to previous involvement or special expertise in dealing with the following sorts of issues.

Existing customs codes for mercury-added products

- Identifying online sources of various countries' customs codes
- Identifying various countries' customs codes (more than six digits) that specifically identify mercury-added products
- Dealing with cases where countries may already be using different customs codes for the same mercury-added product

Processes for generating and approving new customs codes

- Understanding any domestic constraints on revising or adding customs codes for this purpose
- Understanding the process for generating and approving new 6-digit codes, and how it has been used in various multilateral environmental agreements
- Describing the process for generating and approving new codes of more than six digits
- Ensuring that new customs codes are properly defined and worded (for example, "dental amalgam materials" may include metal powders, elemental mercury, capsules, metallic "tablets," etc.)

Harmonization of customs codes for mercury-added products

- Seeking to ensure maximum harmonization of new codes
- Considering the options of harmonizing new codes via regional organizations or via national authorities

Some of the findings of this research and consultation process are presented in Appendix H, which details the process of developing and/or reusing 6-digit subheadings, and presents examples of 6-digit codes developed for the Rotterdam Convention and the Montreal Protocol. It also describes the development and use of customs codes of more than six digits by Thailand to respond to needs of the Basel Convention, and by Uruguay in support of the Stockholm Convention.

5 Customs codes options

5.1 6-digit HS codes

The Minamata Convention (Part I of Annex A) product categories are already mostly included in 6-digit HS codes in the HS Nomenclature. Table 3 below provides a general overview of many of the applicable 6-digit HS codes, which are presented in greater detail in Appendix I (a preliminary list compiled by UNEP) and Appendix J (a more comprehensive working list prepared by Argentina's Directorate of Substances and Chemical Products, within the Secretariat of Environment and Sustainable Development).²¹

Table 3. 6-digit HS codes for Minamata Convention Annex A products

Categories of mercury-added products covered by the Minamata Convention, Annex A, Part I	Corresponding 6-digit HS codes
Batteries	8506.10: Manganese dioxide 8506.30: Mercuric oxide 8506.40: Silver oxide 8506.60: Air-zinc 8506.80: Other
Switches and relays	8535.30: Isolating switches and make-and-break switches 8535.40: Lightning arresters, voltage limiters and surge suppressors 8535.90: Others 8536.41: Relays 8536.50: Switches 8536.90: Other electrical apparatus
Compact fluorescent lamps (CFLs)	8539.31: Discharge lamps, fluorescent and hot cathode
Linear fluorescent lamps (LFLs)	8539.31: Discharge lamps, fluorescent and hot cathode
High pressure mercury vapour lamps (HPMV)	8539.32: Mercury or sodium vapor lamps
Cold cathode fluorescent lamps (CCFLs) and external electrode fluorescent lamps (EEFLs)	8539.39: Cold-cathode fluorescent lamps
Cosmetics	3304.10: Lip make-up preparations 3304.99: Beauty or make-up, or skin care preparations 3401.11: Soap; organic surface-active products and preparations for use as soap 3401.19: Soap; organic surface-active products and preparations for use as soap 3401.20: In the form of flakes, granules, powder, soft soap or liquid soap 3401.30: Liquid or cream for washing skin
Pesticides, biocides and topical antiseptics	3808.50: Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products and plant growth regulators, disinfectants and similar products

²¹ The lists in Appendix I and Appendix J are provided to assist countries to identify relevant product categories, and to support later in-depth analysis. They have not been vetted for comprehensiveness, nor for the possible inclusion of some HS codes for products that do not contain mercury.

Categories of mercury-added products covered by the Minamata Convention, Annex A, Part I	Corresponding 6-digit HS codes
Non-electronic measuring devices: (a) barometers; (b) hygrometers; (c) manometers; (d) thermometers; (e) sphygmomanometers.	9018.19: Medical, surgical and veterinary instruments other than electro-diagnostic apparatus 9018.39: catheters, cannulae, bougies and the like 9018.90: Other instruments and appliances including sphygmomanometers 9025.11: liquid-filled thermometers and pyrometers 9025.80: Other instruments including barometers 9026.10: Instruments and apparatus for measuring or checking the flow or level of liquids 9026.20: Instruments and apparatus for measuring or checking pressure 9026.80: Instruments and apparatus for checking other variables of liquids or gases
Categories of mercury-added products covered by the Minamata Convention, Annex A, Part II	Corresponding 6-digit HS codes
Dental amalgam	3006.40: Dental cements and other dental fillings; bone reconstruction cements* 2843.90: Amalgams of precious metals 2853.90: Amalgams, other than amalgams of precious metals
<p>* Although code 3006.40 is sometimes used by importers of dental amalgam containing mercury, it should not be so used, according to WCO HS legal texts and Explanatory Notes for dental amalgams: Amalgams of precious metals (alloys of precious metals with mercury) are specifically named in heading 28.43, while amalgams wholly of base metal containing mercury are named in heading 28.53. According to the Explanatory Notes, heading 28.43, specifically subheading 2843.90, covers amalgams containing a precious metal (i.e., gold, silver) and a base metal that are used in dentistry, while heading 28.53, specifically subheading 2853.90, covers amalgams wholly of base metals (i.e., copper, tin) that are used in dentistry. Subheading 3006.40 specifically provides for dental cements and other fillings; bone reconstruction cements. The Explanatory Notes to heading 30.06 state, "Dental cements and fillings are generally based on metallic salts (zinc chloride, zinc phosphate, etc.), metallic oxides, gutta-percha or plastic materials. They may also consist of metallic alloys (including precious metal alloys) specially prepared for dental fillings. Such alloys are sometimes called "amalgams" even though they do not contain mercury." Thus, dental amalgams containing mercury should be classified in either subheading 2843.90 or 2853.90 depending on the metals used, and not in subheading 3006.40.</p>	

An example of new HS codes

One approach suggested during communications with WCO is presented in Table 4 below. According to the WCO rules for amending HS codes, in this case it would be advisable to retire the existing code 9025.11 and to replace it with more detailed subheadings.

Table 4. Possible HS codes to identify mercury thermometers

Customs code	Description
9025	Hydrometers and similar floating instruments, thermometers, pyrometers, barometers, hygrometers and psychrometers, recording or not, and any combination of these instruments
9025.1	-Thermometers and pyrometers, not combined with other instruments:
9025.12	- -Containing mercury, for direct reading
9025.13	- -Other containing mercury
9025.14	- -Other liquid-filled, for direct reading
9025.19	- -Other
9025.8	-Other instruments
9025.81	- -Containing mercury
9025.89	- -Other
9025.9	-Parts
9025.91	- -Containing mercury
9025.99	- -Other



9025.12 + 9025.14 =
Current subheading
9025.11

Source: WCO

While communications with WCO confirmed that 6-digit HS codes can be useful to monitor trade in support of international conventions, WCO also cautioned about both the time required to go through the formal procedure, and the “trade reality.” For example, if the trade volumes of certain products are not very large, WCO may be less eager to create new subheadings. WCO explained that the greater the number of codes included in the HS, the more complex its structure and the greater the burden for HS users.

5.2 Customs codes of more than six digits

Of all 6-digit product categories presented in Table 3 above, only the code “8506.30: Mercuric oxide batteries” is sufficiently precise to identify a mercury-added product listed under Part I of Annex A to the Minamata Convention. All other codes in the table may include both mercury-added and non-mercury-added products. Therefore, new and/or more detailed codes are needed to better identify the remaining Annex A, Part I, products. Some useful codes have already been developed by a few countries, as presented below, but are not yet widely shared.

Uruguay

The Minamata Convention was ratified by the Uruguayan government according to Law No. 19,267 in September 2014. For implementation of Article 4 of the Convention, the National Directorate of Environment (DINAMA), under the Ministry of Housing, Territorial Planning and Environment (MVOTMA), recognized the need for better information on mercury-added products entering the country, and determined that such information could be obtained through enhanced customs codes.

Previous research on the lifecycle of mercury-added products in Uruguay had determined that medical devices were identified as the highest priority listed products that needed to be better controlled.²²

In order to study the possibility of creating new customs codes for this purpose, DINAMA convened a working group under the name of “Proyecto Mercurio,” which included representatives of the Ministry of Public Health (MSP), the Technological Laboratory of Uruguay (LATU), and the National Directorate of Customs (DNA).

Working from the existing structure of the Mercosur Common Nomenclature of 8-digit codes, the working group identified new 10-digit statistical codes (shown in Table 5 below), to specify both clinical thermometers and blood pressure measuring devices containing mercury. 10-digit codes may be created in this manner at the discretion of the national government, without prior approval of Mercosur.

²² See Proyecto “Gestión ambientalmente adecuada del ciclo de vida de los productos que contienen mercurio y sus desechos” -- Ciclo de vida productos con uso intencional mercurio, MVOTMA, December 2016. <http://www.mvotma.gub.uy/ambiente/gestion-de-residuos-y-sustancias/sustancias-quimicas/mercurio/uruguay-y-el-mercurio/item/download/7828_a5b5be9d99b33dbca79220d78b9a61d7>

A draft Resolution proposing these 10-digit revisions to the National Tariff 2017 was submitted to the Director of the Commercial Policy Advisory Unit, General Directorate of the Secretariat, Ministry of Economy and Finance, for consideration, finalization and implementation by the DNA.

Meanwhile, Proyecto Mercurio continues to work on creating customs codes for other mercury-added products.

Table 5. Uruguay--customs codes for medical devices

Mercosur Common Nomenclature	Changes to the National Tariff 2017	Description
9018.90.92		Devices for measuring blood pressure
	9018.90.92.00	Devices for measuring blood pressure
	9018.90.92.10	Containing mercury
	9018.90.92.90	Others
9025.11.10		Clinical thermometers
	9025.11.10.00	Clinical thermometers
	9025.11.10.10	Containing mercury
	9025.11.10.90	Others

Source: Ministry of Finance and Economy letter of 29 March 2017

Table 6, for example, shows how Uruguay has not only introduced statistical codes to identify lamps containing mercury, but it has also created codes to identify lamps complying with the mercury content permitted by the Minamata Convention (see colored text).

Table 6. Uruguay--customs codes for mercury-added lamps

Customs code	Description
8539.3	- Lámparas y tubos de descarga, excepto los de rayos ultravioletas:
8539.31.00	- - Fluorescentes, de cátodo caliente
8539.31.00.10	- - - - Tubos fluorescentes de cátodos calientes
8539.31.00.1	- - - - Lineales (LFL)
8539.31.00.11	- - - - - De fósforo tribanda con un contenido de mercurio de hasta 5 mg por lámpara
8539.31.00.12	- - - - - Con fósforo en halofosfato con un contenido de mercurio hasta 10 mg por lámpara
8539.31.00.19	- - - - - Las demás
8539.31.00.20	- - - - Lámparas de uso doméstico con equipo auxiliar incorporado en las mismas y casquillo incluido E27 (casquillo)
8539.31.00.30	- - - - Lámparas de uso doméstico con equipo auxiliar incorporado en las mismas y casquillos incluidos E14 y E40 (casquillos)
8539.31.00.90	- - - - Las demás
8539.32.00	- - Lámparas de vapor de mercurio o sodio; lámparas de halogenuro metálico
8539.32.00.10	- - - - Lámparas de vapor de mercurio a alta presión
8539.32.00.20	- - - - Lámparas de vapor de sodio
8539.32.00.30	- - - - Lámparas de halogenuro metálico
8539.32.00.90	- - - - Las demás
8539.39.00	- - Los demás
8539.39.00.10	- - - - Lámparas fluorescentes de cátodo frío y lámparas fluorescentes de electrodo externo (CCFL y EEFL) para pantallas eléctricas de longitud de tubo corta (<500 mm) con un contenido de mercurio hasta 3.5 mg por lámpara
8539.39.00.20	- - - - Lámparas fluorescentes de cátodo frío y lámparas fluorescentes de electrodo externo (CCFL y EEFL) para pantallas eléctricas de longitud de tubo medio (>500 mm y <1 500 mm) con un contenido de mercurio hasta 5 mg por lámpara
8539.39.00.30	- - - - Lámparas fluorescentes de cátodo frío y lámparas fluorescentes de electrodo externo (CCFL y EEFL) para pantallas eléctricas de longitud de tubo largo (>1 500 mm) con un contenido de mercurio hasta 13 mg por lámpara
8539.39.00.90	Las demás

Source: Uruguay customs codes valid as of January 2019, including some minor corrections

Caribbean countries

Minamata Initial Assessments (MIAs) carried out for several Caribbean countries include a reference list of 8-digit tariff codes for mercury-added products, although these codes are not necessarily used by the countries themselves. The list is attached to this report as Appendix K.

Argentina

As the National Authority responsible for the implementation of the Minamata Convention in Argentina, the Secretariat of Environment and Sustainable Development has begun to take measures to implement Article 4 related to mercury-added products listed in Annex A to the Convention. Thus, in 2019 the Secretariat issued Resolution 75/2019,²³ which prohibits, from 1 January 2020, the import, export and trade of mercury-added products listed in Part I, Annex A.

The next step to implement Resolution 75/2019 is to determine how best to enforce the Resolution, including customs codes to be controlled, and other specific measures needed. As mentioned above, a preliminary analysis of 6-digit HS codes (included as Appendix J) has been carried out by the Directorate of Substances and Chemical Products of the Secretariat of Environment and Sustainable Development, but further discussions with other key government agencies (Secretariat of Commerce; Secretariat of Industry; Secretariat for the Modernization of Government; General Directorate of Customs) are needed in order to determine: 1) the best strategy to monitor and control the different categories of products listed in Annex A to the Convention, including the creation of more customs codes of more than six digits; and 2) whether it is advisable to pursue the same strategy for every mercury-added product category listed in Annex A.

Countries using different codes for similar products

Even while Uruguay creates new customs codes to have better data on mercury-added products coming into the country, the challenges apparent in harmonizing these codes are evident when comparing with the situation of Mexico, for example. Table 7 demonstrates that at the level of eight digits and more, the tariff codes used by Mexico deviate from the codes used by Uruguay and Argentina. This is not uncommon. However, it reinforces the need to identify and harmonize codes for Annex A products before Parties create new codes and render harmonization more difficult.

Table 7. Divergent tariff codes used by Mexico, Uruguay and Argentina

Mexican tariff codes	Description
9018.90.03	Devices for measuring blood pressure
9025.11.99	Most liquid-filled thermometers, with a few exceptions
Uruguayan tariff codes	Description
9018.90.92	Devices for measuring blood pressure
9025.11.10	Clinical thermometers, liquid-filled
Argentine tariff code	Description
9025.11.10.000Y	Clinical thermometers, liquid-filled

Sources: Tarifa de la Ley de Impuestos Generales de Importación y de Exportación, <http://www.sicex-caaarem.org.mx/>; Table 5; Appendix G.

6 Suggested approaches

6.1 The COP-2 Decision

Decision MC-2/9 requires the Secretariat of the Minamata Convention to suggest “approaches for customs codes to identify and distinguish non-mercury-added and mercury-added products listed in Annex A to the Convention, including approaches for their possible harmonization.”

With respect to possible “approaches” for customs codes to identify and distinguish non-mercury-added and mercury-added products, four main approaches were identified (and are explained in more detail in Section 6.2):

- A. Develop internationally harmonized HS codes of six digits pursuant to the established WCO process;
- B. Develop statistical codes of more than six digits (these could be developed in various ways depending on the desired level of harmonization);
- C. Deliver some combination of the two approaches above (e.g., develop interim statistical codes of more than six digits, some or all of which could be superseded by 6-digit HS codes created according to the formal WCO procedure); or
- D. Do not create new customs codes under the Convention, but instead focus on the mercury-added products that are already in commerce using any existing 6-digit customs codes (Note: inherent in this option is the expectation that enhanced monitoring and other measures may be needed in order to better implement the Convention obligations related to the mercury-added products listed in Annex A to the Convention).

Decision MC-2/9 also requested that the report include possible approaches for potential harmonization of customs codes for the products listed in Annex A, where the same codes would be used by all Parties for the same mercury products. Harmonization, however, under any approach poses both opportunities and challenges, and is inextricably linked to the issue of whether one is considering customs codes of six digits or more than six digits. If the WCO is requested to develop HS codes (i.e., 6-digit codes), all Parties are obliged to adopt these codes under the HS system. On the other hand, with voluntary statistical codes of more than six digits, then different degrees of harmonization are possible, depending on the approach taken.

Any of these approaches, should the COP choose to consider them, would require further detail and analysis.

6.2 Suggested approaches to identify and distinguish Annex A products

Based on the present research, each of these approaches is briefly discussed in the context of several non-mutually exclusive factors, such as feasibility, complexity, implementation time and/or other criteria.

A. Develop internationally harmonized HS codes of six digits pursuant to the established WCO process

Using 6-digit HS codes for differentiating mercury-added from non-mercury-added products, as discussed in Section 2.2, would build on the established WCO structure and formal procedures (e.g., rules of origin, monitoring of controlled goods, etc.). In line with the HS practice, this approach would imply “automatic” international harmonization, since all countries using the HS system would be obliged under the WCO process to adopt the same HS codes. International harmonization would enhance collection of data (for better responding to reporting obligations in accordance with Article 21) and comparisons with other Parties, including data cross-checking between imports and exports. Consideration would also need to be given to how to best to convey in the context of the WCO process the identification of the mercury-added products listed in Annex A within the HS codes.

Regarding timing and complexity, this approach would be subject to the WCO process for creating and amending 6-digit HS codes, as described in Section 2.4, which operates on a 5-year cycle for proposal, review, approval, and implementation. For example, because the recently completed sixth Harmonized System review cycle is targeting January 2022 for entry into force, the earliest possible year for adopting HS codes for differentiating mercury-added from non-mercury-added products would be 2027. As such, the WCO process is not sufficiently dynamic to accommodate possible future amendments to Annex A, Part I. Finally, if there is a long delay in developing 6-digit HS codes, many Parties are likely to create national statistical codes of more than six digits in the interim, possibly with little international harmonization.

B. Develop statistical codes of more than six digits

Developing statistical codes of more than six digits for identifying and differentiating mercury-added from non-mercury-added products, as described in Section 2.5, allows national governments and regional entities on their own initiative to add two or more digits to an existing 6-digit HS code (typically for a total of eight to ten digits). These statistical codes could be developed in various ways depending on the desired level of harmonization. This approach

is already frequently used by countries for tariff and statistical purposes. For this approach to be most effective to support the Minamata Convention, it is advisable to maximize the level of harmonization (see Section 6.3 for additional discussion of harmonization) so that as many countries as possible are using the same codes for the same products.

This task could be delegated to an expert working group, for example, that would develop appropriate statistical codes and definitions for the Annex A products. Such an approach would impose less of a burden on national governments and regional entities that would not have to each separately develop their own product definitions and codes. National governments would then work with their customs authorities to implement the new codes according to their own procedures, although it should be foreseen that some Parties may wish to adjust their existing codes somewhat in order to accommodate new codes for the Annex A products.

C. Deliver some combination of the two approaches above

Combining the more formal 6-digit approach (as in A above) and the more dynamic, greater-than-6-digit approach (as in B above) is another possible way forward. As discussed in Section 6.2.B., relatively little time would be required for national governments to develop and implement interim statistical codes of more than six digits. In parallel, the more lengthy HS 6-digit process described in Section 6.2.A. could be launched under the WCO, with the expectation that new 6-digit codes could ultimately replace some or all of the interim statistical codes of more than six digits.

The COP could more effectively encourage Parties to collaborate and use the same interim codes with more than six digits if all are aware that 6-digit HS codes are likely to follow. On the other hand, it would likely be a challenge to replace the interim codes after they have been in place for several years and Parties have grown accustomed to using them. Moreover, as mentioned in Section 6.2.A., the formal WCO process has a pre-determined timeframe and this would be in addition to the initial process of developing and implementing interim codes. Whether the final step of adopting the 6-digit WCO codes would prove to be necessary may depend upon the level of harmonization achieved in the interim.

D. Do not explore new customs codes under the Convention

The fourth approach relies on the existing 6-digit HS code structure while encouraging Parties to use available tools and resources in the most effective manner to implement the Minamata Convention provisions for mercury-added products in Annex A. Under this option, Parties could focus on trade of mercury-added products in existing 6-digit codes and, where already in use, codes of more than six digits, and they could further develop such tools as regulations, monitoring procedures, labelling requirements, etc., to identify and control mercury-added products. For example, they could attach additional information or notes to customs codes to ensure that customs and market surveillance authorities are fully aware of import and export restrictions on mercury-added products. Or they could require importers to formally declare to customs authorities of importing countries that products being traded are not among those that have been prohibited under the Convention.

The use of existing HS codes to differentiate mercury-added from non-mercury-added products would result in quicker, simpler, and less expensive implementation, although Customs involvement would probably be greater than with the previous three options. In addition, individual Parties would be more able to restrict their focus to national interests and priorities with regard to which, if any, products listed in Annex A to address further at the national level.

On the other hand, Parties could be expected to act with little coordination and highly variable degrees of implementation—some targeting certain product groups and devoting less attention to others, some relying heavily on certain measures and less on others, some involved in intensive monitoring and others less so, etc. Moreover, new or amended legislation might be used by some Parties to develop specific domestic tracking/monitoring mechanisms and, if those mechanisms are not the same (or substantially congruent) for all Parties, then implementation would be less comprehensive or consistent. This could place a heavier burden on Customs to deal with a larger volume of products. Finally, these mechanisms are available to national governments at any time should governments find these mechanisms useful to facilitate Convention implementation.

6.3 Other issues of concern raised by stakeholders

During the course of the research and outreach conducted during the preparation of this report, stakeholders expressed concerns about a number of issues that could affect the implementation of the approaches presented above. Since such concerns are outside the scope of this report, but still relevant to the initiative under discussion, these issues have been summarized in Appendix L.

Appendix A—Decision MC-2/9

The Conference of the Parties,

Acknowledging that improving the data generated by the Harmonized System may be a way to facilitate the implementation of Article 4 of the Convention, improve national reporting under Article 21 and foster better communication among trading partners,

Taking into consideration the survey on the Harmonized System initiative developed by the United Nations Environment Programme Global Mercury Partnership – Products Partnership,

Requests the secretariat, in collaboration with the Products Partnership and in consultation with relevant organizations:

- (a) To suggest, taking into account the results of the survey on the Harmonized System Initiative developed by the UNEP Global Mercury Partnership – Products Partnership, approaches for customs codes to identify and distinguish non-mercury-added and mercury-added products listed in Annex A to the Convention, including approaches for their possible harmonization;
- (b) To circulate to parties and other stakeholders a draft report for comments by May 2019;
- (c) To receive comments from parties and other stakeholders on the draft report until 1 August 2019;
- (d) To revise the draft report, taking into account the comments received in accordance with subparagraph (c) above;
- (e) To present the report to the Conference of the Parties at its third meeting for its consideration.

Appendix B—Minamata Convention, Annex A

Annex A

Mercury-added products

The following products are excluded from this Annex:

- (a) Products essential for civil protection and military uses;
- (b) Products for research, calibration of instrumentation, for use as reference standard;
- (c) Where no feasible mercury-free alternative for replacement is available, switches and relays, cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for electronic displays, and measuring devices;
- (d) Products used in traditional or religious practices; and
- (e) Vaccines containing thiomersal as preservatives.

Part I: Products subject to Article 4, paragraph 1

Mercury-added products	Date after which the manufacture, import or export of the product shall not be allowed (phase-out date)
Batteries, except for button zinc silver oxide batteries with a mercury content < 2% and button zinc air batteries with a mercury content < 2%	2020
Switches and relays, except very high accuracy capacitance and loss measurement bridges and high frequency radio frequency switches and relays in monitoring and control instruments with a maximum mercury content of 20 mg per bridge, switch or relay	2020
Compact fluorescent lamps (CFLs) for general lighting purposes that are ≤ 30 watts with a mercury content exceeding 5 mg per lamp burner	2020
Linear fluorescent lamps (LFLs) for general lighting purposes: (a) Triband phosphor < 60 watts with a mercury content exceeding 5 mg per lamp; (b) Halophosphate phosphor ≤ 40 watts with a mercury content exceeding 10 mg per lamp	2020
High pressure mercury vapour lamps (HPMV) for general lighting purposes	2020
Mercury in cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for electronic displays: (a) short length (≤ 500 mm) with mercury content exceeding 3.5 mg per lamp (b) medium length (> 500 mm and ≤ 1 500 mm) with mercury content exceeding 5 mg per lamp (c) long length (> 1 500 mm) with mercury content exceeding 13 mg per lamp	2020
Cosmetics (with mercury content above 1ppm), including skin lightening soaps and creams, and not including eye area cosmetics where mercury is used as a preservative and no effective and safe substitute preservatives are available ^{1/}	2020
Pesticides, biocides and topical antiseptics	2020
The following non-electronic measuring devices except non-electronic measuring devices installed in large-scale equipment or those used for high precision measurement, where no suitable mercury-free alternative is available: (a) barometers; (b) hygrometers; (c) manometers; (d) thermometers; (e) sphygmomanometers.	2020

^{1/} The intention is not to cover cosmetics, soaps or creams with trace contaminants of mercury.

Part II: Products subject to Article 4, paragraph 3

Mercury-added products	Provisions
Dental amalgam	<p>Measures to be taken by a Party to phase down the use of dental amalgam shall take into account the Party's domestic circumstances and relevant international guidance and shall include two or more of the measures from the following list:</p> <ul style="list-style-type: none"> (i) Setting national objectives aiming at dental caries prevention and health promotion, thereby minimizing the need for dental restoration; (ii) Setting national objectives aiming at minimizing its use; (iii) Promoting the use of cost-effective and clinically effective mercury-free alternatives for dental restoration; (iv) Promoting research and development of quality mercury-free materials for dental restoration; (v) Encouraging representative professional organizations and dental schools to educate and train dental professionals and students on the use of mercury-free dental restoration alternatives and on promoting best management practices; (vi) Discouraging insurance policies and programmes that favour dental amalgam use over mercury-free dental restoration; (vii) Encouraging insurance policies and programmes that favour the use of quality alternatives to dental amalgam for dental restoration; (viii) Restricting the use of dental amalgam to its encapsulated form; (ix) Promoting the use of best environmental practices in dental facilities to reduce releases of mercury and mercury compounds to water and land.

Appendix C—Mexican trade in thermometers and pyrometers

Table C1. Mexican exports of HS 9025.11 thermometers and pyrometers (2014-2018)

HS code 9025.11 Thermometers and pyrometers; liquid filled, for direct reading, not combined with other instruments															
TOTAL ANNUAL EXPORTS by Mexico to the rest of the world, showing exports to individual trading partners for all trades valued at more than US\$1,000/year															
Partner	2014 Trade Value (US\$)	2014 Net weight (kg)	2014 Quantity (no. of items)	2015 Trade Value (US\$)	2015 Net weight (kg)	2015 Quantity (no. of items)	2016 Trade Value (US\$)	2016 Net weight (kg)	2016 Quantity (no. of items)	2017 Trade Value (US\$)	2017 Net weight (kg)	2017 Quantity (no. of items)	2018 Trade Value (US\$)	2018 Net weight (kg)	2018 Quantity (no. of items)
World (all countries combined)	\$64,744	896	70,312	\$125,516	1,631	34,982	\$162,118	2,346	82,283	\$156,408	1,855	34,172	\$275,494	2,761	65,681
Belize	\$2,641	37	27	\$0	0	0	\$0	0	0	\$0	0	0	\$0	0	0
Chile	\$0	0	0	\$6,087	79	10	\$0	0	0	\$0	0	0	\$9,893	99	77
China	\$0	0	0	\$0	0	0	\$0	0	0	\$2,253	26	2,532	\$0	0	0
Colombia	\$6,786	94	49	\$1,136	14	12	\$0	0	0	\$1,716	20	15	\$3,936	39	12
Cuba	\$2,023	28	44	\$0	0	0	\$0	0	0	\$0	0	0	\$0	0	0
Ecuador	\$3,699	51	20	\$9,147	118	52	\$0	0	0	\$0	0	0	\$2,268	22	32
El Salvador	\$0	0	0	\$0	0	0	\$0	0	0	\$0	0	0	\$1,225	12	31
Guatemala	\$0	0	0	\$0	0	0	\$3,675	53	112	\$1,078	12	154	\$3,649	36	29
Honduras	\$7,105	98	254	\$0	0	0	\$10,659	154	427	\$9,014	106	380	\$8,210	82	341
Italy	\$3,361	47	60,000	\$0	0	0	\$0	0	0	\$0	0	0	\$0	0	0
Japan	\$0	0	0	\$0	0	0	\$4,168	60	4	\$0	0	0	\$0	0	0
Netherlands	\$0	0	0	\$0	0	0	\$0	0	0	\$1,306	15	4	\$0	0	0
Nicaragua	\$0	0	0	\$3,787	49	182	\$0	0	0	\$0	0	0	\$0	0	0
Panama	\$0	0	0	\$3,524	45	43	\$1,863	26	32	\$0	0	0	\$0	0	0
Peru	\$2,558	35	27	\$3,404	44	28	\$4,138	59	44	\$2,007	23	16	\$0	0	0
Philippines	\$0	0	0	\$2,741	35	86	\$7,252	104	261	\$0	0	0	\$0	0	0
USA	\$32,045	443	9,707	\$94,278	1,225	34,422	\$127,542	1,846	81,328	\$135,133	1,603	30,680	\$244,441	2,449	65,125

Source: Comtrade, data accessed 5 May 2019

Table C2. Mexican imports of HS 9025.11 thermometers and pyrometers (2014-2018)

HS code 9025.11 Thermometers and pyrometers; liquid filled, for direct reading, not combined with other instruments															
TOTAL ANNUAL IMPORTS by Mexico from the rest of the world, showing imports from individual trading partners for all trades valued at more than US\$1,000/year															
Partner	2014 Trade Value (US\$)	2014 Net weight (kg)	2014 Quantity (no. of items)	2015 Trade Value (US\$)	2015 Net weight (kg)	2015 Quantity (no. of items)	2016 Trade Value (US\$)	2016 Net weight (kg)	2016 Quantity (no. of items)	2017 Trade Value (US\$)	2017 Net weight (kg)	2017 Quantity (no. of items)	2018 Trade Value (US\$)	2018 Net weight (kg)	2018 Quantity (no. of items)
World (all countries combined)	\$2,475,919	59,116	3,901,421	\$2,397,509	89,074	4,182,052	\$2,491,566	88,096	4,434,994	\$2,031,728	73,095	3,424,096	\$2,128,041	69,391	0
Belgium	\$0	0	0	\$2,258	83	550	\$0	0	0	\$0	0	0	\$0	0	0
Brazil	\$0	0	0	\$0	0	0	\$0	0	0	\$4,411	158	8	\$0	0	0
Canada	\$1,948	47	8	\$1,617	60	50	\$0	0	0	\$0	0	0	\$3,573	116	14
China	\$1,398,237	33,385	3,715,255	\$1,441,586	53,558	3,979,793	\$1,487,237	52,585	4,196,828	\$1,172,913	42,198	3,266,921	\$1,298,826	42,352	2,399,695
China, Hong Kong SAR	\$4,218	101	8,164	\$1,025	38	125	\$0	0	0	\$0	0	0	\$0	0	0
Czechia	\$0	0	0	\$2,002	74	174	\$0	0	0	\$0	0	0	\$0	0	0
Denmark	\$3,754	90	16	\$0	0	0	\$7,284	257	20	\$0	0	0	\$0	0	0
Finland	\$0	0	0	\$0	0	0	\$0	0	0	\$2,152	77	7	\$3,072	100	7
France	\$33,981	811	2,627	\$33,301	1,237	8,159	\$33,278	1,176	7,730	\$11,997	431	1,403	\$31,438	1,025	4,278
Germany	\$87,871	2,098	2,316	\$59,593	2,214	3,276	\$61,897	2,188	2,391	\$49,588	1,784	1,207	\$97,275	3,171	2,428
Israel	\$4,766	114	80	\$0	0	0	\$0	0	0	\$0	0	0	\$0	0	0
India	\$0	0	0	\$2,015	74	283	\$0	0	0	\$0	0	0	\$5,445	177	239
Italy	\$17,058	407	469	\$10,628	394	374	\$5,923	209	197	\$7,296	262	182	\$8,488	276	166
Japan	\$92,170	2,201	3,963	\$42,992	1,597	931	\$46,429	1,641	1,736	\$46,484	1,672	1,217	\$59,779	1,949	2,178
Rep. of Korea	\$0	0	0	\$1,336	49	39	\$1,000	35	67	\$0	0	0	\$0	0	0
Other Asia, nes	\$20,192	482	6,187	\$14,274	530	5,152	\$16,567	585	3,016	\$14,770	531	3,275	\$8,273	269	1,790
Netherlands	\$1,411	34	27	\$0	0	0	\$1,583	55	25	\$1,584	56	46	\$1,089	35	12
Philippines	\$0	0	0	\$0	0	0	\$0	0	0	\$2,466	88	1,500	\$0	0	0
India	\$1,011	24	141	\$0	0	0	\$0	0	0	\$0	0	0	\$0	0	0
Spain	\$7,014	167	157	\$14,280	530	172	\$15,440	545	683	\$6,822	245	337	\$8,614	280	412
Sweden	\$13,034	311	148	\$7,574	281	113	\$3,325	117	58	\$2,428	87	44	\$7,155	233	40
Switzerland	\$2,855	68	11	\$1,360	50	7	\$0	0	0	\$0	0	0	\$1,225	39	4
Turkey	\$0	0	0	\$5,056	187	1,600	\$0	0	0	\$3,202	115	447	\$0	0	0
United Kingdom	\$130,890	3,125	42,220	\$75,549	2,806	35,466	\$81,140	2,868	34,777	\$88,969	3,200	39,066	\$81,117	2,645	30,903
USA	\$652,604	15,582	119,587	\$675,267	25,088	143,766	\$708,396	25,047	177,134	\$591,076	21,265	100,543	\$497,911	16,236	74,685
Viet Nam	\$0	0	0	\$3,375	125	1,980	\$18,877	667	9,645	\$19,100	687	7,499	\$10,163	331	5,464

Source: Comtrade, data accessed 5 May 2019

Appendix D—Example: WCO recommendation of statistical codes (more than six digits)

RECOMMENDATION OF THE CUSTOMS CO-OPERATION COUNCIL*
ON THE INSERTION IN NATIONAL STATISTICAL NOMENCLATURES OF
SUBHEADINGS TO FACILITATE THE COLLECTION AND COMPARISON OF
TRADE DATA ON HAND-MADE PRODUCTS

(7 July 2000)

THE CUSTOMS CO-OPERATION COUNCIL,

NOTING that the Harmonized System has been widely adopted by countries and Customs or economic unions,

RECOGNIZING that hand-made products represent a significant share of trade and tourism revenues for developing countries as well as developed countries,

CONSIDERING that hand-made products have not been separately identified in the Harmonized System,

TAKING INTO ACCOUNT the request by the International Trade Centre (UNCTAD/WTO) for the collection and comparison of trade data on hand-made products with a view to formulating trade promotion strategies at international level for such products,

RECOMMENDS that Member administrations, Contracting Parties to the Harmonized System Convention and countries using Harmonized System-based statistical nomenclatures take all appropriate action to :

- (1) lay down, in their statistical nomenclatures, a definition of hand-made products;
- (2) lay down, in their statistical nomenclatures, provisions in respect of the certification of hand-made products as such, if they deem it necessary;
- (3) insert in their statistical nomenclatures, as soon as possible, as many additional subdivisions for hand-made products as they deem necessary;

and

REQUESTS Member administrations and Contracting Parties to the Harmonized System Convention to notify the Secretary General of :

- (1) the definition of hand-made products laid down in their statistical nomenclatures;
- (2) the provisions in respect of the certification of hand-made products, if any, laid down in their statistical nomenclatures;
- (3) the list of subdivisions in their statistical nomenclatures for hand-made products; and
- (4) their acceptance of this Recommendation and the date of its application.

* The Customs Co-operation Council is the official name of the World Customs Organization.

Appendix E—Some HS codes used for the Rotterdam Convention

Figure E1. Some Harmonized System Codes assigned to chemicals in Annex III to the Rotterdam Convention


Annex III chemical	Relevant CAS number(s)	HS code: Separate chemical	HS code(s): Mixtures, preparations or articles containing the chemical
2,4,5-T and its salts and esters	93-76-5	2918.91	3808.59
Alachlor	15972-60-8	2924.25	3808.59
Aldicarb	116-06-3	2930.80	3808.59
Aldrin	309-00-2	2903.82	3808.59 3824.84
Azinphos-methyl	86-50-0	2933.92	3808.59
Binapacryl	485-31-4	2916.16	3808.59
Captafol	2425-06-1	2930.80	3808.59
Carbofuran	1563-66-2	Under consideration	3808.59
Chlordane	57-74-9	2903.82	3808.59 3824.84
Chlordimeform	6164-98-3	2925.21	3808.59
Chlorobenzilate	510-15-6	2918.18	3808.59
DDT	50-29-3	2903.92	3808.52 3824.84
Dieldrin	60-57-1	2910.40	3808.59 3824.84
DNOC and its salts (such as ammonium salt, potassium salt and sodium salt)	534-52-1; 2980-64-5; 5787-96-2; 2312-76-7	2908.92	3808.59
Dinoseb and its salts	88-85-7	2908.91	3808.59
Dinoseb acetate	2813-95-8	2915.36	3808.59
1,2-dibromoethane (EDB)	106-93-4	2903.31	3808.59 3811.19
Endosulfan	115-29-7	2920.30	3808.59 3824.84
Ethylene dichloride	107-06-2	2903.15	3808.59
Ethylene oxide	75-21-8	2910.10	3808.59 3824.81
Fluoroacetamide	640-19-7	2924.12	3808.59
HCH (mixed isomers)	608-73-1	2903.81	3808.59 3824.85
Heptachlor	76-44-8	2903.82	3808.59 3824.84
Hexachlorobenzene	118-74-1	2903.92	3808.59 3824.86
Lindane	58-89-9	2903.81	3808.59 3824.85
Mercury compounds including inorganic mercury compounds, alkyl mercury compounds and alkyloxyalkyl and aryl mercury compounds	Not applicable	2852.10	3808.59

Source: Codes from the Harmonized Commodity Description and Coding System (2017 edition) for chemicals listed in Annex III to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade. <<http://www.pic.int/TheConvention/Chemicals/AnnexIIIChemicals/HarmonizedSystemCodes/tabid/1159/language/en-US/Default.aspx>> (accessed 4 August 2019).

Appendix F—Customs codes country survey

Survey on the Harmonized System Initiative of the UNEP Global Mercury Partnership – Products Partnership

Email request to country representatives


Global Mercury Partnership

From: MEA-Minamata Secretariat <mea-minamatasecretariat@un.org>
Sent: Tuesday, July 24, 2018 6:40 AM
Subject: Proposal and Survey for Harmonized Commodity Description and Coding System Enhancements for Mercury-Added Products

Dear COP1 attendee,

Through a brief survey, the Products Partnership of the UNEP Global Mercury Partnership is assessing whether there is sufficient interest by governments to consider the development of common enhanced Harmonized Commodity Description and Coding System (Harmonized System or HS) of the World Customs Organization to facilitate implementation of Minamata Convention on Mercury (the Convention) and to consider this matter for discussion at COP 2.

The attached document addresses the opportunity for Parties to the Convention, as well as other countries, to develop extended and globally-coordinated HS commodity codes. If implemented, this initiative could help to facilitate the phase out of the mercury-added products listed in Part 1 of Annex A of the Convention by 2020. Enhancing the data generated by the Harmonized System to allow for the collection of information that can distinguish between mercury-added and non-mercury added products would facilitate implementation of Article 4 of the Convention, ease and improve overall reporting, and foster better communication among trading partners.

The following link to a Google Forms survey is intended to collect country-specific information regarding the level of interest in this initiative. **PLEASE SUBMIT ONLY ONE SURVEY PER COUNTRY.**

Link: <https://docs.google.com/forms/d/1iBSdJwghE22QxW05a3ogflmLD9K8yzEFrm8WNXn-Dk/edit>

Thank you in advance for your consideration – please reply by 15 August 2018. If you have questions or concerns, please contact Thomas Groeneveld at groeneveld.thomas@epa.gov.

Best regards –

Sheila Logan, on behalf of

Thomas Groeneveld (UNEP Global Mercury Partnership – Products Partnership)

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Online survey text accompanying the email request

This survey seeks to obtain information related to a proposed initiative to address an opportunity for Parties to the Minamata Convention on Mercury (the Convention) to develop extended and globally-coordinated commodity codes under the Harmonized Commodity Description and Coding System (Harmonized System or HS) of the World Customs Organization. If implemented, this initiative could help to facilitate the phase out of the mercury-added products listed in Part 1 of Annex A of the Convention by 2020. Enhancing the data generated by the Harmonized System to allow for the collection of information which can distinguish between mercury-added and non-mercury added products would facilitate implementation of Article 4 of the Convention, ease and improve overall reporting, and foster better communication among trading partners.

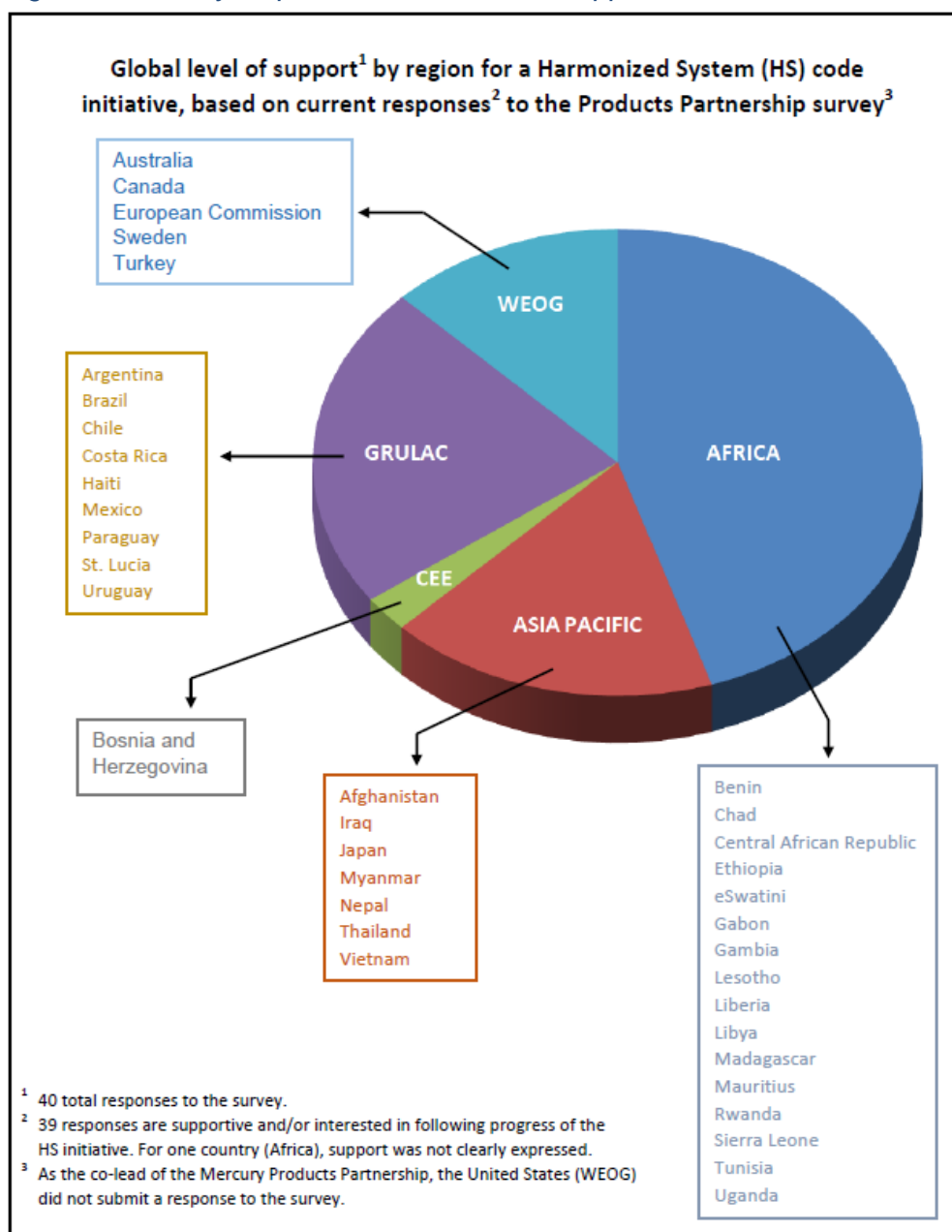
With the objective of obtaining more complete and mercury-specific information relevant to the Minamata Convention, please provide, where possible, additional country-specific information in response to the following general questions (***)PLEASE SUBMIT ONLY ONE SURVEY PER COUNTRY(***):

1. Is your country discussing or presently considering modifying or adding HS codes for the purposes of obtaining better information on mercury-added products?
2. If you answered no to Question 1, would your country likely be interested in participating in such an initiative?
3. If you answered yes to Question 1, what changes to HS codes have been planned or carried out, and what further changes are expected?
4. Which agency or agencies in your country (often the customs authorities in collaboration with the environment ministry) would be responsible for adapting or creating HS commodity codes at the 8- and 10-digit levels?
5. Is your country presently using data generated by the HS codes to identify or quantify trade in any mercury-added products?
6. If you answered yes to Question 5, which codes and/or which products has your country been tracking?

Overall response to the survey

Lacking responses to all questions from all respondents, the Product Partnership decided to summarize the responses according to their general support for the initiative, or lack thereof. Overall, 40 countries responded to the survey, of which 39 countries were supportive of a Harmonized System framework initiative. The responses, covering five UN regions, are summarized in Figure F1 below.

Figure F1. Survey responses showed broad support for a customs code initiative



Online survey questions and responses

The survey questions are presented below, followed by a summary of the responses to each question, and the relevant comments offered by the respondents, with minor editing for purposes of clarity. Country names are not identified.

Question 1: Is your country discussing or presently considering modifying or adding HS codes for the purpose of obtaining better information on mercury-added products?

Overview of responses to survey Question 1

Ten of the 40 responding countries replied that they are discussing or presently considering modifying or adding HS codes to obtain better information on mercury-added products. It is evident from the comments that there is a broad interest in identifying better data on imports and uses of mercury-added products in order to adequately respond to the needs of the Minamata Convention. Moreover, there is general agreement that revised and enhanced customs codes could be a useful source of such data.

At the same time there is some misunderstanding about the process of revising and adding customs codes, and it is the intention of this document to clarify that process.

Relevant comments to survey Question 1

- We have identified this as a need in fulfilling inventory obligations.

- Discussion of HS codes utilization has mainly been on ozone depleting substances; a universal coding system is used for tracking import and export.
- The Ministry of Environment discussed modifying or adding HS codes with the members of our National Committee to implement the Minamata Convention, and especially with the customs department.
- We have submitted a request for an exemption for 5 years while considering implementing a strategy to phase down and phase out mercury added products. One of the major concerns has been identification of these products. As a result, our Customs counterparts have considered the option of adding the two last digits of the HS codes to identify mercury-added products.
- The un-harmonized HS codes were identified during the MIA and recommendations made to modify it. Engagement with stakeholders appeared to suggest that it can only be done at a global level. The National Drug Authority is in the processing of modifying HS codes for medicines.
- The HS codes for mercury-added products were identified during the MIA project and it was recommended that they should be reviewed and adjusted accordingly. We have yet to contact the Customs Department to initiate the process.
- We have taken the first steps towards accession to the Minamata Convention through the implementation of the project, "Strengthen National Decision Making Towards Becoming a Party to the Minamata Convention and Build Capacity for Implementation of Future Provisions." The project was implemented from 2016 to 2018 by the national UNDP office in cooperation with the Ministry of Foreign Trade and Economic Relations. The Federal Ministry of Environment and Tourism, the Ministry of Spatial Planning, Civil Engineering and Ecology of a neighboring country, and the Government of Spatial Planning and Property Affairs are also involved in the implementation of the Project. The Project is funded by the Global Environmental Facility (GEF). The main objective of the Project is to support us in the process of developing the Minamata Initial Assessment Report (MIA Report), to determine the requirements for becoming a Party to the Convention and establish the basis for future implementation of the Convention. An Implementation Plan with a detailed description of priority activities (institutional, technical or legislative) that will ensure the conditions for full compliance with the requirements of the Minamata Convention, has been prepared as part of the general report, based on the result of the legal and institutional assessment, in consultation with the institutions involved in implementing the Convention. However, modifying or adding HS codes for the purpose of obtaining better information on mercury added products was not considered under priority measures for the implementation of Article 3 of the Minamata Convention: Mercury supply sources and trade.
- In discussion stage. We will follow the guidance.
- We have currently no plan for changes in HS codes for mercury-added products. On the other hand, if imported mercury-added products listed in Part I of Annex A become distinguishable by HS codes, it will be useful for understanding domestic distribution of mercury-added products. Therefore we would like to be kept updated on any such initiative.
- According to the preliminary results of our MIA (which is still ongoing) there are codes that include products with and without mercury, some others that include more than one type of product, and products that are divided into different categories. Therefore, it is very difficult to clearly identify mercury added products (MAPs) as listed in Annex A (Part 1) of the Convention.
- At the moment we are analyzing the different HS codes and collecting information on imports.
- The World Customs Organization (with the participation of approximately 160 member states) manages the Harmonized System codes which are used in our country. We are not able to modify or add HS codes at the 6-digit level.

Question 2: If you answered no to Question 1, would your country likely be interested in participating in such an initiative?

Overview of responses to survey Question 2

The responses to this question confirm that a number of countries are already looking into new or revised customs codes as a source of improved data, while others have a clear interest in engaging in this process were it to move ahead.

One country suggested that the scope of the exercise should be expanded to include customs codes that would help to identify assembled products that incorporate mercury-added products listed in Part I of Annex A, in order to better respond to paragraph 5 of Article 4 of the Convention.

Another country noted that having national regulations already in place to ban import and manufacture of, or to otherwise comply with Convention restrictions on, mercury-added products listed in Part I of Annex A may obviate the need to revise or create new customs codes to generate these data.

Relevant comments to survey Question 2

- The 6-digit HS codes are revised only every 5 years.

- Our country is ready to take part.
- Our country is willing to participate in such an initiative.
- In our country there is only a 6-digit HS coding system for all chemicals.
- We believe the HS coding data assigned to mercury imports is not unique.
- This will help track mercury added projects.
- The measures will be helpful to us in providing continuous and simple monitoring of imported mercury-added products, and also in getting more accurate and reliable data for planning the future implementation of the Convention.
- We would like to point out that it is more problematic for Parties to identify assembled products into which mercury-added products listed in Part I of Annex A are incorporated than to identify those mercury-added products themselves, in order to implement not only paragraph 1 of Article 4 of the Convention, but also paragraph 5 of the same Article. The scope of the initiative should be extended to deal with such a problem.
- At the moment, we are not discussing this matter. However, it is an important issue to promote Minamata Convention implementation. So, in the near future it may be discussed in our country.
- It is necessary to create specific tariff codes for controlling and tracking mercury-added products.
- The Ministry of Environment organized a workshop on the General Harmonized System in July 2017. A survey was carried out on chemical products and toxic wastes by officers of the Ministry of the Environment. It was evident from this investigation that the protection of human health and the environment from mercury remains a major challenge for the Ministry.
- We are starting to apply the globally Harmonized System for finished products. Currently, we have a rule that regulates the maximum limits of mercury in batteries, classifies them by type of technology and requires labeling.
- We are currently working towards acceding to the Minamata Convention by December 2018. Consultations on the phasing-out of mercury-added products will be held in September 2018. We believe this project will be beneficial and support our implementation of the Minamata Convention.
- We do not need this initiative due to our regulations that prohibit the import and manufacture of products containing mercury or any of its compounds, with some exemptions for essential products that have no technically or economically viable alternatives (e.g., certain medication applications). In the case of lamps, such as fluorescent lamps, rather than prohibiting them, our regulations set a limit on the amount of mercury that they can contain. Proposed amendments to the regulations would fully align the mercury permitted in lamps with the requirements of the Minamata Convention.
- We would be interested in participating in the development of HS codes (as we are already doing). In general, we have some experience in controlling mercury-added products due to our general mercury ban.
- If it is deemed necessary by the UN Conference of the Parties to amend and develop HS codes, participation in this initiative will be provided by our country.
- We are interested to facilitate the identification of chemical products at the border by Customs.
- We would like to improve our HS codes in view of implementing the Convention.
- We are open to considering this.
- As the national mercury inventory indicates, there is a 6-digit code including both mercury and non-mercury containing thermometers used in health facilities. For that reason we are interested in initiatives for modifying HS codes for implementation of the Minamata Convention.

Question 3: If you answered yes to Question 1, what changes to HS codes have been planned or carried out, and what further changes are expected?

Overview of responses to survey Question 3

One respondent noted a lack of country capacity to deal with customs codes and related data. This is not a unique situation, and it may be anticipated that other countries will be interested to identify funding for this sort of capacity building.

New and revised customs codes for mercury-added products are under discussion (or in the process of being implemented) by several countries. This is one reason for the urgency of this initiative: if countries do not coordinate their efforts (i.e., use the same customs codes and subheadings for the same mercury-added commodities), then it will be more difficult for countries to compare data and to measure progress.

Other countries are willing to wait for new customs codes to be agreed at the international level before implementing them domestically. However, even for those countries that are already identifying new and revised customs codes for mercury-added products, there is general support for the idea that they should be harmonized with other countries to the greatest extent feasible.

It was noted again that if countries prohibit the manufacture, import or export of mercury-added products listed in Part I of Annex A to the Minamata Convention, then they could dispense with any efforts to revise or create new customs codes.

Relevant comments to survey Question 3

- Once adopted at the international level, we will apply the codes at the national level.
- The HS code does not exist in our country; capacity building of customs agents to identify products containing mercury are most useful.
- There is presently no plan for this. It should nevertheless be noted that it is urgent to identify products with added mercury for our country to respect the Minamata Convention. We confirm our availability to participate in all initiatives to fight against mercury pollution like harmonization of HS codes for the Minamata Convention.
- We are in the stage of thinking and preparing to adopt this system.
- We discussed and planned this in the National Action Plan for the implementation of the Minamata Convention, but it has not yet been carried out.
- We need to have more information on mercury-added products and non-mercury-added products.
- Our discussions about what can be done are still at a preliminary stage; however, one of our options is to use the last two digits of the HS codes for the identification of mercury-added products.
- We need to meet with stakeholders and plan for the review of the HS codes.
- We plan to list mercury and its products on the customs prohibited lists.
- Under the MIA project, the Ministry of Environment and Sustainable Development has preliminarily identified relevant codes and categories, and is currently evaluating whether they should be modified for a better implementation of Article 4.
- After the result of the analysis, we could propose to open a subheading; the country can do this up to 12 digits.
- Two more digits have been added to the HS codes with the purpose of using them for statistical and control purposes.
- We have submitted to Customs a set of national codes to address different types of mercury-added products.
- We don't have any suggested codes but will harmonize with the ones others consider most useful.

Question 4: Which agency or agencies in your country (often the customs authorities in collaboration with the environment ministry) would be responsible for adapting or creating HS commodity codes at the 8- and 10-digit levels?*Overview of responses to survey Question 4*

A broad range of authorities may be involved in the revision or creation of new customs codes, depending on the process that each country follows for this type of change. Among the national and local authorities mentioned by respondents are ministries and agencies responsible for economy and finance, national revenue, customs and excise, environment, planning, agriculture, health and sanitation, chemicals, trade, industry, water, fisheries, energy, and norms and standards, among others.

In addition, regional authorities such as MERCOSUR (Southern Common Market) or the Council of Ministers of the East African Community may be involved, as well as other stakeholders representing industry, commerce, NGOs, etc.

Relevant comments to survey Question 4

- National Revenue Authority (NRA), Customs and Excise Department
- Ministries (environment, agriculture, health, trade, industry, etc.), NGOs, private sector
- Council of Ministers of the East Africa Community (EAC)
- Ministry of the Environment, Water and Fisheries; Ministry of Finance in collaboration with the Customs service
- General Directorate of Customs and Excise in collaboration with the Ministry of the Environment and other relevant services
- Revenue and Customs Authority
- National Antipollution Center, a public institution under the authority of the Ministry of the Environment, will be the leader of this harmonization activity. Other agencies such as the national Normalization Agency and the Institute of Public Health and Sanitation will participate in the process.
- Customs and Excise Department; Ministry of Trade; and National Environment Agency
- Revenue Authority (Customs), Ministry of Trade and Industry, Ministry of Finance
- Bureau of Customs under the National Revenue Authority in collaboration with the Ministry of Commerce, Trade and Industry and the Environmental Protection Agency
- Customs and environment are responsible for adapting or creating HS commodity codes, and sometimes the Ministry of Petroleum and the Ministry of Industry.
- Revenue Authority (Customs)
- National Revenue Authority (NRA) and Environment Protection Agency
- Revenue Authority together with the Environment Authority

- Trade ministry, industry ministry
- Ministry of Water and Environment, National Environmental Management Authority, Revenue Authority, Ministry of Finance Planning and Economic Development, Ministry of Trade Industry and Cooperatives, National Bureau of Standards
- Revenue Authority and Environmental Management Agency
- Indirect Taxation Authority would be responsible body for adapting or creating HS commodity codes in close cooperation with the following authorities: 1) Inspection authorities: Federal Inspection Administration, district Inspection Administrations; 2) Ministries responsible for environmental protection: Federal Ministry of Environment and Tourism; Ministry of Spatial Planning, Civil Engineering and Ecology; local District Government for Spatial Planning and Property Affairs; 3) Ministries responsible for health considering their authorization role in the process of chemical imports (Ministry of Civil Affairs, Authority for Plant Protection, Federal Ministry of Health, local Ministries of Health and Social Welfare); 4) national Agency for Medication and Medical Devices.
- Ministry of Finance (Customs), National Standardization Authority and National Environmental Protection Agency
- Ministry of Finance, in collaboration with Ministries responsible for specific commodities
- Department of Customs under the Ministry of Finance
- General Department of Customs (in cooperation with Ministry of Industry and Trade)
- Customs Service (Technical Department), Ministry of Environment and Ministry of Health
- Ministry of the Environment and the customs authorities are responsible for the adaptation and creation of product codes at 8- and 10-digit levels.
- Secretary of Economy is empowered to propose the creation of codes to eight digits, with the input of the customs authorities; however, it is necessary to have the support and involvement of others such as the Federal Commission for Protection Against Sanitary Risk, the Secretariat of Environment and Natural Resources, the Secretariat of Agriculture and Rural Development, among others.
- Customs and Excise Department, Department of Finance
- Department of Home Affairs (Customs) and Department of Environment and Energy
- The national Border Services Agency is a member of the World Customs Organization's Harmonized System Review Sub-Committee. This Sub-Committee examines proposals to amend the HS nomenclature.
- Directorate General Trade, Taxation and Customs Union
- Customs, and for enforcing our mercury ban, the responsible agency is our Chemicals Agency

Question 5: Is your country presently using data generated by the HS codes to identify or quantify trade in any mercury-added products?

Overview of responses to survey Question 5

Fourteen of the 40 countries responding to the survey suggested that they are presently using data generated by the HS codes framework to identify or quantify trade in mercury-added products. Some of these countries used these data as input to their Minamata Initial Assessments (MIAs). Meanwhile, the comments submitted by other countries confirmed that others are interested, but not yet in a position to use the data in this way. Nevertheless, the process of developing MIAs in a number of countries has introduced the authorities to the potential of this data source.

Relevant comments to survey Question 5

- The authorities in our country use (HS) commodity codes for chemical substances (at 8-digit levels) including "Organic Chemical Products, Acids, Hydrocarbons, Alcohols, Phenols" but not for mercury-added products.
- Mercury added products are not separated from mercury free products in our country with the HS codes presently used by customs.
- The present coding (six digits) does not allow us to differentiate between mercury-added and non-mercury-added products.
- Our department of Customs and Excise uses the Automated System for Customs Data (ASYCUDA).
- Unfortunately this system does not segregate the data; For example, for different skin care products and batteries, they are lumped together irrespective of the mercury content.
- We used HS codes during our Minamata Initial Assessment (MIA).
- We tried to do it but the same HS code was used for items with and without mercury, and we would like to deal with this by introducing preferably 10-digit codes.
- The Ministry of Environment and Sustainable Development is working jointly with the General Customs Directorate to develop an agreement that will allow the exchange of relevant information related to the international trade of chemicals in general, and mercury in particular.

- Our country and Mercosur (Economic Agreement of South America) follow the guidelines of the HS codes. However, it is not possible to specifically identify quantities of mercury added products imported & exported because the HS codes do not differentiate mercury-added products from others. In this case, the data does not reflect the products listed in the Minamata Convention.
- We are still collecting the information and trying to organize it.
- Although a general statistical analysis of our tariff codes has been carried out, there are no 8-digit tariff codes that identify individual products that contain mercury, beyond the distinction that exists at the 6-digit level.
- The primary source of data comes from the reporting requirements that are contained within our existing Mercury Regulations. However, HS codes may be used for compliance promotion purposes to identify importers that are importing products that may contain mercury.
- The European Commission is not directly involved in border control, which is done by the EU Member States.
- To identify or measure trade in mercury-added products, there is no particular work going on in our country.

Question 6: If you answered yes to Question 5, which codes and/or which products has your country been tracking?

Overview of responses to survey Question 6

A more detailed discussion of specific customs codes and/or products identified by a number of the survey respondents is presented in Section 3.2 and Appendix G of the main report. Question 6 elicited responses concerning a range of mercury-added products—some of them already tracked by certain countries, and others as products of interest for possible future tracking. It is evident that some countries appear to have an interest in a range of mercury-added products, while others focus much more on a more limited number of product categories.

Relevant comments to survey Question 6

- All mercury-added products coming into the country.
- Batteries, thermometers, cosmetic products, electrical switches and relays, light sources, paints, biocides and pesticides.
- Batteries, skin lightening creams and thermometers.
- All mercury added products listed in the Minamata Convention.
- HS Code 8506.30: Primary cells and batteries - mercuric oxide.
- Basically, custom codes for lamps.
- We mainly track the four following categories that are exempted under national regulations: 1) dental cements and other dental fillings; 2) diagnostic or laboratory reagents; 3) certain lamps containing mercury; and 4) ultraviolet or infrared ray apparatus used in medical, surgical, dental or veterinary sciences.
- Batteries are traced through the (KN) code 8506.30.00: mercury oxide cells and batteries (excl. spent batteries).

Appendix G—Product codes identified by survey respondents

Below are specific codes and/or products identified by countries responding to the UNEP Global Mercury Partnership – Products Partnership survey question asking which codes and/or products countries have been tracking.

Table G1. Argentina

Customs code	Product or product category
3815.19.00.000N	Catalizadores sobre soporte
3815.90.99.900Z	Iniciadores, aceleradores de reacción o preparaciones catalíticas
3815.90.10.000D	Iniciadores, aceleradores de reacción o preparaciones catalíticas, para craqueo de petróleo
8506.10.10.110W	Pilas de dióxido de manganeso
8506.10.10.190X	Pilas alcalinas de dióxido de manganeso
8506.10.20.190G	Pilas de dióxido de manganeso
8506.10.30.190R	Baterías de pilas de dióxido de manganeso
8506.40.10.000E	Pilas de óxido de plata, con volumen exterior inferior o igual a 300 cm ³
8506.40.90.000H	Pilas de óxido de plata
8506.60.10.000	Pilas primarias aire zinc (con volumen exterior inferior o igual a 300 cm ³)
8506.60.10.000H	Pilas de aire-cinc, con volumen exterior inferior o igual a 300 cm ³
8506.60.90.000L	Pilas de aire-cinc
8535.10.00.110E	Fusibles y cortacircuitos de fusible
8535.21.00.000X	Disyuntores para una tensión inferior a 72,5 kv
8535.29.00.000T	Disyuntores
8535.30.13.000G	Interruptores para corriente nominal inferior igual 1600A, de corte en vacío sin dispositivo de accionamiento (botellas o ampollas en vacío)
8535.30.18.000V	Seccionadores e interruptores para corriente nominal inferior igual 1600A los demás con dispositivo de accionamiento automático excepto de contactos inmersos en medio líquido
8535.30.19.000C	Seccionadores e interruptores para corriente nominal hasta 1600A
8535.30.27.000X	Interruptores para corriente nominal superior 1600A los demás con dispositivo de accionamiento no automático
8535.30.28.000E	Interruptores para corriente nominal superior 1600A los demás con dispositivo de accionamiento automático excepto de contactos inmersos en medio líquido
8535.40.10.000Y	Pararrayos para protección de líneas de transmisión de electricidad
8535.40.90.000B	Limitadores de tensión y supresores de sobretensión transitoria
8535.90.00.190U	Tomas de corriente y cajas de empalme para una tensión superior a 1000 voltios
8536.61.00.200H	Portalámparas para una tensión hasta 1000 voltios
8539.31.00.100Q	Lámparas fluorescentes, de cátodo caliente
8539.31.00.110U	Lámparas fluorescentes, de cátodo caliente
8539.31.00.111W	Lámparas fluorescentes, de cátodo caliente
8539.31.00.119N	Lámparas fluorescentes, de cátodo caliente
8539.31.00.190V	Lámparas fluorescentes, de cátodo caliente
8539.31.00.900J	Lámparas fluorescentes, de cátodo caliente
8539.32.00.000X	Lámparas de vapor de mercurio o sodio y lámparas de halogenuro metálico

Customs code	Product or product category
9025.11.10.000Y	Termómetros de líquido, con lectura directa, clínicos
9025.90.90.200N	Partes y accesorios de densímetros, areómetros, pesalíquidos e instrumentos flotantes similares, pirómetros, barómetros, higrómetros y sicrómetros
9025.90.90.300U	Partes y accesorios de densímetros, areómetros, pesalíquidos e instrumentos flotantes similares, pirómetros, barómetros, higrómetros y sicrómetros
9026.20.10.100Z	Instrumentos y aparatos para medida o control de presión, manómetros
9026.20.10.900T	Instrumentos y aparatos para medida o control de presión, manómetros

Table G2. Bosnia and Herzegovina

Customs code	Product or product category
2805.40.10	Mercury in flasks of a net content of 34, 5 kg "standard weight" of a fob value per flask of <=euro 224
2805.40.90	Mercury (excl. in flasks of a net content of 34,5 kg "standard weight", of a fob value per flask of <=euro 224)
2843.90.10	Amalgams of precious metals
2852.10	Compounds, inorganic or organic, of mercury , chemically defined (excl. amalgams)
2852.29	Compounds, inorganic or organic, of mercury, not chemically defined (excl. amalgams)
8506.10	Manganese dioxide primary cell
8506.30	Mercury oxide cells and batteries (excl. spent)
8506.40	Silver oxide primary cells
8506.60	Air-zinc primary cells
8506.80	Other primary cells and batteries
8539.31	Fluorescent, hot cathode lamps
8539.32	Mercury or sodium vapor lamps; metal halide lamps
8539.49	Ultra-violet or infra-red lamps
9025.11.00	Liquid thermometers

Table G3. Burundi

Customs code	Product or product category
2620.6000000	Cendres et résidus contenant de l'arsenic, du mercure, du thallium ou leurs composés
2805.4000000	Mercure
2852.1000000	Composés, inorganiques ou organiques, du mercure, à l'exclusion des amalgames de const. chim. définie
2852.9000000	Composés, inorganiques ou organiques du mercure à l'exclusion des amalgames autres que du n° 2852.10
8506.3000000	Piles et batteries de piles électriques à l'oxyde de mercure
8539.3200000	Lampes à vapeur de mercure ou de sodium, lampes a halogénure métallique

Table G4. Canada

Customs code	Product or product category
2843.90.00	Amalgams of precious metals
2853.90.00	Amalgams, other than amalgams of precious metals
3822.00	Diagnostic or laboratory reagents
8539	General category: Electric filament or discharge lamps, including sealed beam lamp units and ultra-violet or infra-red lamps; arc-lamps.
8539.10	Sealed beam lamp units
8539.31	Fluorescent, hot cathode lamps
8539.32	Mercury or sodium vapour lamps; metal halide lamps
8539.39	Other electric filament or discharge lamps
8539.41	Arc-lamps
8539.49	Other lamps in this general category
8539.90	Parts for lamps in this general category
9018.20	Ultraviolet or infrared ray apparatus [used in medical, surgical, dental or veterinary sciences]

Table G5. Mexico

Customs code	Product or product category
2843.90.99	amalgamas de metal precioso.
2853.00.01	amalgamas, excepto las de metal precioso.
3304	Categoría general: Preparaciones de belleza, maquillaje y para el cuidado de la piel, excepto los medicamentos, incluidas las preparaciones antisolares y las bronceadoras; preparaciones para manicuras o pedicuros.
3304.10.01	Preparaciones para el maquillaje de los labios.
3304.20.01	Preparaciones para el maquillaje de los ojos.
3304.91.01	Polvos, incluidos los compactos.
3304.99.01	Leches cutáneas.
3304.99.99	Las demás.
3401	Categoría general: Jabón, productos y preparaciones orgánicos tensoactivos, en barras, panes, trozos o piezas troqueladas o moldeadas, y papel, guata, fieltro y tela sin tejer, impregnados, recubiertos o revestidos de jabón o de detergentes.
3401.11.01	De tocador (incluso los medicinales).
3401.20.01	Jabón en otras formas.
3401.30.01	Productos y preparaciones orgánicos tensoactivos para el lavado de la piel, líquidos o en crema, acondicionados para la venta al por menor, aunque contengan jabón.
3808	Categoría general: Insecticidas, raticidas y demás antirroedores, fungicidas, herbicidas, inhibidores de germinación y reguladores del crecimiento de las plantas, desinfectantes y productos similares, presentados en formas o en envases para la venta al por menor, o como preparaciones o artículos tales como cintas, mechas y velas, azufradas, y papeles matamoscas.
3808.50.01	Productos mencionados en la Nota 1 de subpartida de este Capítulo, [which includes] compuestos de mercurio.
8504.40.99	Convertidores estáticos: Los demás.
8506	Categoría general: Pilas y baterías de pilas, eléctricas.
8506.30.01	De óxido de mercurio.
8506.40.01	De óxido de plata.
8506.50.01	De litio.
8506.60.01	De aire-cinc.
8506.80.01	Las demás pilas y baterías de pilas.
8535	Categoría general: Aparatos para corte, seccionamiento, protección, derivación, empalme o conexión de circuitos eléctricos (por ejemplo: interruptores, conmutadores, cortacircuitos, pararrayos, limitadores de tensión, supresores de sobretensión transitoria, tomas de corriente y demás conectores, cajas de empalme), para una tensión superior a 1,000 voltios.
8535.30.01	Interruptores.
8535.30.05	Interruptores de navajas con carga.
8535.90.04	Relevadores de arranque.

Customs code	Product or product category
8535.90.05	Relevadores térmicos o por inducción.
8535.90.06	Relevadores de alta sensibilidad, con núcleo laminado, monopolo inversor, reconocibles como concebidos exclusivamente para equipos telefónicos.
8535.90.13	Relevadores secundarios electromagnéticos, alimentados exclusivamente a través de transformadores de intensidad y/o tensión.
8535.90.14	Relevadores automáticos diferenciales, hasta de 60 amperios con protección diferencial hasta 300 miliamperios.
8535.90.22	Relevadores, excepto lo comprendido en las fracciones 8535.90.04, 8535.90.05, 8535.90.06, 8535.90.13 y 8535.90.14.
8536.41	Categoría general: Aparatos para corte, seccionamiento, protección, derivación, empalme o conexión de circuitos eléctricos (por ejemplo: interruptores, conmutadores, relés, cortacircuitos, supresores de sobretensión transitoria, clavijas y tomas de corriente (enchufes), portalámparas y demás conectores, cajas de empalme), para una tensión inferior o igual a 60 voltios ; conectores para fibras ópticas, haces o cables de fibras ópticas.
8536.41.01	Para bocinas.
8536.41.02	Solenoides de 6 y 12 V, para motores de arranque de uso automotriz.
8536.41.03	Térmicos o por inducción.
8536.41.04	Reconocibles para naves aéreas.
8536.41.05	De alta sensibilidad, con núcleo laminado, monopolo inversor, reconocibles como concebidos exclusivamente para equipos telefónicos.
8536.41.06	Secundarios electromagnéticos, alimentados exclusivamente a través de transformadores de intensidad y/o tensión.
8536.41.07	Automáticos diferenciales, hasta de 60 amperios con protección diferencial hasta de 300 miliamperios.
8536.41.08	Relevadores fotoeléctricos.
8536.41.09	Intermitentes para luces direccionales indicadoras de maniobras, para uso automotriz.
8536.41.10	De arranque, excepto lo comprendido en la fracción 8536.41.02.
8536.41.11	Relevadores auxiliares de bloqueo de contactos múltiples, de reposición manual o eléctrica, con capacidad inferior o igual a 60 amperes.
8536.41.99	Los demás.
8536.49	Categoría general: Aparatos para corte, seccionamiento, protección, derivación, empalme o conexión de circuitos eléctricos (por ejemplo: interruptores, conmutadores, relés, cortacircuitos, supresores de sobretensión transitoria, clavijas y tomas de corriente (enchufes), portalámparas y demás conectores, cajas de empalme), para una tensión > 60 y inferior o igual a 1,000 voltios ; conectores para fibras ópticas, haces o cables de fibras ópticas.
8536.49.01	De arranque.
8536.49.02	Térmicos o por inducción.
8536.49.03	Secundarios electromagnéticos, alimentados exclusivamente a través de transformadores de intensidad y/o tensión.
8536.49.04	Automáticos diferenciales, hasta de 60 amperios con protección diferencial hasta de 300 miliamperios.
8536.49.05	Relevadores auxiliares de bloques de contactos múltiples, de reposición manual o eléctrica, con capacidad inferior o igual a 60 amperes y tensión máxima de 480 V.
8536.49.99	Los demás.
8536.50	Categoría general: Los demás interruptores, seccionadores y conmutadores.

Customs code	Product or product category
8536.50.01	Interruptores, excepto los comprendidos en la fracción 8536.50.15.
8536.50.05	Reconocibles para naves aéreas.
8536.50.06	Interruptores, por presión de líquidos para controles de nivel en lavarropas de uso doméstico.
8536.50.07	Interruptores automáticos, termoelectrónicos, para el cebado de la descarga en las lámparas o tubos fluorescentes.
8536.50.08	Interruptores de navajas con carga.
8536.50.10	Interruptores reconocibles como concebidos exclusivamente para radio o televisión, excepto lo comprendido en la fracción 8536.50.16.
8536.50.11	Conmutadores sueltos o agrupados, accionados por botones, con peso hasta de 250 g, o interruptores simples o múltiples de botón o de teclado, reconocibles como concebidos exclusivamente para electrónica, excepto lo comprendido en la fracción 8536.50.16.
8536.50.15	Interruptores para dual, de pie o de jalón para luces; botón de arranque; reconocibles como concebidos exclusivamente para uso automotriz.
8536.50.16	Microinterruptores de botón para aparatos electrodomésticos.
8539	Categoría general: Lámparas y tubos eléctricos de incandescencia o de descarga, incluidos los faros o unidades “sellados” y las lámparas y tubos de rayos ultravioletas o infrarrojos; lámparas de arco.
8539.31.01	Fluorescentes, de cátodo caliente: Lámparas fluorescentes tubulares en forma de “O” o de “U”.
8539.31.99	Fluorescentes, de cátodo caliente: Las demás.
8539.32.02	Lámparas de vapor de mercurio o sodio; lámparas de halogenuro metálico: Lámparas de vapor de mercurio.
8539.32.99	Lámparas de vapor de mercurio o sodio; lámparas de halogenuro metálico: Los demás.
8539.39.02	Los demás: Reconocibles para naves aéreas.
8539.39.03	Los demás: Lámparas fluorescentes tubulares en forma de “O” o de “U”.
8539.39.05	Los demás: Lámparas de neón.
8539.39.06	Los demás: Lámparas de descarga de gases metálicos exclusivamente mezclados o combinados, tipo multivapor o similares.
8539.39.99	Los demás: Los demás.
8548.10.01	Desperdicios y desechos de pilas, baterías de pilas o acumuladores, eléctricos; pilas, baterías de pilas y acumuladores, eléctricos, inservibles.
9018	Categoría general: Instrumentos y aparatos de medicina, cirugía, odontología o veterinaria, incluidos los de centellografía y demás aparatos electromédicos, así como los aparatos para pruebas visuales.
9018.90.03	Aparatos para medir la presión arterial.
9025.11.01	Termómetros y pirómetros, sin combinar con otros instrumentos: De líquido, con lectura directa: Esbozos para la elaboración de termómetros de vidrio, sin graduación, con o sin vacío, con o sin mercurio.
9025.11.99	Termómetros y pirómetros, sin combinar con otros instrumentos: De líquido, con lectura directa: Los demás.
9025.19.01	Termómetros y pirómetros, sin combinar con otros instrumentos: Los demás: De vehículos automóviles.
9025.19.02	Termómetros y pirómetros, sin combinar con otros instrumentos: Los demás: Reconocibles para naves aéreas.
9025.19.99	Termómetros y pirómetros, sin combinar con otros instrumentos: Los demás: Los demás.

Customs code	Product or product category
9025.80.02	Los demás instrumentos: Higrómetros.
9025.80.03	Los demás instrumentos: Reconocibles para naves aéreas.
9025.80.99	Los demás instrumentos: Los demás.
9026.20.02	Instrumentos y aparatos para medida o control de presión: Manómetros, vacuómetros o manovacuómetros con rango de medición igual o inferior a 700 Kg/cm ² con elemento de detección de tubo y diámetro de carátula igual o inferior a 305 mm, excepto de uso automotriz.
9026.20.05	Instrumentos y aparatos para medida o control de presión: Reconocibles para naves aéreas.
9026.20.06	Instrumentos y aparatos para medida o control de presión: Manómetros, vacuómetros o manovacuómetros, excepto lo comprendido en las fracciones 9026.20.01 [de funcionamiento eléctrico o electrónico] y 9026.20.02.

Table G6. Uruguay

Customs code	Product or product category
8539.3	Lámparas y tubos de descarga, excepto los de rayos ultravioletas:
8539.31.00	Fluorescentes, de cátodo caliente
8539.31.00.10	Tubos fluorescentes de cátodos calientes
8539.31.00.20	Lámparas de uso doméstico con equipo auxiliar incorporado en las mismas y casquillo incluido E 27 (casquillo)
8539.31.00.30	Lámparas de uso doméstico con equipo auxiliar incorporado en las mismas y casquillos incluidos E 14 y E 40 (casquillos)
8539.31.00.90	Las demás
8539.32.00	Lámparas de vapor de mercurio o sodio; lámparas de halogenuro metálico
8539.39.00	Los demás

Table G7. Vietnam

Customs code	Product or product category
8506.30.00	Mercury oxide cells and batteries (excl. spent)
8535	Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits (for example, switches, fuses, lightning arresters, voltage limiters, surge suppressors, plugs and other connectors, junction boxes), for a voltage exceeding 1,000 volts.
8536	Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits (for example, switches, relays, fuses, surge suppressors, plugs, sockets, lamp-holders and other connectors, junction boxes), for a voltage not exceeding 1,000 volts; connectors for optical fibers, optical fiber bundles or cables.
9025.11.00	Liquid thermometers
9026.10	Instruments and apparatus for measuring or checking the flow or level of liquids

Appendix H—Approaches for customs codes of six digits and more

Approaches for HS codes of six digits

The WCO procedure for developing new HS codes of six digits has been described in Section 2.4 of the main report. Some of the more technical details, according to WCO procedure, are presented below.

Two levels of subheadings (5-digit and 6-digit subheadings)

In heading 90.25 in the current HS (2017), the yellow highlighted parts are 5-digit subheadings (with one-dash (-)) and the blue highlighted parts are 6-digit subheadings (with two-dashes (--)), as shown in Table H1.

Table H1. Explanation of HS subheadings

9025	Hydrometers and similar floating instruments, thermometers, pyrometers, barometers, hygrometers and psychrometers, recording or not, and any combination of these instruments
	-Thermometers and pyrometers, not combined with other instruments:
9025.11	- -Liquid filled, for direct reading
9025.19	- -Other
9025.80	-Other instruments
9025.90	-Parts

The 5-digit subheadings define the scope of 6-digit subheadings under them. For example, the text of subheading 9025.1 defines the scope of subheadings 9025.11 and 9025.19. Therefore, in order to keep the simplicity of the Nomenclature, the text used in a 5-digit subheading does not need to be repeated in 6-digit subheadings under the 5-digit subheading.

Re-use of HS Codes

When an existing HS code is changed as a result of an HS amendment, the former HS code should not be re-used for a certain period (typically at least 12 years), to avoid possible confusion in trade statistics. If an HS code were to be re-used for a different description of goods, statistical users of the HS would find it difficult to compare trade data of different HS codes covering the same commodities.

For example, if subheading 9025.11 is subdivided into two categories (i.e. for (a) mercury-containing items and (b) others), the subheading code 9025.11 should not be re-used due to the change of scope. In this case, the creation of new 6-digit codes (e.g. subheadings 9025.12 for category (a) and 9025.13 for category (b)) could be a solution.

Following are some specific cases where 6-digit codes have been developed in support of other Multilateral Environmental Agreements.

6-digit codes for the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides

For many years the PIC Secretariat has sought the assistance of the WCO in developing specific 6-digit codes. A recent example provides an idea of the time required to go through this process. In April/May 2017, the Conference of the Parties to the Rotterdam Convention decided to amend Annex III to the Convention to list carbofuran, trichlorfon, and short-chain chlorinated paraffins, among others, as industrial chemicals. In November 2017, the BRS Secretariat sent a letter proposing to the WCO to assign separate customs codes to these chemicals, and in the same month, the Harmonized System Review Sub-Committee (RSC) began to discuss the proposal. In November 2018, the RSC agreed to amendments for these chemicals and forwarded them to the Harmonized System Committee for possible adoption. In March 2019, the Harmonized System Committee agreed to provisionally adopt the amendments, which will be submitted for final adoption by the WCO Council in June 2019. Barring reservations by a Contracting Party to the Harmonized System within six months of the adoption of the amendments, these will be included in the 2022 edition of the Harmonized Commodity Description and Coding System, and enter into force on 1 January 2022. Some 6-digit HS codes created for chemicals listed in the Rotterdam Convention are presented in Appendix E.²⁴ As discussed later, this is one approach that could be considered in order to generate better data on trade in mercury-added products.

6-digit codes for the Montreal Protocol

²⁴ Article 13 of the Rotterdam Convention encouraged the World Customs Organization (WCO) to assign specific Harmonized System Codes (HS Codes) to the individual chemicals or groups of chemicals listed in Annex III of the Rotterdam Convention. Parties are required to ensure that, when exported, the shipping document for that chemical bears the appropriate HS code. See <<http://www.pic.int/TheConvention/Chemicals/AnnexIIIChemicals/HarmonizedSystemCodes/tabid/1159/language/en-US/Default.aspx>>.

In the context of the Montreal Protocol, the Ozone Secretariat worked with the Montreal Protocol's Scientific Assessment Panel and with the Technology and Economic Assessment Panel to list the substances that Parties wanted to be universally identified by 6-digit HS codes. The Ozone Secretariat communicated the names of those chemicals to WCO, which was responsible for creating a specific code for each chemical. The WCO Secretariat prepared an initial draft proposal of 6-digit HS codes, which was forwarded to the WCO's Harmonized System Committee, under which there are two sub-committees – the Harmonized System Review Sub-Committee and the Scientific Sub-Committee. The resulting recommendation from the Harmonized System Committee was sent to the WCO Council for final approval. This process required about three years.²⁵

The decision to identify 6-digit HS codes for ozone-depleting substances was motivated by the desire that these codes should be internationally harmonized and readily identifiable in any country's trade statistics.

The time required to develop these HS codes was dependent on the WCO schedule of meetings, and the availability of information the sub-committees needed to do their work, not to mention the complex nature of some chemicals or products targeted. The WCO responds to numerous requests from WCO members and other international bodies around the world.

Approaches for customs codes of more than six digits

Thailand's response to the needs of the Basel Convention

In the case of Thailand, the Pollution Control Department (PCD) is the focal point to the Basel Convention. Following one of the Basel Convention COPs, the PCD decided to classify specific hazardous wastes identified by the Basel Convention by using the national statistical codes. In this case a working group was appointed by the Subcommittee on the Basel Convention under the National Environment Board. The working group comprised four main organizations: the Department of Industrial Works (the competent authority of Thailand to the Basel Convention), the Department of Foreign Trade, the Customs Department, and the Federation of Thai Industries (representative of the private sector).

The main task for this working group was to establish the national statistical codes for the hazardous wastes falling under the Basel Convention (with guidance from codes already identified by the Convention). The Customs Department determined the 8-digit HS codes for wastes, and then added three digits to create 11-digit statistical codes for these wastes. Finally, the Department issued the official Customs Department Notification to implement the additional statistical codes. Then the Pollution Control Department also prepared a technical manual on the classification of Basel hazardous wastes under these additional statistical codes in order to facilitate their use.

Uruguay's response to the needs of the Stockholm Convention

In a similar manner to that described above, in 2017 Uruguay created a number of statistical codes (in colored text) of more than six digits to help identify key chemical substances of concern with regard to implementation of the Stockholm Convention.²⁶ These are presented in Table H2 below.

Table H2. Statistical codes used by Uruguay for implementation of the Stockholm Convention

Customs code	Description
2909	Ethers, ether-alcohols, ether-phenols, ether-alcohol-phenols, alcohol peroxides, ether peroxides, ketone peroxides (whether or not chemically defined), and their halogenated, sulfonated, nitrated or nitrosated derivatives
2909.30	- -Aromatic ethers and their halogenated, sulfonated, nitrated or nitrosated derivatives
2909.30.2	- - -Halogenated, sulfonated, nitrated or nitrosated derivatives
2909.30.29	- - - -Other
2909.30.29.00	Other
2909.30.29.10	- - - - -Pentachloroanisole
2909.30.29.20	- - - - -Tetra- or pentabromodiphenyl ether
2909.30.29.30	- - - - -Hexa-, hepta- or octabromodiphenyl ether
2909.30.29.90	- - - - -Other

Customs codes have proven to be a very useful tool to identify traded controlled chemicals. They are, however, by no means the only source of data as Parties can also collect data from import and export licenses, estimated data, etc. Customs codes are used primarily in tracking trade. They are therefore used by importing and exporting countries to

²⁵ Communication with the Ozone Secretariat, 17 April 2019.

²⁶ Uruguay Ministry of Finance and Economy letter dated 29 March 2017, from Asesora Ec. Valeria Brito to Directora Susana Díaz.

cross-check data on controlled products through confirmation of countries' imports or exports. In case of data mismatch, it is easy to analyze the trade flows to find the reason for the mismatch.

Appendix I—6-digit HS codes compiled by UN Environment

Table I1. 6-digit HS codes corresponding to mercury-added products listed in Annex A to the Minamata Convention

Mercury-added products listed in Minamata Convention, Annex A, Part I	Corresponding 6-digit HS codes and descriptions
Batteries, except for button zinc silver oxide batteries with a mercury content <2% and button zinc air batteries with a mercury content <2%	8506.10: Manganese dioxide cells and batteries 8506.30: Mercuric oxide cells and batteries 8506.40: Silver oxide cells and batteries 8506.50: Lithium cells and batteries 8506.60: Air-zinc cells and batteries 8506.80: Other primary cells and primary batteries
Switches and relays, except very high accuracy capacitance and loss measurement bridges and high frequency radio frequency switches and relays in monitoring and control instruments with a maximum mercury content of 20 mg per bridge, switch or relay	8535.30: Isolating switches and make-and-break switches, voltage > 1000 V 8535.40: Lightning arresters, voltage limiters and surge suppressors, voltage > 1000 V 8535.90: Others 8536.41: Relays, voltage ≤ 60 V 8536.50: Switches, voltage ≤ 1000 V 8536.90: Other electrical apparatus, excluding above
Compact fluorescent lamps (CFLs) for general lighting purposes that are ≤30 watts with a mercury content exceeding 5 mg per lamp burner	8539.31: Discharge lamps, fluorescent and hot cathode
Linear fluorescent lamps (LFLs) for general lighting purposes: (a) Triband phosphor <60 watts with a mercury content exceeding 5 mg per lamp; (b) Halophosphate phosphor ≤40 watts with a mercury content exceeding 10 mg per lamp	8539.31: Discharge lamps, fluorescent and hot cathode
High pressure mercury vapor lamps (HPMV) for general lighting purposes	8539.32: Mercury or sodium vapor lamps, metal halide lamps
Mercury in cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for electronic displays: (a) short length (≤500 mm) with mercury content exceeding 3.5 mg per lamp (b) medium length (>500 mm and ≤1 500 mm) with mercury content exceeding 5 mg per lamp (c) long length (>1 500 mm) with mercury content exceeding 13 mg per lamp	8539.39: Cold-cathode fluorescent lamps (CCFLs)
Cosmetics (with mercury content above 1ppm), including skin lightening soaps and creams, and not including eye area cosmetics where mercury is used as a preservative and no effective and safe substitute preservatives are available	3304.10: Lip make-up preparations 3304.99: Beauty or make-up, or skin care preparations (other than medicaments) 3401.11: Soap; organic surface-active products and preparations for use as soap, in the forms of bars, liquid or cream for toilet use 3401.19: Soap; organic surface-active products and preparations for use as soap, in the forms of bars, liquid or cream other than toilet use 3401.20: in the form of flakes, granules, powder, soft soap or liquid soap 3401.30: liquid or cream for washing skin

Mercury-added products listed in Minamata Convention, Annex A, Part I	Corresponding 6-digit HS codes and descriptions
Pesticides, biocides and topical antiseptics	3808: Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products and plant growth regulators, disinfectants and similar products
The following non-electronic measuring devices except non-electronic measuring devices installed in large-scale equipment or those used for high precision measurement, where no suitable mercury-free alternative is available: (a) barometers; (b) hygrometers; (c) manometers; (d) thermometers; (e) sphygmomanometers.	9018: Instruments and appliances used in medical, surgical and veterinary sciences 9025: Hydrometers, aerometers and similar floating instruments, thermometers, barometers, hygrometers

Mercury-added products listed in Minamata Convention, Annex A, Part II	Corresponding 6-digit HS code and description
Dental amalgam	3006.40: Dental cements and other dental fillings; bone reconstruction cements* 2843.90: Amalgams of precious metals 2853.90: Amalgams, other than amalgams of precious metals
<p>* Although code 3006.40 is sometimes used by importers of dental amalgam containing mercury, it should not be so used, according to WCO HS legal texts and Explanatory Notes for dental amalgams:</p> <p>Amalgams of precious metals (alloys of precious metals with mercury) are specifically named in heading 28.43, while amalgams wholly of base metal containing mercury are named in heading 28.53. According to the Explanatory Notes, heading 28.43, specifically subheading 2843.90, covers amalgams containing a precious metal (i.e., gold, silver) and a base metal that are used in dentistry, while heading 28.53, specifically subheading 2853.90, covers amalgams wholly of base metals (i.e., copper, tin) that are used in dentistry.</p> <p>Subheading 3006.40 specifically provides for dental cements and other fillings; bone reconstruction cements. The Explanatory Notes to heading 30.06 state, "Dental cements and fillings are generally based on metallic salts (zinc chloride, zinc phosphate, etc.), metallic oxides, gutta-percha or plastic materials. They may also consist of metallic alloys (including precious metal alloys) specially prepared for dental fillings. Such alloys are sometimes called "amalgams" even though they do not contain mercury."</p> <p>Thus, dental amalgams containing mercury should be classified in either subheading 2843.90 or 2853.90 depending on the metals used, and not in subheading 3006.40.</p>	

Source: Developed from initial research carried out in 2019 by UN Environment.

Appendix J—6-digit HS codes identified by Argentina

Table J1. 6-digit HS codes identified by Argentina for mercury-added products in Annex A to the Minamata Convention

ANNEX A PRODUCTS	Harmonized System (HS) 2017	Commodity description
Batteries, except for button zinc silver oxide batteries with a mercury content < 2% and button zinc air batteries with a mercury content < 2%	85.06 8506.10 8506.30 8506.40 8506.50 8506.60 8506.80 8506.90	Primary cells and primary batteries; parts thereof: Manganese dioxide Mercuric oxide Silver oxide Lithium Air-zinc Other primary cells and primary batteries Parts
Switches and relays, except very high accuracy capacitance and loss measurement bridges and high frequency radio frequency switches and relays in monitoring and control instruments with a maximum mercury content of 20 mg per bridge, switch or relay	85.35 8535.10 8535.21 8535.29 8535.30 8535.40 8535.90 85.36 8536.10 8536.20 8536.30 8536.4 8536.41 8536.49 8536.50 8536.6 8536.61 8536.69 8536.70 8536.90	Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits (for example, switches, fuses, lightning arresters, voltage limiters, surge suppressors, plugs and other connectors, junction boxes), for a voltage exceeding 1,000 volts. Fuses Automatic circuit breakers For a voltage of less than 72.5 kV Other Isolating switches and make-and-break switches Lightning arresters, voltage limiters and surge suppressors Other Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits (for example, switches, relays, fuses, surge suppressors, plugs, sockets, lamp-holders and other connectors, junction boxes), for a voltage not exceeding 1,000 volts; connectors for optical fibres, optical fibre bundles or cables. Fuses Automatic circuit breakers Other apparatus for protecting electrical circuits Relays : For a voltage not exceeding 60 V Other Other switches Lamp-holders, plugs and sockets : Lamp-holders Other Connectors for optical fibres, optical fibre bundles or cables Other apparatus
1. Compact fluorescent lamps (CFLs) for general lighting purposes that are ≤ 30 watts with a mercury content exceeding 5 mg per lamp burner 2. Linear fluorescent lamps (LFLs) for general lighting purposes: (a) Triband phosphor < 60 watts with a mercury	85.39 8539.10 8539.2 8539.21 8539.22 8539.29 8539.3 8539.31 8539.32	Electric filament or discharge lamps, including sealed beam lamp units and ultra-violet or infra-red lamps; arc-lamps; light-emitting diode (LED) lamps. Sealed beam lamp units Other filament lamps, excluding ultra-violet or infra-red lamps Tungsten halogen Other, of a power not exceeding 200 W and for a voltage exceeding 100 Other Discharge lamps, other than ultra-violet lamps Fluorescent, hot cathode Mercury or sodium vapour lamps; metal halide lamps

ANNEX A PRODUCTS	Harmonized System (HS) 2017	Commodity description
content exceeding 5 mg per lamp; (b) Halophosphate phosphor ≤ 40 watts with a mercury content exceeding 10 mg per lamp	8539.39 8539.4 8539.41 8539.49 8539.50 8539.90	Other Ultra-violet or infra-red lamps; arc-lamps Arc-lamps Other Light-emitting diode (LED) lamps Parts
3. High pressure mercury vapour lamps (HPMV) for general lighting purposes	85.40 8540.1	Thermionic, cold cathode or photo-cathode valves and tubes (for example, vacuum or vapor or gas filled valves and tubes, mercury arc rectifying valves and tubes, cathode-ray tubes, television camera tubes). Cathode-ray television picture tubes, including video monitor cathode-ray tubes
4. Mercury in cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for electronic displays: (a) short length (≤ 500 mm) with mercury content exceeding 3.5 mg per lamp (b) medium length (> 500 mm and $\leq 1\ 500$ mm) with mercury content exceeding 5 mg per lamp (c) long length ($> 1\ 500$ mm) with mercury content exceeding 13 mg per lamp	8540.11 8540.12 8540.20 8540.40 8540.60 8540.7 8540.71 8540.79 8540.8 8540.81 8540.89 8540.9 8540.91 8540.99	Color Monochrome Television camera tubes; image converters and intensifiers; other photo-cathode tubes Data/graphic display tubes, monochrome; data/graphic display tubes, color, with a phosphor dot screen pitch smaller than 0.4 mm Other cathode-ray tubes Microwave tubes (for example, magnetrons, klystrons, travelling wave tubes, carcinotrons), excluding grid-controlled tubes Magnetrons Other Other valves and tubes Receiver or amplifier valves and tubes Other Parts Of cathode-ray tubes Other
Cosmetics (with mercury content above 1ppm), including skin lightening soaps and creams, and not including eye area cosmetics where mercury is used as a preservative and no effective and safe substitute preservatives are available	33.04 3304.10 3304.20 3304.30 3304.9 3304.91 3304.99 34.01 3401.1 3401.11 3401.19 3401.20 3401.30	Beauty or make-up preparations and preparations for the care of the skin (other than medicaments), including sunscreen or sun tan preparations; manicure or pedicure preparations. Lip make-up preparations Eye make-up preparations Manicure or pedicure preparations Other Powders, whether or not compressed Other Soap; organic surface-active products and preparations for use as soap, in the form of bars, cakes, molded pieces or shapes, whether or not containing soap; organic surface-active products and preparations for washing the skin, in the form of liquid or cream and put up for retail sale, whether or not containing soap; paper, wadding, felt and nonwovens, impregnated, coated or covered with soap or detergent. Soap and organic surface-active products and preparations, in the form of bars, cakes, molded pieces or shapes, and paper, wadding, felt and nonwovens, impregnated, coated or covered with soap or detergent For toilet use (including medicated products) Other Soap in other forms Organic surface-active products and preparations for washing the skin, in the form of liquid or cream and put up for retail sale, whether or not containing soap

ANNEX A PRODUCTS	Harmonized System (HS) 2017	Commodity description
Pesticides, biocides and topical antiseptics	38.08	Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products and plant-growth regulators, disinfectants and similar products, put up in forms or packings for retail sale or as preparations or articles (for example, sulphur-treated bands, wicks and candles, and fly-papers)
	3808.5	Goods specified in Subheading Note 1 to this Chapter :
	3808.52	DDT (ISO) (clofenotane (INN)), in packings of a net weight content not exceeding 300 g
	3808.59	Other
	3808.6	Goods specified in Subheading Note 2 to this Chapter
	3808.61	In packings of a net weight content not exceeding 300 g
	3808.62	In packings of a net weight content exceeding 300 g but not exceeding 7.5 kg
	3808.69	Other
	3808.9	Other:
	3808.91	Insecticides
	3808.92	Fungicides
	3808.93	Herbicides, anti-sprouting products and plant-growth regulators
	3808.94	Disinfectants
	3808.99	Other
The following non-electronic measuring devices except non-electronic measuring devices installed in large-scale equipment or those used for high precision measurement, where no suitable mercury-free alternative is available: (a) barometers; (b) hygrometers; (c) manometers; (d) thermometers; (e) sphygmomanometers.	90.18	Instruments and appliances used in medical, surgical, dental or veterinary sciences, including scintigraphic apparatus, other electro-medical apparatus and sight-testing instruments.
	9018.1	Electro-diagnostic apparatus (including apparatus for functional exploratory examination or for checking physiological parameters)
	9018.11	Electro-cardiographs
	9018.12	Ultrasonic scanning apparatus
	9018.13	Magnetic resonance imaging apparatus
	9018.14	Scintigraphic apparatus
	9018.19	Other
	9018.20	Ultra-violet or infra-red ray apparatus
	9018.3	Syringes, needles, catheters, cannulae and the like :
	9018.31	Syringes, with or without needles
	9018.32	Tubular metal needles and needles for sutures
	9018.39	Other
	9018.4	Other instruments and appliances, used in dental sciences
	9018.41	Dental drill engines, whether or not combined on a single base with other dental equipment
	9018.49	Other
	9018.50	Other ophthalmic instruments and appliances
	9018.90	Other instruments and appliances
	90.25	Hydrometers and similar floating instruments, thermometers, pyrometers, barometers, hygrometers and psychrometers, recording or not, and any combination of these instruments.
	9025.1	Thermometers and pyrometers, not combined with other instruments :
	9025.11	Liquid-filled, for direct reading
	9025.19	Other
	9025.80	Other instruments
	9025.90	Parts and accessories
	90.26	Instruments and apparatus for measuring or checking the flow, level, pressure or other variables of liquids or gases (for example, flow meters,

ANNEX A PRODUCTS	Harmonized System (HS) 2017	Commodity description
		level gauges, manometers, heat meters), excluding instruments and apparatus of heading 90.14, 90.15, 90.28 or 90.32.
	9026.10	For measuring or checking the flow or level of liquids
	9026.20	For measuring or checking pressure
	9026.80	Other instruments or apparatus
	9026.90	Parts and accessories

Source: Directorate of Substances and Chemical Products of the Secretariat of Environment and Sustainable Development

Appendix K—Customs codes identified in certain MIAs

Table K1. Customs codes identified in the Jamaica Minamata Initial Assessment Report

Customs code	Description
8471.30	Laptops
8506.10.00	Manganese dioxide primary cells or batteries
8506.30.00	Mercuric oxide primary cells or batteries
8506.40.00	Silver oxide primary cells or batteries
8506.50.00	Lithium primary cells or batteries
8506.60.00	Air-zinc primary cells or batteries
8506.80.00	Other primary cells/batteries
8517.12	Cell Phones
8528.59.00	LCD Screens
8528.73.90	LC Screens
8539.31.10	Discharge lamps, fluorescent, hot cathode with double ended cap
8539.31.90	Discharge lamps, fluorescent, hot cathode excluding with double ended cap
8539.32.00	Mercury or sodium vapour lamps; metal halide lamps
8539.39.10	Low energy consumption lamps
8539.39.90	Discharge lamps, other than ultra-violet, low energy and fluorescent lamps
8539.49.00	Ultra-violet or infra-red lamps excluding arc lamps
9025.11.20	Clinical thermometer containing mercury
9025.11.80	Industrial and special application thermometers containing mercury
9025.11.80	Glass thermometers with Hg for laboratories
9025.11.80	Ambient air thermometer containing mercury
9025.19.20	Clinical thermometer mercury free
9025.19.20	Ambient air thermometer mercury free
9025.19.20	Glass thermometers Hg free for laboratories
9025.80.20	Barometers/manometers containing mercury
9025.80.20	Barometers/manometers mercury free
9025.80.20	Sphygmomanometers mercury free (medical blood pressure gauges)
9025.80.20	Sphygmomanometers containing mercury (medical blood pressure gauges)
9025.80.40	Hydrometers, pyrometers, hygrometers, etc., mercury free and combinations excl. 9025 1920
9025.80.80	Hydrometers, pyrometers, hygrometers, etc., containing mercury and combinations excl. 9025 1120 and 9025 1180
9026.20.00	Instrument/apparatus to measure or check the pressure of liquids/gases mercury free
9026.20.00	Instrument/apparatus to measure or check the pressure of liquids/gases containing mercury
9027.30.00	Spectrometers, spectrophotometers and spectrographs using optical radiations, such as UV, visible, IR
9027.50.00	Instruments and apparatus for physical or chemical analysis, using UV, visible or IR optical radiations (excl. spectrometers, spectrophotometers, spectrographs and gas or smoke analysis apparatus)
9032.10.00	Thermostats mercury free
9032.10.00	Thermostats containing mercury
Not indicated	Cosmetics containing mercury
Not indicated	Paint containing mercury
Not indicated	Pesticides and biocides containing mercury
Not indicated	Pharmaceuticals containing mercury

Source: “Annex III: Stakeholder Questionnaires,” *Jamaica: Minamata Initial Assessment Report*, November 2018.

Appendix L— Stakeholder concerns about implementation of customs codes and related issues

As referred to in Chapter 6, this Appendix describes relevant issues identified or raised by stakeholders during the research for this report, including the following:

- Appendices I and J list a great number of relevant Annex A product categories covered by 6-digit HS codes. It may not be realistic or cost-effective to create customs codes for all of the mercury-added products covered by these product categories. As a result, different Parties may prefer to focus on different mercury-added products or groups of products that may be of particular concern to them. Such orientations appeared to be evident from the results of the Global Mercury Partnership survey.
- The time factor (e.g. 5-year cycle to amend the HS) and the need for a dynamic system capable of dealing rapidly with possible future amendments to Annex A (Part I) to the Convention are among the key parameters to consider when discussing the possible use of customs nomenclature codes and approaches for doing so.
- Whilst the report makes clear that customs nomenclature codes are used for tariffs and statistical purposes relating to commodities that are internationally traded, the development of customs nomenclature codes for products that are not deemed to be subject to international trade is not common practice. Given that imports (and exports) of mercury-added products listed in Annex A (Part I) to the Convention are prohibited as from 2021, new customs nomenclature codes for these products might not be used by importers to carry out international trade. Nor can it be excluded that some importers could be tempted to notify in customs documentation codes corresponding to a non-mercury-added products to carry out imports. This may occur both in cases of outright bans of mercury-added products (e.g. mercury-containing pesticides) and in cases where mercury content is limited (e.g. compact fluorescent lamps for general lighting purposes that are ≤ 30 watts). Accordingly, should customs authorities rely only upon customs nomenclature codes communicated by traders to let products enter in the territory of the concerned importing country, there may be a significant risk of fraudulent trade.
- Although the main products of concern vary greatly among the Parties, some may wish to prioritize certain mercury-added product groups for initial attention. If so, Parties could compare and “prioritize” certain product groups in terms of total mercury consumed yearly by the product group; the ease of monitoring and control of the product group; the number of countries involved in ongoing trade of the product group; the difficulty of controlling mercury emissions and releases from the product group; the total annual mercury emissions and releases from the product group according to the Global Mercury Assessment 2018; etc.
- Parties may wish to consider how to deal with assembled products that contain mercury-added components, once the COP has considered this report with respect to customs codes related to Annex A products. Some mercury-added products are frequently used as components of assembled products.²⁷ For some product categories, such as switches, relays and batteries, it may take some time to develop and implement such measures, depending on what kinds of measures national governments choose to take with respect to this obligation. In the meantime, it may not be known what portion of the use of certain mercury-added products is represented by assembled products. Therefore, identifying these additional assembled products may be helpful to some Parties with respect to Article 4.
- Parties may be reticent to create such narrowly defined customs codes for mercury-added products that questions arise concerning commercial confidentiality of trade data.
- Customs officers may expect some challenges in trying to determine whether lamps contain more than 3,5 mg of mercury, or whether button zinc-air batteries contain more than 2% mercury, although many have been dealing with such battery requirements for several years already. Some Parties do not have access to certified laboratories and accredited testing methods. In this regard, it has been suggested that the International Electrotechnical Commission (IEC) could be invited to develop international standards for relevant Annex A products, including mercury content, efficiency, safety, etc. Such international standards could help entrepreneurs to prove that their products comply with Annex A, as well as reducing the burden on customs agencies.
- Parties that have more stringent limits than those specified in Annex A, Part I of the Convention (e.g., on the mercury content of lamps) may require additional documentation when trading with countries that simply meet the Convention limits.

²⁷ Article 4, paragraph 5 of the Minamata Convention stipulates, “Each Party shall take measures to prevent the incorporation into assembled products of mercury-added products the manufacture, import and export of which are not allowed for it under this article.”

- Some Parties do not have the capacity to implement or make use of new customs codes; others have considerable challenges simply in ensuring effective implementation, and would benefit more from capacity building, human resources, etc., rather than such a narrow focus on mercury-added products.
- There will also be challenges for some Parties when trading with others that may have different exemptions or processes in place for Annex A mercury-added products; some Parties will phase out products in 2020, others may apply an exemption for 5 or 10 years, etc. It was suggested by one stakeholder that the Secretariat of the Minamata Convention should consider such issues in parallel with the work on customs codes for mercury-added products.