



**MINAMATA
CONVENTION
ON MERCURY**

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English only

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

Geneva, 30 October–3 November 2023

Item 4 (i) of the provisional agenda*

**Matters for consideration or action by the
Conference of the Parties: Implementation and
Compliance Committee**

**Reports of the fourth and fifth meetings of the Implementation
and Compliance Committee of the Minamata Convention on
Mercury**

Note by the secretariat

1. Article 15 of the Minamata Convention on Mercury, on the Implementation and Compliance Committee, establishes a mechanism, including a committee as a subsidiary body of the Conference of the Parties to the Convention, to promote implementation of, and review compliance with, all provisions of the Convention. In the period between the fourth and fifth meetings of the Conference of the Parties, the Committee met twice online on 13 and 14 September 2022, and in person from 7 to 9 March 2023, in Geneva.
2. The reports of the fourth and fifth meetings of the Implementation and Compliance Committee are presented, without formal editing, in the two annexes to the present note.

* UNEP/MC/COP.5/1.

Annex I***Report of the fourth meeting of the Implementation and Compliance Committee of the Minamata Convention on Mercury, held online on 13 and 14 September 2022****Item 1****Opening of the meeting**

1. The fourth meeting of the Implementation and Compliance Committee of the Minamata Convention on Mercury (hereinafter referred to as “the Committee”) was held online on 13 and 14 September 2022.
2. Ms. Paulina Riquelme (Chile), Chair of the Committee, opened the meeting at 1 p.m. (Geneva time) on Tuesday 13 September 2022. She greeted Ms. Itsuki Kuroda (Japan), Vice-Chair and Rapporteur for the meeting, and welcomed Committee members thanking them for their interest in the work of the Committee and noted that she looked forward to productive discussions.
3. In her opening remarks, Ms. Monika Stankiewicz, Executive Secretary of the Minamata Convention, welcomed members of the Committee to the fourth meeting, congratulated new members for being elected by COP-4 to serve in the Committee and highlighted the important role of the Committee work in the intersessional period until COP-5 in late 2023 to advance implementation of the Minamata Convention. She further noted that during the present meeting the Committee would for the first time consider and respond to the preliminary report of the Secretariat on the full national reports – submitted for the 16 August 2017 to 31 December 2020 reporting period in accordance with Article 21 – focusing on the four recurrent questions as well as the remainder of the questions in Articles 3 and 11, as well as the responses received to questions on Articles 13 and 14.
4. Following the opening statement and introductory remarks by Committee members, the Chair noted that three members of the Committee, Mr. Mve Beh Jean Hervé (Gabon), Mr. Mohammed Khashashneh (Jordan), and Ms. Meredith Henry-Cumberbatch (Suriname), were unable to attend the meeting.
5. The following members were present at the fourth meeting:
From the African States:
Mr. Musa Kuzumila Ngunila (United Republic of Tanzania)
Mr. Christopher Kanema (Zambia)
From the Asia-Pacific States:
Mr. Abbas Torabi (Islamic Republic of Iran)
Ms. Itsuki Kuroda (Japan)
From the Eastern European States:
Ms. Dubravka Marija Krekovic (Croatia)
Mr. Atanas Stoyanov Dishkelov (Bulgaria)
Ms. Jelena Kovačević (Montenegro)
From the Latin American and Caribbean States:
Ms. Paulina Riquelme (Chile)
Ms. Jimena Nieto Carrasco (Colombia)
From the Western European and other States:
Ms. Anik Beaudoin (Canada)
Ms. Helga Schrott (Austria)
Ms. Karoliina Anttonen (Finland)

* This present annex has not been formally edited.

Item 2

Organizational matters

(a) Adoption of the agenda

6. The Committee adopted the agenda on the basis of the provisional agenda (UNEP/MC/ICC.4/1):
 1. Opening of the meeting.
 2. Organizational matters:
 - (a) Adoption of the agenda;
 - (b) Organization of work.
 3. Notifications submitted by Parties pursuant to paragraph 9 of Article 3.
 4. National reporting pursuant to Article 21 of the Convention
 5. Venue and date of the in-person meeting of the Implementation and Compliance Committee in 2023.
 6. Other matters
 7. Adoption of the report
 8. Closure of the meeting.

(b) Organization of work

7. The Committee agreed to meet online over two days on Tuesday 13 September and Wednesday 14 September 2022 from 1 p.m. to 4 p.m. (Geneva time) each day, as set out in the annotations to the provisional agenda.
8. The Secretariat presented document UNEP/MC/ICC/4/INF/1 on background on the Implementation and Compliance Committee.

Item 3

Notifications submitted by Parties pursuant to paragraph 9 of Article 3

9. The Committee turned to the consideration of document UNEP/MC/ICC.4/2/Rev.1 prepared by Secretariat.
10. Introducing the item, a representative of the Secretariat noted that, at its second meeting, the Committee advised the Secretariat to request the national focal point of Thailand to clarify its notification with respect to information on the quantities and countries of origin of mercury imported from non-Parties. The Secretariat informed the members of the Committee that it requested the national focal point of Thailand to provide the above-mentioned information and worked closely with Thailand to further clarify the request of the Committee on several occasions between 2019 and 2022. As a result of this exchange, on 11 July 2022 Thailand submitted to the Secretariat an updated notification incorporating the required information on “Mercury imports from non-Parties” in the last part of its notification pursuant to paragraph 9 of Article 3.
11. The Committee took note of the content of the document presented by the Secretariat, reviewed the updated notification submitted by Thailand, and concluded that the notification met the requirements set in paragraph 9 of Article 3 of the Convention.

Item 4

National reporting pursuant to Article 21 of the Convention

12. The Chair opened the agenda item of considering the first full national reports submitted pursuant to Article 21 of the Convention for the reporting period 16 August 2017 to 31 December 2020. According to paragraph 1 of Article 21, Parties report to the Conference of the Parties through the Secretariat, on measures taken to implement the provisions of the Convention and on the effectiveness of such measures and the possible challenges in meeting the objectives of the Convention. According to paragraph 2 of Article 15 the Committee shall promote implementation of, and review compliance with, all provisions of the Convention, and shall examine both individual and

systemic issues of implementation and compliance and make recommendations, as appropriate, to the Conference of the Parties. As the Committee may consider issues on the basis of national reports according to paragraph 4(b) of Article 15, the Chair invited the Secretariat to present the content of the preliminary report on the first full national reports and to introduce the observations and comments of its preliminary review for the consideration of the Committee.

13. The representative of the Secretariat recalled that in Decision MC-1/8, the Conference agreed on the timing and format of national reporting by Parties. The full format covers 43 questions to be reported by all Parties every four years, while the short report covers four questions (as marked by * in the full format) and is to be reported on every two years. It is to be noted that, in addition to the questions, the reporting format also includes Part C which gives Parties the opportunity to comment on possible challenges in meeting the objectives of the Convention, Part D which gives Parties the opportunity to comment on the reporting format and possible improvements, and Part E which provides Parties the opportunity to provide additional comment on each of the Articles in free text if the Party wishes to do so. According to the same decision, the first full national reports using available information were due by 31 December 2021.

14. The Secretariat's representative explained that the Secretariat initiated its review of the submitted national reports and prepared a preliminary report to inform the Committee of the following: (a) Parties' reporting performance; (b) findings on responses to the eight questions posed on Article 3 on "Mercury supply sources and trade" and Article 11 on "Mercury waste", which include the four recurrent questions of the short national reports; and (c) findings on Parties' responses to Article 13 on "Financial resources and financial mechanism" and Article 14 on "Capacity-building, technical assistance and technology transfer".

15. The Secretariat's representative added that the preliminary report was based on the Secretariat's initial review of the submitted national reports received as of 15 June 2022. The submitted reports were checked for completeness and clarity of the responses contained in the reports. She pointed out that the full report submissions provided information for the second time on the four recurrent questions in Article 3 and Article 11. She informed the Committee that submitted national reports that were deemed complete by the Party and the Secretariat were made available on the Convention website¹.

16. The representative of the Secretariat was invited by the Chair to introduce the preliminary report contained in UNEP/MC/ICC.4/3, section-by-section, noting that in accordance with paragraph 25(b) of the Terms of Reference of the Committee the Secretariat's report was to include, but not be limited to, information about Parties' reporting performances and the identification of particular considerations that emerged from the reports and might be of interest to the Committee.

1. Reporting Performance

17. On the *reporting performance of Parties*, the representative of the Secretariat reported that of the 123 Parties² that had to report for the reporting period (16 August 2017 to 31 December 2020), 87 Parties submitted their complete reports by the deadline of 31 December 2021, while an additional 19 Parties submitted their complete reports by 15 June 2022. Therefore, by 15 June 2022, a total of 106³

¹ <https://mercuryconvention.org/en/parties/reporting/2021>

² By 31 December 2021, 137 States or regional economic integration organizations deposited their instruments of ratification, acceptance, approval or accession to the Convention with the Depositary. As the Convention comes into force 90 days after the deposit of an instrument, Australia, Bahrain, Burundi, Cambodia, Cameroon, Central African Republic, Iraq, Italy, Pakistan, Poland, Qatar, Spain, United Republic of Tanzania and Zimbabwe were not obliged to submit the full reports due by 31 December 2020, as they became Parties after the reporting period of the full report.

³ 2021 full national reports were submitted by: Albania, Argentina, Armenia, Austria, Bahamas, Belgium, Bolivia (Plurinational State of), Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Chad, Chile, China (including Hong Kong SAR and Macao SAR), Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czechia, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estonia, European Union, Finland, France, Gabon, Gambia, Germany, Greece, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, Indonesia, Ireland, Jamaica, Japan, Jordan, Kuwait, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mali, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Namibia, Netherlands (Kingdom of the), Nicaragua, Niger, Nigeria, North Macedonia, Norway, Oman, Palau, Panama, Paraguay, Peru, Philippines, Portugal, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka,

of 123 Parties had submitted their reports, which represented an 86 per cent reporting rate. She further informed the Committee that an additional six incomplete reports⁴ were received, and that the Secretariat was awaiting additional information from the respective national focal points in this regard, to allow these reports to be filed as complete. Therefore, of the 123 Parties that were obliged to report, 17 reports⁵ remained to be received by 15 June 2022. The Secretariat further explained that since the completion of the report to the Committee an additional three reports were received, namely from Ghana, Iran and Eswatini. Fourteen reports from Parties were still outstanding as of 13 September 2022. Overall, she concluded that this represented a robust and commendable reporting performance by Parties.⁶

18. The Committee expressed appreciation for the high reporting performance by Parties. It also acknowledged the Secretariat's efforts to reach out and support the submission of the remaining 14 reports and expressed the hope to continue seeing high reporting rates in the future.

2. Responses to Article 3 and Article 11 questions

19. The Chair then invited the Secretariat to continue presenting the content of the preliminary report on the first full national reports, beginning with the responses to questions on Articles 3 and 11. The representative of the Secretariat outlined that the preliminary report focused on the six questions related to Article 3 (Mercury supply, sources and trade) and two questions related to Article 11 (Mercury wastes), which allowed the Secretariat to develop and present a comparison of the short national report (2019) and full national report (2021) results to the Committee. She further explained that the four recurrent questions provided biennial responses by Parties on the core of the lifecycle of mercury approach set out in the Convention.

20. On *primary mining of mercury at the time of entry into force* (Question 3.1), the representative of the Secretariat reported that two Parties responded "yes" to having primary mercury mines operating within their territory, and 105 Parties responded "no".

21. On *primary mercury mining after entry into force* (Question 3.2), the representative of the Secretariat reported that two Parties responded "yes" to having primary mercury mines that were currently in operation that were not in operation at the time of entry into force of the Convention for them, and 103 Parties responded "no".

22. The representative of the Secretariat recalled the key obligation of the Convention that mercury from primary mining should only be used for manufacturing mercury-added products in accordance with Article 4, in manufacturing processes in accordance with Article 5, or disposed in accordance with Article 11. The representative further shared the Secretariat's observations on the responses to the two questions noting the clarification made by the COP in its decision MC-4/8 that the amount to be reported should be "mined mercury" and not "ore", and the expected improvement in standardizing the quantities reported by Parties in the succeeding reporting cycles. She also noted the recurring concern on the reported presence of so-called "informal" primary mercury mining by some Parties and that some Parties appear to draw a difference between formal and informal primary mercury mining and in turn not reporting on the latter.

23. The representative of the Secretariat also recalled the guidance in responding to question 3.2, provided in UNEP/MC/COP.4/17 that Parties are to provide relevant information about mines and indicate whether the mine(s) was formal or informal. Lastly, she noted that there was a continued misunderstanding of the term "primary mercury mining" and that this may be the reason for the presumably erroneous responses to the question. The Secretariat was following this up with the respective Parties.

24. The committee welcomed the preliminary review of the Secretariat on the responses to the two questions and expressed concern regarding the reported informal primary mercury mining. The Committee agreed that it would be useful to encourage Parties to provide more information on the matter. The Committee requested the Secretariat to follow up with the specific Parties who reported

Suriname, Sweden, Switzerland, Thailand, Togo, Tuvalu, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Viet Nam, and Zambia.

⁴ Incomplete reports not yet tallied: Dominican Republic, Ecuador, Jamaica, Philippines, Rwanda, and Viet Nam.

⁵ Reports not yet submitted by: Afghanistan, Antigua and Barbuda, Benin, Comoros, Eswatini, Ghana, India, Iran (Islamic Republic of), Kiribati, Lao People's Democratic Republic, Mauritania, Republic of Korea, Republic of Moldova, Seychelles, State of Palestine, Syrian Arab Republic, and Tonga.

⁶ The reporting rates by region were as follows: 26 of 32 Parties from Africa (81%), 21 of 30 Parties from the Asia Pacific (70%), 14 of 15 Parties from Eastern Europe (93%), 23 of 24 Parties from Latin America and the Caribbean (88%), and 22 of 22 Parties from Western Europe and Others (100%).

informal mining to provide more information on the nature of the reported informal mining, including whether the informal mining activities were considered illegal, and on whether the use or disposal of the mined mercury was compliant with the Convention. The Committee also noted the importance of a common understanding of “primary mercury mining” and of reporting “informal mining”. The Committee agreed to come back to this matter at its next meeting, including to consider whether it would be appropriate to introduce additional text in the reporting format and/or reporting guidance to invite Parties to report on informal mining and provide as much information as possible. Accordingly, the Committee requested the Secretariat to prepare possible draft text to be discussed at its next meeting in 2023.

25. On the *stocks and sources of mercury and mercury compounds* (Question 3.3), the representative of the Secretariat reported that 56 Parties responded “yes”, i.e., they had endeavoured to identify individual stocks of mercury and mercury compound exceeding 50 metric tons, and sources of mercury supply generating stocks exceeding 10 metric tons per year that are located within their territory, while 50 Parties responded “no”. Of the 56 Parties that responded “yes”, 51 Parties attached results of their endeavour, 14 Parties attached other information and updates, while 4 Parties did not submit any information on the result of their endeavour.

26. The representative further shared the Secretariat’s observations on the responses to the questions on stocks and sources of mercury, noting the improvement in reporting under question 3.3, as more Parties reported on their endeavours and attached results (91%, 51 of 56 Parties) compared to the results of the short national report. However, in spite of this improvement, from the received responses it is clear that the term “endeavour” continued to be unclear to many Parties, and the overall results still gave an uneven overview of the outcome of Parties’ individual endeavours and an incomplete understanding of the status of the stocks and sources globally.

27. The Committee concluded that a uniform understanding of “endeavour” – as a continuous effort by Parties and not just a one-off effort – was important, and further clarification on how to approach the “yes” was needed either in the reporting format and/or in the reporting guidance. The Committee requested the Secretariat to prepare possible draft text to be discussed further at its next meeting in 2023. The Committee also noted with some concern that 50 Parties responded “no” and requested the Secretariat to look into the responses to understand the reasons for this, including if it necessitated information clarification and/or was due to resource constraints.

28. On the *presence of excess mercury from the decommissioning of chlor-alkali facilities* (Question 3.4), the representative of the Secretariat reported that 9 Parties responded “yes” to having excess mercury available from the decommissioning of chlor-alkali facilities, while 97 responded “no”. Of the nine Parties that responded “yes”, all nine Parties provided explanations on the measures taken, four of the nine Parties provided amounts of excess mercury, and five did not provide any amounts of excess mercury.

29. The representative of the Secretariat observed that, in providing their responses to question 3.4 on the state of excess mercury available from the decommissioning of chlor-alkali facilities, some Parties reported the amounts of mercury at different stages while others did not provide an amount.

30. The Committee requested the Secretariat to clarify whether there was an obligation to report such amounts of mercury and the Secretariat referred to the COP1-adopted “Guidance on the identification of individual stocks of mercury or mercury compounds exceeding 50 metric tons and sources of mercury supply generating stocks exceeding 10 metric tons per year”.

31. On the *consent received for export of mercury from a Party’s territory* (Question 3.5), the representative of the Secretariat reported that 98 Parties responded “no”, i.e., they had not received consent, nor relied on a general notification of consent, in accordance with Article 3, including any required certification from importing non-Parties, for all exports of mercury from the Party’s territory in the reporting period. Seven Parties responded “yes”, i.e., they had received consent, or relied on a general notification of consent, in accordance with Article 3, including any required certification from importing non-Parties, for all exports of mercury from the Party’s territory to another Party in the reporting period.

32. Five Parties responded “yes”, i.e., they had received consent, or relied on a general notification of consent, in accordance with Article 3, including any required certification from importing non-Parties, for all exports of mercury from the Party’s territory to a non-Party in the reporting period.

33. The representative of the Secretariat further pointed out, that if a Party answered “yes, exports to Parties” and/or “yes, exports to non-Parties”, and it had not submitted copies of the consent forms to the Secretariat, it is recommended to do so. Otherwise, the reporting format requests the Party answering “yes, exports to Parties” and/or “yes, exports to non-Parties” to provide other suitable

information showing that the relevant requirements of paragraph 6 of Article 3 have been met. Of the Parties that answered “yes” to exporting mercury, two Parties (Mexico and Peru) provided copies of Form A, and one Party (Singapore) provided a copy of Form B to the Secretariat. It is to be noted that again none of the Parties that responded “yes, exports to Parties” (Form A) and/or “yes, exports to non-Parties” (Form B), had sent copies of the consent forms to the Secretariat, as recommended by the Conference of the Parties in decision MC-1/2, at the time of the export. It was only at the time of national reporting, when the reporting format prompted Parties to forward to the Secretariat copies of the forms by which they had received consent, if not already done so, that the two Parties forwarded copies of Form A, and one Party forwarded a copy of Form B. The Secretariat notes a marginal improvement regarding the submission of the trade forms to the Secretariat between the two reporting periods. However, the Secretariat also notes that all trade forms must be signed by the competent authority to be considered valid. On reviewing the forms received the Secretariat noted that some forms were not signed by the competent authority as outlined in the COP-1 guidance, namely the listed national focal points of the importing and exporting countries. The Secretariat informed the Committee that it is also following up with one Party on its consent forms for its export/s. Moreover, the representative of the Secretariat noted that some Parties had sent other information, in lieu of the forms, and sought clarification on how the Secretariat was to consider it suitable.

34. The Committee expressed concern about the low submission rate of trade consent forms, or other suitable information, and requested the Secretariat to follow-up with Parties who had not submitted them and clarify that commercially confidential information contained in the forms could be blacked out to ease confidentiality concerns when forms were to be made available on the Convention’s website.

35. The Committee agreed to come back to this matter at its next meeting and to consider whether it would be appropriate to strengthen the text in the reporting guidance to further encourage Parties to submit the trade consent forms and better define what “other suitable information” would consist of.

36. The representative of the Secretariat also highlighted the matter of unreported, informal or “illegal” trade of mercury as some Parties had raised this issue in Parts C or E in the short (2019) and full (2021) national reports. The Secretariat noted the efforts of the Parties to share their concerns and report on measures taken to address such unreported, informal or “illegal” trade. The Secretariat also noted that the current reporting format did not have a direct question on such unreported, informal or “illegal” trade, and that it might be helpful to consider how to best utilize the space provided in question 3.5 to facilitate sharing information by Parties on challenges and measures to manage and/or curtail such trade.

37. The Committee expressed concern about the matter of unreported, informal or “illegal” trade of mercury and welcomed the information provided by Parties who reported on measures taken to address such informal or “illegal” trade. The Committee agreed to come back to this matter at its next meeting and to consider whether it would be appropriate to strengthen the reporting format and/or guidance to encourage Parties to report on informal or “illegal” trade of mercury and related response measures.

38. On *allowing the import of mercury from a non-Party* (Question 3.6), the Secretariat reported that 103 Parties responded “no”, i.e., they had not allowed the import of mercury from a non-Party; while two Parties responded “yes”; and one Party relied on para. 7 of Article 3.

39. On *measures for mercury wastes outlined in Article 11, paragraph 3* (Question 11.1) the Secretariat reported that 72 Parties responded “yes”, i.e., the measures outlined in Article 11, paragraph 3, have been implemented for the Party’s mercury waste, while 34 Parties responded “no”. Of the 72 Parties that responded “yes”, all 72 Parties described the measures implemented in their territories.

40. The representative of the Secretariat pointed out that the responses provided by the 72 Parties to question 11.1 often related to existing national legislation. As the Basel Convention technical guidelines outlined specific environmentally sound measures for managing mercury wastes, the representative from the Secretariat noted that the Secretariat would need time to review the responses in detail and assess the responses also in light of the Basel Convention’s technical guidelines. The Secretariat was in the process of reviewing and analysing the information provided and would provide the Committee with a more detailed review of the measures reported and their reported effectiveness at the next meeting of the Committee.

41. The representative of the Secretariat further noted with some concern that 34 Parties (32%, 34 of 106 Parties) had responded “no” and that it was not clear if the “no” response meant that there was no mercury waste in the Party’s territory, thus, there was no need take any measures, or if the

“no” response meant that the Party had not taken any measures related to its obligation under paragraph 3 of Article 11 of the Minamata Convention.

42. The Committee agreed that there was a need to gain more clarity on the rationale for responding “no” to the question, noting that the current reporting format does not prompt Parties to give more details for responding “no”. The Committee decided to come back to this issue at its next meeting, and requested the Secretariat to follow up with specific Parties, on understanding the reasons for answering “no”, and prepare possible draft text for the reporting format and the reporting guidance as needed. The Secretariat was also requested to provide more clarity for the Committee’s consideration of Article 11 paragraphs 3 and 4 regarding the guidelines developed under the Basel Convention, and in circumstances where the Basel Convention does not apply, the relevant international rules, standards and guidelines.

43. *On the facilities for final disposal* (Question 11.2) the representative of the Secretariat reported that 22 Parties responded “yes”, i.e., they had facilities for final disposal of waste consisting of mercury or mercury compounds in the Party’s territory, while 80 Parties responded “no”. Five Parties responded they “do not know” if they had facilities for final disposal of waste consisting of mercury or mercury compounds in their territory. Of those that answered “yes”, only three reported on how much waste consisting of mercury or mercury compounds has been subjected to final disposal, and the specific method of disposal.

44. The representative of the Secretariat observed that the term “final disposal” continued to be interpreted in various ways by Parties, noting that at the time of reporting, the COP-4 clarification in this regard was not yet available to Parties. Explaining further, she noted that of the 22 Parties who responded “yes” to having final disposal facilities, some have responded to the Secretariat’s follow-up questions to confirm to have misunderstood the term “final disposal”. It is expected that the COP-4 clarification would help on future responses to this question.

45. The Committee requested the Secretariat to continue: (i) following up with Parties who had not yet provided information on amounts of waste subject to final disposal and method of final disposal operations, (ii) reviewing in more detail the responses from other Parties who included other and general information on mercury waste (mostly not on amounts or methods), and (iii) understanding better why Parties responded “no”, including if information had to be made clearer or if there were resources constraints. The Committee decided to come back to this matter at its next meeting in 2023.

3. Responses to Article 13 and Article 14 questions

46. The Chair then invited the Secretariat to continue presenting the content of the preliminary report on the first full national reports. The representative of the Secretariat presented responses to Article 13 and Article 14 questions.

47. *On providing resources, within a Party’s capability, in respect of those national activities that are intended to implement the Convention* (Question 13.1), the representative of the Secretariat reported that 77 Parties responded “yes”, i.e., resources have been provided in respect of those national activities that are intended to implement the Convention in accordance with its national policies, priorities, plans and programmes, while 29 Parties responded “no”.

48. *On a Party’s contribution, within its capabilities, to the mechanism referred to in paragraph 5 of Article 13* (Question 13.2), the representative of the Secretariat noted that this is a supplemental question and reported that 38 Parties responded “yes”, i.e., a contribution has been made to the mechanism referred to in paragraph 5 of Article 13, while 68 Parties responded “no”.

49. *On providing financial resources to assist developing-country Parties and/or Parties with economies in transition in the implementation of the Convention through other bilateral, regional and multilateral sources or channels* (Question 13.3), the representative of the Secretariat noted that this is a supplemental question and reported that 17 Parties responded “yes”, i.e., that financial resources have been made to assist developing-country Parties and/or Parties with economies in transition in the implementation of the Convention through other bilateral, regional and multilateral sources or channels, while 89 Parties responded “no”.

50. The representative of the Secretariat noted that it was encouraging to see the high number of positive responses to question 13.1, as well as contributors to the financial mechanism. She noted though that 28 Parties reported not to have raised national resources, that more seemed possible to be done at the bilateral, regional and multilateral levels, and lastly, that some Parties mistook payment of assessed contributions as raising funding for national implementation.

51. On questions 13.1 the Committee agreed that undertaking to mobilize national resources within a Party's respective capability was a Party's obligation under the Convention and encouraged each Party to continue to support implementation at the national level. The Committee agreed to return to Article 13 at its next meeting, and also to request to the Secretariat to see how it could further support highlighting good practices in mobilization of resources, including south-south cooperation.

52. *On cooperating to provide capacity-building or technical assistance, pursuant to Article 14, to another Party to the Convention* (Question 14.1), the representative of the Secretariat reported that 26 Parties responded "yes", i.e., that a Party has cooperated with another Party to the Convention to provide capacity-building or technical assistance, pursuant to Article 14, while 80 Parties responded "no".

53. *On receiving capacity-building or technical assistance pursuant to Article 14* (Question 14.2), the representative of the Secretariat noted that this is a supplemental question and reported that 50 Parties responded "yes", i.e., the Party received capacity-building or technical assistance pursuant to Article 14, while 56 Parties responded "no".

54. *On promoting and facilitating the development, transfer and diffusion of, and access to, up-to-date environmentally sound alternative technologies* (Question 14.3), the representative of the Secretariat reported that 42 Parties responded "yes", i.e., that a Party has promoted and facilitated the development, transfer and diffusion of, and access to, up-to-date environmentally sound alternative technologies, while 57 Parties responded no.

55. The representative of the Secretariat noted that in general Parties did not follow the suggested approaches in the reporting guidance. She also noted the high number of "no" responses without specificities provided that would allow the Secretariat to better understand the Parties' respective needs.

56. The Committee decided to come back to Article 14 at its next meeting. The Committee wanted to discuss further options to allow Parties to express their capacity building and technical assistance needs. The Committee also noted it would like to encourage Parties that offer international cooperation and international technical assistance programme to continue to submit and update such information to the Secretariat, so that the information can be made available online for developing countries that may wish to utilise it.

4. Committee considerations of the Secretariat's preliminary report on the first full national reports

57. The Chair highlighted the following key conclusions of the Committee on the Secretariat's preliminary report on the first full national reports. The Committee:

- Appreciated the high reporting rate of Parties;
- Decided to come back to certain issues at the next meeting, in particular with respect to Articles 3 and 11;
- Requested the Secretariat to follow up with Parties to seek additional clarification and information in particular on "informal" primary mercury mining, as well as the trade consent forms and other suitable information;
- Requested some work from the Secretariat on the reporting format and reporting guidance in a number of areas for consideration of the Committee at the meeting in 2023;
- Expressed concern on reported "illegal" primary mercury mining, the low submission rate of trade consent forms, and reported "illegal" trade of mercury;
- Encouraged each Party to continue mobilizing national resources within a Party's respective capability to support implementation at the national level;
- Highlighted the importance of capacity building and national reporting for the effective implementation of the Convention.

Item 5

Venue and date of the in-person meeting of the Implementation and Compliance Committee in 2023

58. The Committee decided that its fifth meeting would be held in-person in Geneva from 7 to 9 March 2023.

Item 6

Other matters

59. No other matters were raised.

Item 7

Adoption of the report

60. The Committee agreed to adopt the full report of the meeting by electronic means, on the basis of a draft prepared by the Rapporteur with the support of the Secretariat.

Item 8

Closure of the meeting

61. Following closing remarks by the Chair and the Executive Secretary, the Chair thanked the members of the Committee and the Secretariat for their work and declared the meeting closed at 4:15 p.m. (Geneva time) on Wednesday 14 September 2022.

Annex II*

Report of the fifth meeting of the Implementation and Compliance Committee of the Minamata Convention on Mercury, held in Geneva from 7 to 9 March 2023

Item 1

Opening of the meeting

1. The fifth meeting of the Implementation and Compliance Committee of the Minamata Convention on Mercury (hereinafter referred to as “the Committee”) was held in Geneva from 7 to 9 March 2023.
2. Ms. Paulina Riquelme (Chile), Chair of the Committee, opened the meeting at 9 a.m. (Geneva time) on Tuesday 7 March 2023. She greeted Ms. Itsuki Kuroda (Japan), Vice-Chair and Rapporteur for the meeting, and welcomed Committee members thanking them for their interest in the work of the Committee and noted the importance of the meeting as the first opportunity to review progress made by Parties to implement the Convention and that she looked forward to productive discussions.
3. In her opening remarks, Ms. Monika Stankiewicz, Executive Secretary of the Minamata Convention, welcomed members of the Committee to the fifth meeting and highlighted the important role of the Committee during the intersessional period until COP-5 in late 2023 to advance implementation of the Minamata Convention. She further noted that during the present meeting the Committee would for the first time consider and respond to the full report of the Secretariat on the full national reports – submitted for the 16 August 2017 to 31 December 2020 reporting period in accordance with Article 21 – comprising of the 43 questions of the reporting format.
4. Following the opening statement and introductory remarks by Committee members, the Chair noted that four members of the Committee were unable to attend the meeting: Jelena Kovačević (Montenegro), Mr. Mve Beh Jean Hervé (Gabon), Mr. Christopher Kanema (Zambia), and Mr. Mohammed Khashashneh (Jordan).
5. The following members were present at the fifth meeting:
 - From the African States:
 - Mr. Musa Kuzumila Ngunila (the United Republic of Tanzania)
 - From the Asia-Pacific States:
 - Mr. Abbas Torabi (the Islamic Republic of Iran)
 - Ms. Itsuki Kuroda (Japan)
 - From the Eastern European States:
 - Ms. Romana Grizelj (Croatia)
 - Mr. Atanas Stoyanov Dishkelov (Bulgaria)
 - From the Latin American and Caribbean States:
 - Ms. Paulina Riquelme (Chile)
 - Ms. Jimena Nieto Carrasco (Colombia)
 - Ms. Meredith Henry-Cumberbatch (Suriname),
 - From the Western European and other States:
 - Ms. Anik Beaudoin (Canada)
 - Ms. Helga Schrott (Austria)
 - Ms. Karoliina Anttonen (Finland)

* The present annex has not been formally edited.

6. The following observers were present at the fifth meeting: Elena Lymberidi-Settimo (Zero Mercury Working Group) and Florian Schulze (European Network for Environmental Medicine).

Item 2

Organizational matters

(a) Adoption of the agenda

7. The Committee adopted the agenda on the basis of the provisional agenda (UNEP/MC/ICC.5/1):
1. Opening of the meeting.
 2. Organizational matters:
 - (a) Adoption of the agenda;
 - (b) Election of Officers
 - (c) Organization of work
 3. National reporting pursuant to Article 21 of the Convention
 4. Work programme of the Implementation and Compliance Committee for 2024-2025
 5. Date and venue of the of the sixth meeting of the Implementation and Compliance Committee
 6. Other matters
 7. Adoption of the report
 8. Closure of the meeting.

(b) Election of Officers

8. The Committee elected Anik Beaudoin (Canada) as Chair, and Musa Kuzumila Ngunila (United Republic of Tanzania) as Vice-Chair and Rapporteur to serve for the period commencing at the closure of the fifth meeting until the closure of the following in-person meeting of the Committee.

(c) Organization of work

9. The Committee agreed to meet from 9 a.m. to 1 p.m. and from 2 p.m. to 6 p.m. on 7 and 8 March 2023, and from 9 a.m. to 1 p.m. on 9 March, subject to adjustments as necessary.
10. The Committee further agreed that deliberations to prepare recommendations to the Conference of the Parties shall be closed to observers, pursuant to rule 15 of the Committee's rules of procedure.

Item 3

National reporting pursuant to Article 21 of the Convention

11. The Chair opened the agenda item of considering the first full national reports submitted pursuant to Article 21 of the Convention for the reporting period 16 August 2017 to 31 December 2020 and invited the Secretariat to present on the role of the Committee, as per Article 15 of the Convention and the Terms of Reference of the Committee, and the structure of the full report on the first full national reports prepared by the Secretariat.
12. The Secretariat recalled that, according to paragraph 1 of Article 21, Parties report to the Conference of the Parties through the Secretariat, on measures taken to implement the provisions of the Convention and on the effectiveness of such measures and the possible challenges in meeting the objectives of the Convention. According to paragraph 2 of Article 15 the Committee shall promote implementation of, and review compliance with, all provisions of the Convention, and shall examine both individual and systemic issues of implementation and compliance and make recommendations, as appropriate, to the Conference of the Parties.

13. As the Committee may consider issues on the basis of national reports according to paragraph 4(b) of Article 15, the Chair invited the Secretariat to present the content of the full report on the first full national reports¹ and to introduce the findings of its review for the consideration of the Committee.

14. The Secretariat recalled that in Decision MC-1/8, the Conference agreed on the timing and format of national reporting by Parties, and that the full format covered 43 questions to be reported by all Parties every four years, while the short report covered four questions (as marked by * in the full format) to be reported on every two years. Furthermore, the Secretariat pointed out that, in addition to the questions, the reporting format also included Part C which gave Parties the opportunity to comment on possible challenges in meeting the objectives of the Convention, Part D which gave Parties the opportunity to comment on the reporting format and possible improvements, and Part E which provided Parties the opportunity to provide additional comment on each of the Articles in free text if the Party wishes to do so. The Secretariat also recalled that, according to the same decision, the first full national reports were due by 31 December 2021.

15. The Secretariat explained that the Secretariat completed its review of the submitted national reports and prepared a report, in accordance with paragraph 25(b) of the Terms of Reference of the Committee, to inform the Committee of the following: (a) Parties' reporting performance; (b) particular issues that emerged from the national reports and might be of interest to the Committee.

16. The Secretariat was invited by the Chair to introduce its report on the first full national reports, section-by-section.

1. Reporting Performance

17. The Secretariat presented the relevant findings identified in the report of the Secretariat on the first full national reports. Overall, the representative of the Secretariat concluded that this represented a robust and commendable reporting performance by Parties.

18. The Committee expressed appreciation for the 92% reporting rate and recognized that numerous new Parties submitted national reports. It also acknowledged the Secretariat's efforts to reach out and support the submission of the remaining 10 reports.

19. Upon request of the Committee, the Chair committed to send an official letter to all Parties who had not yet submitted their national reports to invite them to submit such reports in advance of the fifth meeting of the Conference of the Parties, to be held in late 2023. The Chair requested all members of the Committee to facilitate the distribution of the letter to relevant authorities within their respective regions.

20. Based on the findings on reporting performance presented by the Secretariat, the Committee reached the conclusions and recommendations as set out in the appendix to this document.

2. Responses to questions on Articles 3 to 12 of the reporting format

21. The Secretariat presented its findings and issues for consideration related to responses to questions on Articles 3 to 12, as identified in the Secretariat's report on the first full national reports.

22. The Committee discussed and commented on the information presented with the aim of preparing recommendations regarding Articles 3 to 12. Deliberations to prepare recommendations were held without the presence of observers in accordance with rule 15 of the rules of procedure of the Committee. As part of these deliberations, the Committee requested the Secretariat to reflect the following views in the report of the meeting.

23. Regarding the implementation of Article 3, one Committee member mentioned that in order to collect information on illegal trade and support the implementation of the Bali declaration, Parties could be invited to report on challenges and examples related to illegal trade in their future national reports under Article 21. Regarding the endeavour to identify individual stocks of mercury or mercury compounds exceeding 50 metric tons provided in paragraph 5 (a) of Article 3, one Party pointed out that, since the existing guidance² adopted by the first meeting of the Conference of the Parties does not

¹ The Secretariat report on the first full national reports will be updated and reproduced in its entirety in document UNEP/MC/COP.5/INF/20 to be submitted to the fifth meeting of the Conference of the Parties.

² Guidance on the identification of individual stocks of mercury or mercury compounds exceeding 50 metric tons and sources of mercury supply generating stocks exceeding 10 metric tons per year, available at <https://mercuryconvention.org/en/documents/guidance-identification-individual-stocks-mercury-or-mercury-compounds-exceeding-50-0>

cover the meaning of accumulated stockpiles nor identifies a calculation method, one Committee member mentioned further clarification might be necessary.

24. On Article 4, one Committee member identified the need to inform Parties of their obligation under the Convention to take two or more measures to phase down the use of dental amalgam. On dental amalgam, one observer raised the issue of the lack of information on the trade of dental amalgam in the context of the implementation of Article 3, and suggested Parties to look at other existing and available information sources to enable them to report on the trade of dental amalgam. Regarding measures listed in Part II of Annex A to the Convention, an observer also referred to the upcoming entry into force, on 28 September 2023, of the amended Annex A to the Convention adopted by the fourth meeting of the Conference of the Parties, as an important step in the control of dental amalgam.

25. A Committee member stated that additional information on facilities subject to Article 5 processes that had been shut down in anticipation of the Convention coming into force was available and should also be included in the overview of the number and type of facilities to be reported under question 5.1 of the reporting format. A Committee member also requested that the amounts of mercury reported would be consistently reflected in metric tonnes.

26. The Committee noted that many Parties reported on their efforts to implement Article 7, including determinations by numerous Parties that artisanal and small-scale gold mining (ASGM) using mercury in their territory is more than insignificant, and the resulting requirements for those Parties to notify the Secretariat of such determination, and to develop and implement an ASGM National Action Plan (NAP). The Committee discussed the experiences and challenges of Parties in developing and implementing NAPs, and that some NAPs had not been submitted within the deadline set forth in Article 7. The Committee also discussed the requirement for Parties submitting NAPs to review their implementation of Article 7 as per the deadline for that action set forth in Article 7, and to submit the results of their review with their national reports. No such reviews were due within the reporting period but would be due in future reporting periods. The issue of the limited guidance available to Parties to develop such reviews was raised. Since guidance on the review is already provided in two sections of the existing Guidance on Developing a National Action Plan to Reduce and, Where Feasible, Eliminate Mercury Use in Artisanal and Small-Scale Gold Mining, one Committee member pointed out that, it would be better to expand those sections rather than developing a separate guidance document.

27. Regarding the limited number of Parties reporting on the effectiveness of the measures taken to implement Article 8 as requested by the reporting format, one of the Committee's members pointed out there were diverging views on how the request for information on effectiveness of measures could be approached by Parties when reporting as there were different capabilities which might have prevented Parties from reporting on the effectiveness, beyond the lack of clarity on how to report. Therefore, the Committee member pointed out that the Committee's conclusion to update the draft national reporting guidance on national reporting to provide further clarity was not going to support all Parties' in their efforts to report on effectiveness of measures.

28. On emissions, an observer noted the importance of the sector but pointed out that outside of the Global Mercury Partnership, not much work has been done to closely look at the sector. The observer also raised the lack of descriptions of the effectiveness of measures reported and suggested that information on the kind of BAT/BEP measures and the description of measures by Parties be compiled and shared broadly to improve better understanding of the implementation of Art. 8.

29. A Committee member sought an update from the Secretariat on the comments received on the draft national reporting guidance and the process of updating the guidance. The Secretariat updated the Committee on the steps it has taken in line with decision MC-4/8, where the Secretariat sought additional comments from Parties and other stakeholders on the draft national reporting guidance, taking into account Parties' experiences in completing the first full national reports. The Secretariat reported that many comments were received by the deadline of 15 December 2022, and that work will be undertaken to integrate the comments and further develop the draft which will then be submitted to the COP for its review and approval. A Committee member inquired if it was possible to review the draft guidance and provide comments. The Chair noted that the review of the draft guidance was a separate process from the process undertaken by the Committee, and that the Committee would have its own recommendations on the reporting format.

30. Regarding the limited number of Parties reporting on the effectiveness of the measures taken to implement Article 9 as requested by the reporting format, one of the Committee's members pointed out there were different capabilities which might have prevented Parties to report on the effectiveness of such measures, beyond the lack of clarity on how to report, and therefore the Committee's

conclusion to update the draft national reporting guidance on national reporting to provide further clarity was not going to support all Parties' in their efforts to report on effectiveness of measures.

31. The Secretariat clarified that Parties' reporting on the effectiveness of measures taken to implement Article 8 and 9 was not expected to directly inform the effectiveness evaluation process established under Article 22. On this point, a Committee member recalled the guidance given by the Secretariat, during a recent online information session on national reporting, to include, where appropriate, in national reports under Article 21 a narrative and examples on measures undertaken by Parties to promote the effectiveness of such measures.

32. On Article 10, the Committee discussed the reason why many Parties reported that they did not undertake measures to ensure that the interim storage of non-waste mercury and mercury compounds intended for a use allowed under the Convention (question 10.1 of the reporting format). The Secretariat shared that Parties who responded "no" did not provide additional explanations in their response. The Secretariat also confirmed the possibility that some Parties may have confused Article 10 on non-waste mercury with Art. 11 on mercury waste. A Committee member raised the concern that there may be a need to standardize the criteria for interim storage of non-waste mercury. The Committee concluded that more information was needed to understand the reasons behind Parties responses to question 10.1, in particular in the context of a possible misunderstanding between waste and non-waste mercury.

33. On Article 11, one Committee member raised the issue of whether measures listed under paragraph 3 of Article 11 were compulsory. The Secretariat confirmed that the measures listed were compulsory for waste consisting of mercury or mercury compounds, and waste containing mercury or mercury compounds, while for waste contaminated with mercury of mercury compounds relevant thresholds were to be established by the Conference of the Parties at its fifth meeting pursuant to paragraph 2 of Article 11. On Article 11, an observer noted that the prevention in the generation of mercury waste was a critical step to address mercury waste. The observer suggested that an inventory of relevant disposal facilities for the different types of mercury wastes be undertaken as it would be useful for Parties. The observer further noted that the Global Mercury Partnership could play a role in helping the Secretariat in making this information available to Parties.

34. With respect to Article 12, the Committee discussed the need to gather information on implementation challenges faced by Parties to be able to better reconsider the issue at its next meeting.

35. Based on the findings regarding responses to Article 3 to 12 presented by the Secretariat and its deliberations, the Committee reached the conclusions and recommendations set out in the appendix to this document.

3. Responses to questions on Articles 13 to 19, Part C and Part D of the reporting format

36. The representative of the Secretariat presented the findings and issues for consideration related to responses to questions on Article 13 to 19 as well as an overview of the responses to Parts C and D of the reporting format, as identified in the report of the Secretariat on the first full national reports.

37. The Committee discussed and commented on the information presented with the aim of preparing recommendations regarding Articles 13 to 19. Deliberations to prepare recommendations were held without the presence of observers in accordance with rule 15 of the rules of procedure of the Committee. As part of these deliberations, the Committee requested the Secretariat to reflect the following views in the report of the meeting.

38. The Committee noted that many Parties had undertaken significant efforts to mobilize resources at the national level to implement the Convention pursuant to Article 13. It also noted the need for all Parties to mobilize resources at the national level and provide further resources, within their capabilities, to support the implementation of the Convention.

39. With respect to Article 14, one of the Committee's members pointed out the importance of the balanced provision of capacity-building and technical assistance within and across regions. The Committee also noted the need for all Parties to cooperate in the provision of capacity-building and technical assistance.

40. Regarding Article 16, one Committee member enquired about the guidance developed by the World Health Organization (WHO) on Strategic planning for implementation of the health-related Articles of the Minamata Convention on Mercury. The Secretariat responded that it was appropriate to make reference to such guidance in the recommendations of the Committee to the Conference of the Parties considering that the Conference of the Parties was to consult and collaborate with WHO in considering health-related issues or activities in accordance with paragraph 2 of Article 16.

41. With respect to Articles 17, 18 and 19, the Committee discussed at length amendments to the reporting format as reflected in the appendix to the present document.
42. Based on its deliberations, the findings regarding responses to Article 13 to 19 as well as the overview of the responses to Parts C and D of the reporting format presented by the Secretariat, the Committee reached the conclusions and recommendations as set out in the appendix to this document.

Item 4

Work programme of the Implementation and Compliance Committee for 2024-2025

43. The Committee estimated in view of the anticipated workload that it would require a 3-day face-to-face meeting during the intersessional period. In addition, the Committee also agreed that it would be appropriate to organize a meeting by electronic means before the face-to-face meeting of the Committee.

Item 5

Date and venue of the sixth meeting of the Implementation and Compliance Committee

44. The Committee decided that its sixth meeting would be held online in 2024, and its seventh meeting would be held face-to-face in the first quarter of 2025, with the exact timing to be determined by the Secretariat in consultation with the Chair. The seventh meeting would be held in Geneva unless an offer was received from one of the members to host the meeting.

Item 6

Other matters

45. One Committee member raised the need for more clarity on the expected outcomes of its future meetings to be made available in advance of such meetings. The same Committee member pointed out that it would be useful to create a member-only area on the Committee's website where Committee members could find relevant documents, including a scenario note, and share information regarding the expected outcomes of its meetings.
46. The representative from the Secretariat explained that, in accordance with paragraph 19 and 20 of the terms of reference, the Committee's report to the Conference of the Parties, including recommendations, would be included in a working document to be submitted to the fifth meeting of the Conference of the Parties. The representative from the Secretariat further explained that the report of the fifth meeting of the Committee would be included in an information document also to be submitted to the fifth meeting of the Conference of the Parties.
47. Another Committee member shared concern regarding quorum since four members did not attend the meeting and suggested that Committee members inform their respective regions on the lack of attendance of certain members to prevent possible future issues in establishing quorum.

Item 7

Adoption of the report

48. The Committee agreed to adopt the full report of the meeting *ad referendum*, subject to finalization of details and final clearance by the Rapporteur.
49. The Committee also agreed to adopt by silent procedure the report on the work of the Implementation and Compliance Committee of the Minamata Convention on Mercury to be submitted to the fifth meeting of the Conference of the Parties in accordance with paragraph 2 of Article 15 of the Convention and section V of the terms of reference for the Committee. The Committee requested the Secretariat to prepare such draft report, in consultation with the Chair, and to circulate it to Committee members by electronic means.

Item 8

Closure of the meeting

50. Following closing remarks by the Chair and the Executive Secretary, the Chair thanked the members of the Committee and the Secretariat for their work and declared the meeting closed at 2:15 p.m. (Geneva time) on Thursday 9 March 2023.

Appendix to annex II

Conclusions and recommendations for the consideration of the Conference of the Parties at its fifth meeting

1. Reporting performance

1. Regarding reporting performance, the Committee reached the following conclusions:
 - Welcomed 92 per cent reporting rate of parties;
 - Recognized that 8 new parties had also submitted their national reports though the Convention had entered into force for them only at the end of the first full reporting period;
 - Expressed some concern that 10 Parties had yet to meet their obligations to submit their full national reports that were due by 31 December 2021;
 - Invited the Chair of the Committee to send a letter to parties that had not submitted their national reports – with a copy to permanent missions and Committee members, for onward circulation within their respective regions - requesting them to submit at the latest by the end of May 2023.¹
2. The Committee agreed on the following recommendations to the Conference of the Parties:
 - Emphasizing the importance on reporting, to recall parties' obligation to submit their national reports pursuant to article 21;
 - To consider further action with respect to those parties that had not submitted their national reports for the first full national reporting cycle.

2. Article 3

(a) Primary mercury mining

3. Regarding questions 3.1 and 3.2 of the reporting format, the Committee reached the following conclusions:
 - Noted that some parties had raised concern regarding the presence of informal primary mercury mining in their territories and related challenges in part E of the reporting format;
 - Further noted that some parties appeared to draw a difference between formal and informal primary mercury mining and, as a consequence, did not report on all primary mercury mining activities conducted in their territories;
 - Agreed to propose amending the reporting format by introducing additional text to questions 3.1 and 3.2 to encourage parties to report on all primary mercury mining activities;
 - Also agreed to keep this matter under review and consider it again at its next meeting, also in the light of information that would be forthcoming in the second short national reports.
4. The Committee agreed on the following recommendations to the Conference of the Parties:
 - To recall that paragraphs 3 and 4 of article 3 require parties to control primary mercury mining and note that, while parties in their reports have characterized primary mercury mining as “formal”, “informal” or “illegal, in this regard parties are encouraged to report on all primary mercury mining activities being carried out in their territories, irrespective of their status as formal, informal or illegal, in their next national reports;

¹ The letters were sent to concerned Parties on 3 April 2023.

- To amend the reporting format as follows to enable parties to provide as much information as possible on mercury mining being undertaken in their territories:
 - For question 3.1, delete “Yes” and replace with the following response options:
 - “Yes - primary mercury mining with available data”
 - “Yes - primary mercury mining with no available data”
 - “If yes to either above, please explain:”
 - For question 3.2, delete “Yes” and replace with the following response options:
 - “Yes - primary mercury mining with available data, please explain”
 - “Yes - primary mercury mining with no available data, please explain”.

(b) Stocks and sources

5. Regarding questions 3.3 and 3.4 of the reporting format, the Committee reached the following conclusions:
 - Noted that, even though more parties than in the previous reporting cycle reported on their endeavours to identify stocks and sources as per paragraph 5(a) and attached their results, the totality of information was still providing an uneven overview of the outcome of parties’ individual endeavours and an incomplete status of the stocks and sources globally;
 - Requested the secretariat to reach out to parties that responded “no” (and have carried out Minamata Initial Assessments) to seek clarification on the challenges faced; and to parties that responded “yes” to provide information on their endeavours, if they have not already done so, including on the results of the efforts undertaken (even if identification of stocks and sources is not yet completed), amounts of stocks and supplies, and, if possible, calculation method used;
 - Requested the secretariat to collect information on accumulated stocks and methods for calculating stocks of mercury, which could provide a first step to further clarify the accumulated stockpiles meaning and calculation method.
6. The Committee agreed on the following recommendations to the Conference of the Parties:
 - To amend the reporting format by replacing the existing “Yes” options in question 3.3 as follows:
 - “Yes - with new data*” (also to be used by parties reporting for the first time)
 - “Yes - same stocks as reported in the previous report”
 - *If the party answered “Yes – with new data” to question 3.3. above;
 - Please attach the results of your endeavour or indicate where they are available on the internet,
 - Supplemental: Please provide any related information, (for example on the use or disposal of mercury from such stocks and sources).”
 - To further clarify types of actions that could be taken to fulfil the continuing obligation to endeavour, defined in MC-4/8 paragraph 3 as an ongoing effort, taking into account that the Conference of the Parties adopted guidance on stocks at its first meeting and with the view to possibly adding to it.

(c) Trade in mercury

7. Regarding questions 3.5 and 3.6 of the reporting format, the Committee reached the following conclusions:
 - Welcomed the transparency of parties that reported on illegal or informal trade and concluded that a better understanding of the needs of parties in controlling trade that is not compliant with the Convention could be a good basis for enhancing international cooperation and support; and promoting sharing of lessons learned between parties.

8. The Committee agreed on the following recommendations to the Conference of the Parties:
- To encourage parties that did not receive consent, or relied on a general notification of consent, for all exports of mercury from the party's territory to provide more information, if any, in their next national reports, including on measures taken to prevent exports which are not in compliance with the Convention;
 - To amend the reporting format by asking parties to explain the "no" answer: "No – no export took place" and "No – consent was not given" (please explain). The explanation may include information on the existence of trade which is not in compliance with the Convention, the challenges met by parties and/or their needs in meeting article 3 requirements;
 - To request the secretariat to support parties in better understanding the trade provisions, their interrelation with other Articles of the Convention, and the use of trade forms adopted by the COP, in particular with respect to imports from non-parties;
 - To also request the secretariat to work on awareness raising activities about provisions of the Convention on allowed uses and sources of mercury in order to help parties to comply with article 3 requirements.

3. Article 4

9. Regarding questions 4.1, 4.2, 4.3, 4.4, and 4.5 of the reporting format, the Committee reached the following conclusions:
- Noted that some parties had not implemented the 2020 phase-out deadline of products listed in part I of annex A, also noting that parties that had reported on measures taken may have not covered all the product categories;
 - Recognized the reported challenges faced by some parties in meeting the requirements of article 4, in particular its paragraphs 1 and 3;
 - Welcomed the information by the secretariat on a global workshop to be held on 21–23 June 2023 as an example of assistance that can be taken to support parties to address these challenges;
 - Invited relevant parties to share, through the secretariat, a strategy on how they plan to address challenges, including those identified in their respective Minamata Initial Assessments, a proposed time schedule with milestones to implement relevant paragraphs of article 4, and what kind of assistance they may still need taking into account information provided during the global workshop;
 - Noted that some parties had not reported on two or more measures listed in part II of annex A, and also that some parties had reported on measures beyond those listed;
 - Agreed to inform parties that they are required by the Convention to take two or more measures to phase down the use of dental amalgam;
 - Called on parties that reported less than two measures from the list in part II of annex A and measures not listed therein, that they also need to ensure that they take at least two listed measures unless the non-listed measures they have taken would make the listed measures superfluous (for example, phase out of dental amalgam);
 - Agreed to inform, through the secretariat, relevant parties that reported that they were implementing paragraph 2 of article 4 without indicating at the time of ratification that they would implement different measures or strategies to address products listed in part I of annex A, that they were bound to comply with paragraph 1 of article 4;
 - Agreed to keep the matter of implementation of article 4 under review and to continue examining the issue at its next meeting.
10. The Committee agreed on the following recommendations to the Conference of the Parties:
- To amend the reporting format as follows:
 - To include in question 4.4 an additional option to the existing options "Yes" and "No", on "No - not applicable (do not have facilities for assembling products using mercury-added products)".

- To take into account, in its consideration of the financial mechanism of the Convention, that some Parties that have not met their obligations under article 4, in particular the deadline for phasing out mercury-added products and taking measures to phase down dental amalgam, cited lack of resources and the need for further attention and action by the Global Environment Facility and its respective implementing agencies, and the Specific International Programme to Support Capacity-Building and Technical Assistance to support parties in implementing the provisions of article 4;
- To encourage other multilateral, regional and bilateral sources of financial and technical assistance, as well as capacity-building and technology transfer, to support developing country parties in their implementation of the Convention, as stated in paragraph 3 of article 13.

4. Article 5

11. Regarding questions 5.1, 5.2, 5.3, 5.4, and 5.5 of the reporting format, the Committee reached the following conclusions:

- Welcomed the reported progress in phasing out mercury use in chlor-alkali production ahead of the 2025 deadline set forth in part I of annex B to the Convention;
- Encouraged, through the secretariat, the parties that had not yet identified facilities that used mercury or mercury compounds in the processes listed in part II of annex B in their territories, to provide additional relevant information relating to this matter in their next national reports;
- Also encouraged parties to continue reporting on progress made in identifying alternatives for mercury used in processes listed in part II of annex B in the upcoming reporting cycles;
- Requested the secretariat to reach out to parties that did not report on the amount of mercury used on account of confidentiality of information to explain that article 5.5 (c) requires parties to endeavour to provide information on amounts of mercury used, even as an estimation.

12. The Committee agreed on the following recommendations to the Conference of the Parties:

- To call on parties that have not provided complete information on the number of facilities and the estimated amount of mercury used in the process listed in part II of annex B to do so as soon as possible, as required in the reporting format;
- To amend the reporting format as follows:
 - In question 5.3 for each of the processes to add “if no, please explain including any challenges encountered”.

5. Article 7

13. Regarding questions 7.1, 7.2, 7.3, 7.4, and 7.5 of the reporting format, the Committee reached the following conclusions:

- Noted overall strong performance by parties that had notified the secretariat the presence of more than insignificant artisanal and small-scale gold mining and processing using mercury in their territories and welcomed the positive effort shown by parties in completing or working to complete their artisanal and small-scale gold mining national action plans;
- Noted that some parties who indicated in reporting that artisanal and small-scale gold mining using mercury was more than insignificant in their territory, had not yet notified the secretariat after they had made such a determination, and called on parties to meet their obligation pursuant to paragraph 3 of article 7, and as reminded by the secretariat in its letter to parties dated 9 December 2022;
- Noted that some parties whose national action plan submission deadlines fell in 2020 had not submitted their national action plans in accordance with paragraph 3(a) of article 7. Thus, the Committee reminded those parties of their obligation to submit their national action plans and requests them to inform the secretariat as soon as possible of the expected date of completion and to submit their national action plans by 31 December 2023. The Committee encouraged parties whose national action plans

became due or would become due after the first full national reporting period to submit them to the secretariat in a timely manner;

- Recognized that many parties would be undertaking reviews of the progress made in meeting their obligations under article 7 starting in 2023, as set forth in paragraph 3 (c), and found that it might be useful for parties to have available, for use in undertaking their reviews, practical, user-friendly guidance to help relevant Parties prepare and complete their reviews, drawing on Parties experiences and challenges in the development and evaluation of the national action plans according to the existing guidance on developing a national action plan to reduce and, where feasible, eliminate mercury use in artisanal and small-scale gold mining, the use of alternative technologies, and their practical experiences with respect to national action plans;
- Recognized that Parties that did not have artisanal and small-scale gold mining using mercury that is more than insignificant in their territory might also wish to provide information on question 7.5 regarding cooperation to achieve the objective of article 7 and noted this could be facilitated by improving the reporting format. It also noted that additional opportunities to provide information on such cooperation were provided under questions 14.1, 14.2, and 14.3.

14. The Committee agreed on the following recommendations to the Conference of the Parties:

- To amend the reporting format as follows:
 - In Question 7.2 to change “If no, please proceed to Article 8 on emissions” to “If no, please proceed to question 7.5”;
- To call upon parties to continue cooperating to provide support in capacity-building, financial and technical assistance and technology transfer, in the development of and access to sustainable mercury-free alternative technologies for artisanal and small-scale gold mining recognizing the measures taken by parties to reduce and where feasible eliminate the use of mercury and mercury compounds in artisanal and small-scale gold mining.

6. Article 8

15. Regarding questions 8.1, 8.2, 8.3, 8.4, and 8.5 of the reporting format, the Committee reached the following conclusions:

- Welcomed the progress made in implementing the obligations on the control of new and existing sources of emissions as well as preparing inventories of emissions from relevant sources, for which the deadlines were still outside this reporting period;
- Recommended updating the draft guidance on national reporting to support parties in reporting on the effectiveness of the measures, noting the need for further clarity² on how to report on the effectiveness of measures taken, which resulted in a limited number of parties reporting on it;
- Agrees to reach out, through the Secretariat, to Parties who cited their Minamata Initial Assessments or other similar endeavours in their response to specify the measures described in those assessments, to provide information on the challenges that parties faced, and to submit the assessments to the secretariat if they had not done so;
- Agreed to keep this matter under review and consider it again in the light of the responses after the implementation deadlines, including the experience in using the guidance on best available techniques and best environmental practices adopted by the Conference of the Parties at its first meeting.

² The Conference of Parties in Decision MC-1/8 decided on the format of the national report and timing. In question. 8.1, the reporting format requires Parties to describe the effectiveness of the measures taken: The draft National Reporting Guidance suggests, in describing the progress of measures, to consider the responsiveness of facilities in adopting BAT and BEP, and an estimate of emission reduction achieved or expected.” In this context, the Committee made the following comment: “The description of the effectiveness of implementing measures described by a Party is separate from the effectiveness of the Convention to be evaluated pursuant to Article 22.

7. Article 9

16. Regarding questions 9.1 and 9.2 of the reporting format, the Committee reached the following conclusions:

- Agreed to reach out, through the secretariat, to parties that have not identified relevant source categories pursuant to paragraph 3 of article 9, and invite them to provide a timeline for identifying relevant point sources of releases in their territories and the challenges encountered and reasons for not having identified the sources yet;
- Agreed to reach out, through the secretariat, to parties that have incomplete responses on the measures they had taken in implementing paragraph 5 of article 9, and invite them to provide information on challenges faced in the implementation of such measures, if any;
- Also recommended updating the draft guidance on national reporting to support parties in reporting on the effectiveness of the measures, noting the need for further clarity on how to report on the effectiveness of measures taken, which resulted in a limited number of parties reporting on it.

8. Article 10

17. Regarding question 10.1 of the reporting format, the Committee reached the following conclusions:

- Agreed to reach out, through the Secretariat, to parties that have not yet taken any measures under article 10 but have reported that they (i) have been trading in mercury and mercury compounds, (ii) have processes or facilities in their territories using mercury and mercury compounds, or (iii) have an artisanal-small scale gold mining sector in their territories, to seek additional information such as information³ on the challenges they are facing in implementing of measures and other pertinent information that can help the Committee assess the party's needs in order to develop recommendations to facilitate the party's implementation and compliance with article 10;
- Recommended updating the draft guidance on national reporting with reference to the definition of interim storage as described in the guidance for interim storage adopted by the Conference of the Parties at its second meeting;
- Agreed to keep this matter under review and consider it again at its next meeting.

18. The Committee agreed on the following recommendations to the Conference of the Parties:

- To amend question 10.1 of the reporting format by adding "please explain" after the "No" option.

9. Article 11

19. Regarding questions 11.1 and 11.2 of the reporting format, the Committee reached the following conclusions:

- Welcomed the 81 parties that reported that they have implemented their obligations, pursuant to paragraph 3 of article 11, to take appropriate measures so that mercury waste is: a) managed in an environmentally sound manner, pursuant to paragraph 3 of article 11; b) only recovered, recycled, reclaimed or directly re-used for an allowed use under the Convention or for environmentally sound disposal; c) for parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, not transported across international boundaries except for the purpose of environmentally sound disposal;
- Noted that 32 parties responded "no" to question 11.1 on the implementation of measures for mercury wastes outlined in article 11, paragraph 3;
- Agreed to reach out, through the secretariat, to parties who had not yet taken any measures under article 11 to invite them to share information on challenges faced in

³ Information may include the status of the Party's implementation of Article 10, including challenges and steps to address them, and measures taken at national level to limit and control the quantity of mercury or mercury compounds subject to environmentally sound interim storage.

the implementation of article 11, strategies to address such challenges, if available, and other pertinent information that could help the Committee develop recommendations to facilitate Parties' implementation and compliance with article 11;

- Called on parties to take appropriate measures to implement paragraph 3 of article 11 and encouraged Parties to identify and report on the amount of waste consisting of mercury subjected to final disposal in their national reports;
- Invited the secretariat of the Basel Convention and the Secretariat of the Minamata Convention to cooperate and jointly review the information on the implementation of paragraph 3 of article 11;
- Encouraged parties to cooperate with each other and with relevant intergovernmental organizations and other entities, as appropriate, to develop and maintain global, regional and national capacity for the management of mercury wastes in an environmentally sound manner, pursuant to paragraph 5 of article 11;
- Agreed to keep this matter under review and consider it again at its next meeting.

20. The Committee agreed on the following recommendations to the Conference of the Parties:

- To invite Parties to participate in targeted capacity-building, financial and technical assistance activities on mercury waste, including those offered by the Secretariat;
- To amend question 11.1 of the reporting format by adding the following text:
 "If no, please explain." [Note: Remove the proposal for "no, not able to implement measures", as it is now clear that parties that have responded "no" really did not implement measures.];
- To amend question 11.2 of the reporting format, noting the opportunities for developing and maintaining global regional and national capacity for the management of mercury waste in an environmentally sound manner, as follows:
 "Are there facilities for final disposal of waste consisting of mercury or mercury compounds accessible to the party?"
 - Yes there are facilities in the party's territory
 - Yes there are facilities outside the party's territory accessible to the party (footnote: Parties may cooperate for the management of mercury wastes in an environmentally sound manner pursuant to paragraph 5 of article 11)
 - No;
 - Do not know (please explain).

If there are facilities in the party's territory and if available, how much waste consisting of mercury or mercury compounds has been subject to final disposal under the reporting period? Please specify the method of the final disposal operation/operations. If the party does not have specific data on waste consisting of mercury or mercury compounds, the party may report on the data including other mercury waste, with an explanatory note."

10. Article 12

21. Regarding question 12.1 of the reporting format, the Committee reached the following conclusions:

- Noted with appreciation the guidance on the management of contaminated sites adopted by the Conference of the Parties at its third meeting;
- Welcomed the 69 Parties that reported that they have endeavoured to develop strategies for identifying and assessing sites contaminated by mercury or mercury compounds in their territory;
- Agreed to reach out, through the secretariat, to parties that had not yet taken any measures under article 12 to invite them to share information on challenges faced in the implementation of article 12, strategies to address such challenges, if available, and other pertinent information that could help the Committee develop recommendations to facilitate parties' implementation and compliance with article 12;

- Agreed to keep this matter under review and consider it again at its next meeting.

11. Article 13

22. Regarding question 13.1 of the reporting format, the Committee reached the following conclusions:

- Noted that many parties have undertaken significant efforts to mobilize resources at the national level;
- Noted that, notwithstanding their efforts at the national level, many parties expressed the needs for additional support to achieve the effective implementation of the Convention;
- Encouraged parties to provide information on types and levels of resources, if available, in their responses to question 13.1 in the following reporting cycle, to enable a more comprehensive understanding of resources deployed at the national level;
- Called on all parties to provide further resources, within their capabilities, to support the implementation of the Convention, and as explained by the secretariat in its letter to parties on the need to continue and augment the provision of financial resources dated 22 September 2022,

23. The Committee agreed on the following recommendation to the Conference of the Parties:

- To encourage parties to continue and augment the provision of financial resources to complement party efforts undertaken at the national and international level.

12. Article 14

24. Regarding question 14.1 of the reporting format, the Committee reached the following conclusions:

- Noted that 28 parties reported they are cooperating to provide, within their capabilities, timely and appropriate capacity-building and technical assistance; the importance of provision of capacity-building and technical assistance balanced within and across all regions; and the need for all parties to cooperate in the provision of capacity-building and technical assistance.

25. The Committee agreed on the following recommendation to the Conference of the Parties:

- To call upon parties, within their respective capabilities, to continue efforts to collaborate to support developing country parties and parties with economies in transition on all issues of implementation of the Convention through the provision of capacity-building, technical assistance, and technology transfer.

13. Article 16

26. Regarding questions 16.1 and 16.2 of the reporting format, the Committee reached the following conclusions:

- Noted the positive response from parties to both questions related to article 16;
- Also noted that editing question 16.1 would help to make responses more accurate;
- Further noted that parties are encouraged to undertake the activities listed under article 16.

27. The Committee agreed on the following recommendations to the Conference of the Parties:

- To amend question 16.2 to read as follows: Have any measures been taken to protect human health in accordance with article 16, beyond the provision of information to the public on exposure to mercury (referred to in question 16.1)?”;
- To recall the guidance developed by the World Health Organization on strategic planning for implementation of the health-related Articles of the Minamata Convention on Mercury and encourage parties, that have not taken measures under paragraph 1 of article 16, to do so and to consider the World Health Organization guidance in their implementation of article 16.

14. Article 17

28. Regarding question 17.1 of the reporting format, the Committee reached the following conclusion:

- Noted the many, but varied responses received to this question and the nature of the question, and welcomed the suggestion of the secretariat to provide parties with response options to choose from to facilitate reporting.

29. The Committee agreed on the following recommendation to the Conference of the Parties:

- Amend the reporting format as follows:

Replace “Please provided more information if any” with the following response options for the party if it responds “yes”:

“If yes, please check applicable box and provide pertinent information in the space provided:

- Scientific, technical, economic and legal information concerning mercury and mercury compounds, including toxicological, ecotoxicological and safety information;

Please add information here:

- Information on the reduction or elimination of the production, use, trade, emissions and releases of mercury and mercury compounds;

Please add information here:

- Information on technically and economically viable alternatives to:

- Mercury-added products;
- Manufacturing processes in which mercury or mercury compounds are used;
- Activities and processes that emit or release mercury or mercury compounds;

including information on the health and environmental risks, accessibility and availability of those alternatives to parties and economic and social costs and benefits of such alternatives

Please add information here:

- Epidemiological information concerning health impacts associated with exposure to mercury and mercury compounds, in close cooperation with the World Health Organization and other relevant organizations, as appropriate

Please add information here:

- Other information:

Please add information here:

(Art. 17(1)(a) to (d))

15. Article 18

30. Regarding question 18.1 of the reporting format, the Committee reached the following conclusion:

- Noted the many, but varied responses received to this question and the nature of the question and welcomed the suggestion of the Secretariat to provide Parties with response options to facilitate reporting.

31. The Committee agreed on the following recommendation to the Conference of the Parties:

- Amend the reporting format as follows:

Replace “If, yes, please indicate the measures that have been taken and the effectiveness of the measures?” with the following response options for the party if it responds yes:

“If yes, please check applicable box, and provide the pertinent information related to the measure, and a description of the effectiveness of the measure, in the space provided:

- Provision to the public of available information on:
 - The health and environmental effects of mercury and mercury compounds;
 - Alternatives to mercury and mercury compounds;
 - The topics identified in paragraph 1 of article 17;
 - The results of its research, development and monitoring activities under Article 19;
 - Activities to meet its obligations under the Convention;

Please add information here:

- Education, training and public awareness related to the effects of exposure to mercury and mercury compounds on human health and the environment in collaboration with relevant intergovernmental and non-governmental organizations and vulnerable populations.

Please add information here:

- Other measures:

Please add information here:

(Art. 18 (1)(a) and (b))

16. Article 19

32. Regarding question 19.1 of the reporting format, the Committee reached the following conclusions:

- Welcomed that 80 parties reported having undertaken research, development and monitoring in accordance with paragraph 1 of article 19 has been undertaken;
- Noted the many, but varied responses received to this question and the nature of the question, and welcomed the suggestion of the secretariat to provide parties with response options to facilitate reporting;
- Further noted that the national report per reporting cycle was to capture cooperation as a result of or in service to the Convention and agreed to call on Parties, through the Secretariat, to include in their responses pertinent information, such as dates, and activities undertaken in cooperation with other countries, relevant to the Convention, and other information suggested in the draft guidance on national reporting.

33. The Committee agreed on the following recommendation to the Conference of the Parties:

- Amend the reporting format as follows:

Replace “If, yes, please describe the actions” with the following response options for the Party if it responds yes:

If yes, please check applicable box, and provide pertinent information related to the action in the space provided:

- Inventories of use, consumption, and anthropogenic emissions to air and releases to water and land of mercury and mercury compounds;

Please add information here: _____

- Modelling and geographically representative monitoring of levels of mercury and mercury compounds in vulnerable populations and in environmental media, including biotic media such as fish, marine mammals, sea turtles and birds, as well as collaboration in the collection and exchange of relevant and appropriate samples;

Please add information here: _____

- Assessments of the impact of mercury and mercury compounds on human health and the environment, in addition to social, economic and cultural impacts, particularly in respect of vulnerable populations;

Please add information here: _____

- Harmonized methodologies for the activities undertaken under subparagraphs (a), (b) and (c);

Please add information here: _____

- Information on the environmental cycle, transport (including long-range transport and deposition), transformation and fate of mercury and mercury compounds in a range of ecosystems, taking appropriate account of the distinction between anthropogenic and natural emissions and releases of mercury and of remobilization of mercury from historic deposition;

Please add information here: _____

- Information on commerce and trade in mercury and mercury compounds and mercury-added products;

Please add information here: _____

- Information and research on the technical and economic availability of mercury-free products and processes and on best available techniques and best environmental practices to reduce and monitor emissions and releases of mercury and mercury compounds.

Please add information here: _____

- Other actions:

Please add information here: _____

(Art. 19 (1)(a) to (g))
