



**MINAMATA
CONVENTION
ON MERCURY**

Distr.: General

28 July 2023

English only

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

Geneva, 30 October–3 November 2023

Item 4 (j) of the provisional agenda*

**Matters for consideration or action by the Conference
of the Parties: national reporting**

National reporting (article 21)

**Report on the first full national reports under article 21 of the
Minamata Convention on Mercury**

Note by the secretariat

1. Paragraph 1 of article 21 of the Minamata Convention on Mercury provides that each party shall report to the Conference of the Parties, through the secretariat, on the 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.
2. The Conference of the Parties, in decision MC-1/8, agreed on the timing and format of national reporting by parties. The full reporting format comprises 43 questions to be answered by all parties every four years, while the short reporting format comprises four questions (indicated by an asterisk in the full format) that are to be answered every two years. The first full national reports cover the period from 16 August 2017 to 31 December 2020 and were to be submitted by 31 December 2021.
3. Paragraph 2 (e) of article 24 of the Convention requires the secretariat to prepare and make available periodic reports based on the information received pursuant to articles 15 and 21 and other available information. The report of the secretariat, focusing on the information from the first full national reports, is presented in section II of document UNEP/MC/COP.5/15, and is further complemented by the detailed information contained in the annex to the present note.
4. At its fourth and fifth meetings, held in September 2022 and March 2023 respectively, the Implementation and Compliance Committee considered issues of implementation and compliance based on a report prepared by the secretariat pursuant to paragraph 25 (b) of the terms of reference of the Committee. The report on the work of the Committee, including recommendations, is set out in document UNEP/MC/COP.5/14.

* UNEP/MC/COP.5/1.

Annex***Secretariat's report on the first full national reports under article 21****I. Introduction**

1. Pursuant to article 21 of the Convention, each party to the Convention shall report to the Conference of the Parties on the measures it has taken to implement the provisions of the Convention, and on the effectiveness of such measures and on possible challenges in meeting the objective of the Convention.
2. The Conference of the Parties, in decision MC-1/8, agreed on the timing and format of national reporting by parties. The full format contains 43 questions to be answered by all parties every four years, while the short report contains four questions (indicated by an asterisk in the full format) that are to be answered every two years. In addition to part A, which requests information about the party and respondent, and part B, which contains the questions, the reporting format includes part C, which provides an opportunity for parties to comment on possible challenges in meeting the objective of the Convention, part D, which provides an opportunity for parties to comment on the reporting format and possible improvements, and part E, which provides an opportunity to provide additional comment on each of the articles in free text if the party chooses to do so. According to the same decision, the first full reports (hereafter referred to as the "full reports") covering the reporting period 16 August 2017 to 31 December 2020 were due for submission by 31 December 2021.
3. The secretariat completed a review of the submitted national reports¹ and prepared the present report, which summarise the parties' responses to the 43 questions on measures taken to implement the relevant provisions and on the effectiveness of such measures in meeting the objective of the Convention for the first full reporting period. The review entailed checking and follow-up on the completeness and clarity of the responses contained in the reports. Submitted national reports that are deemed complete by the party and the secretariat are available on the [Convention website](#).
4. Section II of this document details the reporting performance of parties. Annexes I and II to the secretariat's report present the responses, article by article, to the 43 questions of the reporting format as well as parties' submissions under parts C and D of the reporting format. Under each article the following structure is repeated throughout the document: an introduction on relevant obligations contained in the text of the Convention;² a section summarizing the responses provided by parties and a section with observations by the secretariat. Annex I sets out the summaries of parties' responses to questions on control measures as per articles 3, 4, 5, 7, 8, 9, 10, 11, and 12. Annex II contains the summaries of parties' responses with regard to enabling measures as per articles 13, 14, 16, 17, 18, and 19. This report is supplemented by information document, UNEP/MC/COP.5/INF/21, setting out the responses received for the full national reports in summary tabular form.

II. Reporting performance of parties for the full national reports

5. *Regarding the reporting performance of parties:* Of the 123 parties to the Convention that were party in the first full reporting period ending 31 December 2020,³ 87 parties submitted their full

* The annex has not been formally edited.

¹ The secretariat reviewed national reports submitted by 5 July 2023.

² Sections introducing relevant obligations of the Convention are provided to facilitate understanding of the responses provided by parties and do not constitute an interpretation of the Convention, which is the prerogative of the parties.

³ 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 of ratification, 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.

reports by the deadline,⁴ while an additional 30 parties submitted their reports by 5 July 2023.⁵ Therefore, to date, 117 of 123 parties have submitted their reports to the secretariat. In total this represents a 95 per cent reporting rate for the first reporting period running from 16 August 2017 to 31 December 2020, in compliance with article 21 of the Convention.

6. Parties that submitted their full reports for the first reporting period are: Albania, Antigua and Barbuda, Argentina, Armenia, Austria, Bahamas, Belgium, Benin, Bolivia (Plurinational State of), Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Chad, Chile, China, China (including Hong Kong SAR and Macao SAR), Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czechia, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estonia, Eswatini, European Union, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, 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, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, 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, Zambia.

7. The reporting rates by region were as follows: 31 of 32 parties from Africa (97%), 25 of 30 parties from the Asia Pacific (83%), 15 of 15 parties from Eastern European states (100%), 24 of 24 parties from Latin America and the Caribbean (100%), and 22 of 22 parties from Western Europe and Others Group (100%).

8. The secretariat further received two incomplete reports (the Philippines and Rwanda) and is awaiting additional feedback from the respective national focal points to allow the reports to be filed as complete.

9. There are 6 reports from parties not received by the secretariat as of 5 July 2023, namely from: Afghanistan, Kiribati, Mauritania, State of Palestine, Syrian Arab Republic, Tonga.

10. To note, eight new parties (Bahrain, Burundi, Cambodia, Cameroon, Italy, Pakistan, Qatar, and the United Republic of Tanzania) submitted reports to the secretariat though the Convention was not in effect yet for them in the first full reporting period. These parties became party to the Convention during 2021. The responses contained in these reports are tallied separately by the secretariat.

11. *Regarding the process of reporting:* In September 2021, parties were invited to make use of the online reporting tool to submit the full reports and the national focal points were provided the personalised log-in credentials to the online reporting tool. A total of 116 parties (99%) utilised the online reporting tool while one party submitted the offline paper version by email.

12. To support parties in the preparation of information for the first full national reports, during 2021 the secretariat provided six online sessions and web-training to support parties (including top-up sessions in French and Spanish) to complete and submit their full national reports. These sessions also included the introduction of the [draft reporting guidance](#) to support parties in preparing their responses for the national reports. The secretariat also engaged in dedicated and regular reach-out and follow-up with parties in the run-up to the deadline, and subsequent to the deadline.

⁴ The online reporting tool auto-generates the submission dates. For submission by email, the date stamp on receipt is taken as the submission date. These submission dates are thereafter confirmed by the secretariat once the reports have been checked and verified for completeness.

⁵ The secretariat is working with some parties who submitted their reports in 2023 to clarify relevant responses in their national reports or to follow-up on missing or incomplete attachments or data. The information contained in the secretariat's report on the first full national reports under article 21, reflects the responses by parties as received the secretariat as of 5 July 2023. Changes made by the party will be finalized and reflected in their amended national report, which will be uploaded on the Minamata Convention website.

Annex I to the report

Summaries of parties' responses to questions of articles 3, 4, 5, 7, 8, 9, 10, 11, and 12 of the first full national reports and secretariat's observations

Table of contents

Article 3: Mercury supply sources and trade.....	5
Article 4: Mercury-added products	14
Article 5: Manufacturing processes in which mercury or mercury compounds are used	21
Article 7: Artisanal and small-scale gold mining	28
Article 8: Emissions	33
Article 9: Releases.....	38
Article 10: Environmentally sound interim storage of mercury, other than waste mercury	40
Article 11: Mercury wastes	42
Article 12: Contaminated sites	45

I. Article 3: Mercury supply sources and trade

1. Parties with primary mercury mines are obligated under the Convention to not allow primary mercury mining from being conducted within a party's territory when the Convention enters into force for the party (article 3 paragraph 3). If such an operation already exists, it can only allow such primary mining operations to exist up to a period of 15 years after the Convention enters into force for the party, and only be used in manufacturing of mercury-added products in accordance with article 4, in manufacturing processes in accordance with article 5, or be disposed in accordance with article 11, using operations which so not lead to recovery, recycling, reclamation, direct re-use of alternative uses (article 3 paragraph 4).

2. Paragraph 5 (a) of article 3 requires each party to endeavour to identify individual stocks of mercury or mercury compounds exceeding 50 metric tons, as well as sources of mercury supply generating stocks exceeding 10 metric tons per year, that are located within its territory. In its decision MC-1/2, the Conference of the Parties at its first meeting adopted the [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.

3. The decommissioning or conversion of chlor-alkali plants has been a major source of mercury worldwide. Paragraph 2 of article 5 requires each party not to allow the use of mercury in chlor-alkali production after 2025. Paragraph 5 (b) of article 3 requires each party to take measures to ensure that, where the party determines that excess mercury from decommissioning chlor-alkali facilities is available, such mercury is disposed of in accordance with the guidelines under paragraph 3 (a) of article 11¹, using operations that do not lead to recovery, recycling, reclamation, direct re-use or alternative uses.

4. Paragraphs 6 to 10 of article 3 contain the provisions to be implemented by parties in relation to trade in mercury with other parties and with non-parties. The required measures reflect several key principles, namely:

- (a) mercury to be traded must not be from sources not allowed under paragraphs 3 or 5 (b) of article 3;
- (b) the consent of the importing country, regardless of whether it is a party, or a non-party must be obtained before export takes place; and
- (c) trade with non-parties is allowed, provided that:
 - (i) for export from a party to a non-party, the non-party can provide certification that it has certain measures in place equivalent to those required of a party; and
 - (ii) for import from a non-party, the mercury is not from sources identified as not allowed under paragraph 3 or paragraph 5 (b).

5. Paragraph 8 of article 3 requires a party to not allow the import of mercury from a non-party to which it will provide its written consent unless the non-party has provided certification that the mercury is not from sources identified as not allowed under paragraph 3 or paragraph 5 (b), namely that it is not from primary mining or mercury determined by the exporting non-party to be excess mercury from the decommission of chlor-alkali facilities.

6. The Conference of the Parties at its first meeting adopted specific trade [forms](#) and [guidance](#) to be used by parties and non-parties for providing consent for trade in mercury under article 3, namely:

- (a) Form A: Form for the provision of written consent by a party to the import of mercury,
- (b) Form B: Form for the provision of written consent by a non-party to the import of mercury,
- (c) Form C: Form for non-party certification of the source of mercury to be exported to a party (to be used in conjunction with form A and form D, when required);
- (d) Form D: Form for general notification of consent to import mercury.

¹ Paragraph 3 (a) of article 11 require that parties take appropriate measures so that mercury waste is managed in an environmentally sound manner, taking into account the guidelines developed under the Basel Convention and in accordance with requirements that the Conference of the Parties shall adopt in an additional annex. Such annex has not yet been adopted.

7. For the full reports, parties are to reply to six questions under article 3: questions 3.1 and 3.2 relate to primary mercury mining, questions 3.3. and 3.4 relate stocks and sources of mercury, and questions 3.5 and 3.6 relate to trade in mercury.

8. Question 3.1 on primary mercury mining at the time of entry into force of the Convention for the party

Question 3.1: Does the party have any primary mercury mines that were operating within its territory at the date of entry into force of the Convention for the party? (para. 3)

☐ Yes

☐ No

If **yes**, please indicate:

a) The anticipated date of closure of the mine(s): (*month, year*) OR

b) The date upon which the mine(s) closed: (*month*) (*year*)

c)* Total amount mined _____ metric tons per year

9. In terms of parties' responses to question 3.1:

(a) Two parties (2%, 2 of 117) responded "yes", i.e., that they have primary mercury mines that were operating within their territory when the Convention entered into force for them.

(b) 116 parties (99%, 116 of 117) responded "no", i.e., that they did not have primary mercury mines that were operating within their territory when the Convention entered into force for them.

10. The secretariat has some observations on the responses to question 3.1, as follows:

(a) Question 3.1 looks at the existence of primary mercury mines within the party's territory at the time the Convention entered into force for the party, and not on whether other mines from which mercury may be obtained as a by-product or mercury recovered from waste. Question 3.1 is one of the four questions that form part of the short national report (2019). The secretariat is therefore able to review data provided in the short national reports (2019) and compare those with the data from the full national reports (2021).

(b) Data from the previous short national reports (2019) show that the two parties reported that they have primary mercury mines that were active within their territory when the Convention entered into force for them. Both parties provided data on the amounts mined. One party provided data on the amount of ore extracted for the years 2017 (85,000 metric tons) and 2018 (144,500 metric tons). The other party provided data on the amount of mercury mined in 2017 (805 metric tons), and no data was provided for 2018.

(c) In reviewing the full national reports (2021), the two parties continued to report to have primary mercury mines operating within their territory:

(i) One party provided data on the amount of ore mined for the reporting period as follows:

- a. 2017 (85,000 metric tons)
- b. 2018 (144,500 metric tons)
- c. 2019 (134,000 metric tons)
- d. 2020 (109,100 metric tons)

(ii) The other party reported the amount of mined mercury for the reporting period as follows:

- a. 2017 (442 metric tons)
- b. 2018 (0.5 metric tons)
- c. 2019 (0 metric tons)
- d. 2020 (0 metric tons)

(d) Comparing the data submitted from both the short (2019) and full (2021) national reports of the two parties, the data reported by one party (paragraph 10 (c) (i) above) was consistent

for both its short (2019) and full (2021) national reports. The other party (paragraph 10 (c) (ii) above), however, reported different amounts in its short (2019) report compared to its full (2021) report. The secretariat reached out to this party to clarify the discrepancy, and the party confirmed that the amounts reported in its full national report (2021) reflect the updated amounts of mined mercury for 2017 and 2018, effectively amending its short report (2019).

(e) The Conference of the Parties in its decision MC-4/8 clarified that the unit of measure under question 3.1 is to be mercury, and not mercury ore. As such for the next reporting cycle the secretariat has inserted the words “of mercury” between “amount” and “mined” in subparagraph (c) standardizing the units of measure reported. It is expected that all future reporting will henceforth be in terms of mined mercury only.

(f) The secretariat has observed a recurring concern raised in part E of the national reports by some parties on the presence of informal primary mercury mining in their territory. One party offered a comment in its short national report (2019) that it had no primary mercury mines operating within its territory during the reporting period, but that there were mining sites in the country that could be sources of mercury and that “required close supervision in order to not be used for illegal mining and other activities”. The same party stated in its full report (2021) that it had “never issued any permit for cinnabar mining business either prior to, or after, the date of entry into force of the Convention” for it. Another party in its full report (2021) mentioned it has identified the persistence of mercury production through its environmental monitoring efforts in spite of not having issued new mining permits. In its short report (2019), the same party reported that 189 concessions were in place and 34 mining permits issued. Of the 34 mining permits, 31 have expired with 3 with a valid authorization to mine in 2019, while in its full report (2021) it explained that only two primary mining concessions (4 mines) had valid authorisation to mine until 2020. The status of the mining concessions reported in 2019 without a valid mining license is not clear.

(g) The Convention in subparagraph (i) of article 2 defines “primary mercury mining” as “mining in which the principal material sought is mercury”. The Convention does not differentiate between formal and informal mining.

11. Question 3.2 on the existence of operational primary mercury mines in a party’s territory that were not in operation at the time of entry into force of the Convention for the party

Question 3.2: Does the party have any primary mercury mines that are now in operation that were not in operation at the time of entry into force of the Convention for the party? (para. 3, para. 11)

☐ Yes

☐ No

If yes, please explain.

12. In terms of parties’ responses to question 3.2:

(a) Two parties (2%, 2 of 117) responded “yes”, i.e., that they have primary mercury mines that are now in operation that were not in operation at the time of entry into force of the Convention for them.

(b) 115 parties (98%, 115 of 117) replied “no”, i.e., that they do not have primary mercury mines that are now in operation that were not in operation at the time of entry into force of the Convention for them.

13. The secretariat has some observations on the responses to question 3.2, as follows:

(a) Question 3.2 ascertains the existence of new primary mercury mines within the party’s territory after the Convention entered into force for the party. Similar to question 3.1, question 3.2 does not seek information about mines from which mercury is obtained as a by-product or as a waste. Question 3.2 is not part of the recurring questions under the short national report. This is the first opportunity for parties to provide their response to this question.

(b) The draft reporting guidance on completing the national reports, UNEP/MC/COP.5/15/Add.2 suggests that in responding to question 3.2, parties are to indicate whether the mine(s) is (are) formal or informal. It would be well placed to recall this suggested approach as parties respond to question 3.2 considering the explanation by some parties in question 3.1 of the presence of informal mines in their territory.

(c) Some parties appear to draw a difference between formal and informal primary mercury mining. There may be primary mercury mining that is not formally recognized by parties, and

in turn not reported on. The reporting format can be facilitative in getting information on operational primary mercury mines regardless of classification, whether formal, informal, legal or illegal. Response options in the reporting format for primary mercury mining that has available data, and for primary mercury mining that has no available data could be improved.

(d) At the request of the Committee, the secretariat followed up with two parties who reported informal to seek more information on the reported informal mining, clarification if the informal mining was considered illegal, and a comment on whether the use or disposal of the mined mercury was in compliant with the Convention. An email was sent to both parties on 11 October 2022. One party provided an incomplete response that acknowledged that it did not consider illegal primary mercury mining in its response to question 3.1. A follow-up email requesting clarification was sent to the party on 1 December 2022. The other party did not respond to the 11 October 2022 inquiry, and a follow-up email was sent on 1 December 2022. The secretariat has not received any response to the 1 December 2022 follow-up from both parties.

(e) It is worth noting the two parties also raise a concern in their reports on how to manage the source or production of mercury in the context of informal and illegal mining. One party puts the issue directly in part C of its report, that it has "...many sites as sources of mercury that requires close supervision in order to not being [*sic*] used for illegal mining and other activities." The other party reports a concern that, while production data submitted to national officials have been decreasing, "...mercury production persists in various parts of the country..."

14. Question 3.3 on stocks of mercury or mercury compounds exceeding 50 metric tons, and sources of mercury supply generating stocks exceeding 10 metric tons per year

Question 3.3: Has the party endeavoured to identify individual stocks of mercury or mercury compounds exceeding 50 metric tons and sources of mercury supply generating stocks exceeding 10 metric tons per year that are located within its territory? (para. 5)

☐ Yes

☐ No

a) *If the party answered **Yes** to question 3.3 above:

- i. Please attach the results of your endeavour or indicate where it is available on the internet, unless unchanged from a previous reporting round.
 - ii. Supplemental: Please provide any related information – for example, on the use or disposal of mercury from such stocks and sources.
- b) If the party answered **No** above, please explain.

15. In terms of parties' responses to question 3.3:

(a) 62 parties (53%, 62 of 117) responded "yes", i.e., they had endeavoured to identify individual stocks of mercury and mercury compounds exceeding 50 metric tons, and sources of mercury supply generating stocks exceeding 10 metric tons per year that are located within their territory.

(b) Parties that answered "yes" were further requested to attach the results of their endeavour or to indicate where the results are available on the internet. Of the 62 parties that answered "yes" to question 3.3, 52 parties (84%, 52 of 62) attached results of their endeavour; 20 parties (32%, 20 of 62) indicated where it is available on the internet, 14 parties (23%, 14 of 62) provided supplemental information of their endeavour; three parties (5%, 3 of 62) did not include new information in their full report, but provided information of their endeavours in their short reports (2019); and one party (2%, 1 of 62) did not submit any information on the result of its endeavour in either its full or short reports. The secretariat reached out to the party to request the missing information. As of 5 July 2023, the secretariat has not received the information requested.

(c) 55 parties (47%, 55 of 117) responded "no", i.e., they had not endeavoured to identify individual stocks of mercury and mercury compounds exceeding 50 metric tons and had not identified sources of mercury supply generating stocks exceeding 10 metric tons per year that are located within their territory.

(d) The secretariat also notes that two parties brought forward the following items related to question 3.3 in section D of their national reports:

- (i) One party raised the following: "*The "Guidance for Completing the National Reporting Format" (Draft for Comment)" defines "stocks" in Article 3, Item 3*

as "The amount of mercury or mercury compounds accumulated or available for future use". It is recommended to further clarify the accumulated stockpiles meaning and calculation method."

- (ii) Another party raised the following issue: *"In question 3.3, it is necessary to clarify the explanation of the individual stock of mercury and the source of mercury, whether it includes sources from legal or illegal."*

16. The secretariat has some observations on the responses to question 3.3, as follows:

(a) The 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 adopted at the first meeting of the Conference of the Parties ([Guidance on stocks and sources](#)) clarifies that, in the absence of a definition of the term in the Convention text, a "stock", could be considered to be a quantity of mercury or mercury compounds accumulated or available for future use, but would not include quantities of mercury disposed of and managed as waste, nor mercury at a contaminated site, nor geologic reserves of mercury. In identifying stocks, it is important to consider both mercury and mercury compounds held at active premises and mercury and mercury compounds (that is not waste mercury) stored in decommissioned facilities.

(b) The Convention as per paragraph 5 (a) of article 3, requires parties to endeavour to identify stocks and sources above the stated threshold. Decision MC-4/8 on national reporting pursuant to article 21 clarifies that the obligation to endeavour is a continuing obligation. However, the secretariat notes that the term "endeavour" continues to be unclear to parties in relation to what types of actions could be taken to full fill such continuous obligation, taking into account the guidance on stocks and sources.

(c) Upon closer reading of the submitted responses of the 55 parties that responded "no", the secretariat found that most had in fact endeavoured to do so, but either their endeavour is not complete, or they have found they do not have stocks and sources in their territory exceeding the respective thresholds.² Of the 55 parties, 51 parties added an explanation that they found: (i) "no stocks or sources within their territories" or that the questions is "not applicable", (ii) no industry exists in their territory that would generate such stocks or sources, or (iii) other explanation that reported an activity was undertaken to identify stock or sources of mercury but yielded no positive result. In these cases, it is to note that many in the group of parties that responded "no" did undertake activities to identify stocks and sources. And further, that here the appropriate answer should be "yes" instead of "no". For instance, four³ of the 55 parties who responded "no" cited their Minamata initial assessment (MIA) indicating a result that no stock or sources were identified in their territory. Five parties⁴ explained that they were still in the process of completing their inventory. While these parties do not yet have a result from their endeavour, it shows that the parties are undertaking an activity ("endeavour to identify") as required under the Convention.

(d) Of the 55 parties who responded "no" in their full national reports, only four parties confirmed to have not taken any action or endeavour to conduct the inventory. Three parties cited a lack of funding as a constraint in conducting the inventory, and one party (did not provide a clear explanation for its response.

(e) Recalling the guidance by the Conference of the Parties on this matter, it may be helpful for parties take note of the term "endeavour" in the draft reporting guidance when responding to question 3.3. Furthermore, as decision MC-4/8 confirmed that the endeavour to identify stocks and sources of mercury in their territories is an ongoing obligation, and some parties have not completed their initial endeavour, there may be a need to consider ways to support parties in this regard.

(f) On the results of endeavours to identify stocks and sources above the respective thresholds, among parties which responded "yes", three parties⁵ indicated that they have or may have

² The draft reporting guidance explains that parties may implement their obligation in paragraph 5 of article 3 as they see fit, and parties could do so through one or more of the following or other actions: (a) a specific survey or inventory; (b) implementation of national hazardous substances regulations; (c) development of the party's implementation plan (if one has been developed pursuant to article 20 of the Convention); (d) development of the party's Minamata initial assessment (if undertaken).

³ Ghana, Guinea, Jordan, and Sri Lanka

⁴ Cuba, Djibouti, Equatorial Guinea, Lebanon, and Saudi Arabia

⁵ China, Switzerland, and the United States

had stocks of mercury that exceeded 50 metric tons, while four parties⁶ indicated that they had sources of mercury supply generating stocks exceeding 10 metric tons per year in their territories. Waste recycling facilities⁷ and gold mining⁸ were also identified as sources generating annual stocks of mercury exceeding 10 metric tons in their territory. One party noted that “information on available mercury stocks is very difficult to access from private companies”. Two parties⁹ reported to have identified stocks from excess mercury from decommissioned chlor-alkali plants and elaborated on the result of their endeavours in their response to question 3.4.

(g) Even though compared to 2019, more parties reported on their endeavours and attached results or indicated where the results can be accessed (97%, 60 of 62 parties) in the full national report (2021), the totality of the information is still giving an uneven overview of the outcome of parties’ individual endeavours and an incomplete status of the stocks globally. While it is possible for the secretariat to aggregate the results submitted in the first full reports, the resulting total cannot be taken as providing a meaningful overview of current global stocks and sources.

(h) Two parties brought forward the following items related to question 3.3 in section D of their national reports:

- (i) *“The "Guidance for Completing the National Reporting Format" (Draft for Comment)" defines "stocks" in Article 3, Item 3 as "The amount of mercury or mercury compounds accumulated or available for future use". It is recommended to further clarify the accumulated stockpiles meaning and calculation method.”*
- (ii) *“In question 3.3, it is necessary to clarify the explanation of the individual stock of mercury and the source of mercury, whether it includes sources from legal or illegal.”*

17. Question 3.4 on the presence of excess mercury from the decommissioning of chlor-alkali facilities

Question 3.4: Does the party have excess mercury available from the decommissioning of chloralkali facilities? (para. 5 (b))

- ☐ Yes
- ☐ No

If **yes**, please explain the measures taken to ensure that the excess mercury was disposed of in accordance with the guidelines for environmentally sound management referred to in paragraph 3 (a) of article 11 using operations that did not lead to recovery, recycling, reclamation, direct re-use or alternative uses. (para. 5 (b), para. 11)

18. In terms of parties’ responses to question 3.4:

(a) Ten parties¹⁰ (9%, 10 of 117) responded “yes”, i.e., that they have excess mercury available from the decommissioning of chlor-alkali facilities.

(b) 107 parties (91%, 107 of 117) replied “no”, i.e., that they do not have excess mercury available from the decommissioning of chlor-alkali facilities.

(c) Of the ten parties that responded “yes”, all ten parties (100%, 10 of 10) provided explanations on the measures taken.

19. The secretariat has some observations on the responses to question 3.4, as follows:

(a) The draft reporting guidance notes that when a chlor-alkali plant is decommissioned, the party may determine that the mercury that has become available from the decommissioning is “excess” to its needs. If the party determines that such mercury is excess, the party must take measures to ensure that such mercury is disposed of in accordance with paragraph 3 of article 11, either within the party’s territory or by export for disposal in accordance with paragraph 3 (a) of article 11. This is the first opportunity for parties to respond to question 3.4.

⁶ Argentina, China, Japan, and Thailand

⁷ Japan and Thailand

⁸ Peru

⁹ Nicaragua and Iran

¹⁰ Cuba, Czechia, European Union, Finland, Greece, Hungary, Mexico, Nicaragua, and North Macedonia

(b) It is worth noting that the 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 (MC-1/2) states that: “where mercury or mercury compounds are not intended for a use allowed under the Convention, they fall under the definition of mercury wastes set out in article 11, namely, substances or objects that are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law or this Convention. Thus, they should be managed as mercury waste and should therefore be excluded from the requirements of article 3. The particular requirements of paragraph 5 (b) of article 3 in relation to mercury that a party determines to be excess mercury from the decommissioning of chlor-alkali facilities should be taken into consideration.” The guidance further clarifies that parties might include in their identification process facilities or activities – for instance recycling – that produce mercury or mercury compounds, including mercury waste treatment facilities, which may also have large stocks on hand, depending on the overall mercury demand or on whether mercury is held pending a final decision on whether it is destined for disposal.

(c) Of the ten parties that responded “yes” to question 3.4 indicating that they have excess mercury available from the decommissioning of chlor-alkali facilities, five parties indicated specific amounts of excess mercury from the decommissioned facilities. Two parties mentioned amounts related to the decommissioned chlor-alkali plants in other sections of their report, question 3.3 and question 5.1, respectively.

(d) It is worthwhile to note that quantities reported under question 3.4 only provides partial information on the state of excess mercury available from the decommissioning of chlor-alkali facilities. Different parties reported the amounts of mercury at different stages of the chlor-alkali process, while others reported the mercury extracted from facilities.

(e) One party brought forward the following item related to question 3.4 in section D of its national report: “Paragraph 5 (b) of article 5 specifies that each party shall “take measures to ensure that, where the party determines that excess mercury from the decommissioning of chlor-alkali facilities is available, such mercury is disposed of...” The determination of excess mercury availability is made by the party. To that effect, this question could be more appropriately framed to address whether the party has made this determination: Has the party determined that it has excess mercury available from *the decommissioning of chlor-alkali facilities*?”

20. Question 3.5 on the export of mercury from the party’s territory in the reporting period

Question 3.5: *Has the party 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 in the reporting period? (para. 6, para. 7)

- ☐ Yes, exports to parties
- ☐ Yes, exports to non-parties
- ☐ No

If yes,

(a) and the party has submitted copies of the consent forms to the secretariat, then no further information is needed.

If the party has not previously provided such copies, it is recommended that it do so.

Otherwise, please provide other suitable information showing that the relevant requirements of paragraph 6 of article 3 have been met.

Supplemental: Please provide information on the use of the exported mercury.

(b) If exports were based on a general notification in accordance with article 3, paragraph 7, please indicate, if available, the total amount exported and any relevant terms or conditions in the general notification related to use.

21. In terms of parties’ responses to question 3.5:

(a) 110 parties (94%, 110 of 117) responded “no”, i.e., they had not 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 in the reporting period.

(b) Six parties (5%, 6 of 117) 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.

(c) Four parties (3%, 4 of 117) 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.

(d) Parties that answered “yes”, i.e., that they had received consent or relied on a general notification of consent for exports from their territory, were further recommended to use the occasion of the national reporting cycle to submit copies of the consent forms to the secretariat,¹¹ if not already submitted. Three parties submitted the consent forms they received. One party also reported that it had received all the consent forms and prepared a separate document listing the countries it exported to, the date of written consent received, the quantity of mercury, the uses, and other data. And one party indicated in a separate document the countries it exported mercury to, date of export and the type of mercury exported as well as the purpose for which the exported mercury will be used for by the importing country.

22. The secretariat has some observations on the responses to question 3.5, as follows:

(a) Question 3.5 is focused in confirming that consent was given, and that the appropriate written form or its equivalent alternative was furnished to the secretariat.¹²

(b) This matter was brought to the Conference of the Parties at its fourth meeting. Subsequently, in decision MC-4/8, the Conference of the Parties reiterated the guidance it has given to the parties on this matter, which is to call on parties that have received consent to export mercury to parties and/or non-parties to provide to the secretariat either copies of the consent forms used, or other suitable information to show that the relevant requirements of article 3 of the Convention have been met.

(c) It is worthwhile to note a clear improvement in the number of trade forms showing consent to import submitted with the full national reports compared with the ones submitted with the short national reports in 2019. In case of concerns about commercial confidentiality, parties decided to share copies of the forms with blackened-out information as necessary. This procedure was considered acceptable by the secretariat as it did not affect those parts of the forms which were necessary to show that all the requirements under article 3 had been met.

(d) The secretariat’s review of the submitted forms also showed that procedures are in place in parties to make use of the trade forms as provided in the guidance adopted by the Conference of the Parties in decision MC-1/2. The submission of the consent forms provides evidence that written consent has been given to the exporting party, which is one of the main requirements under paragraph 6 of article 3 of the Convention. The information contained in the trade forms will also be useful in the development of a report on global mercury trade, supply and demand in the context of decision MC-3/10.

(e) Five parties submitted responses to the supplemental question on the use of the exported mercury.

(f) Two parties have general notifications in place and reported on the amounts of exports and other relevant information.

(g) A further relevant matter to highlight is trade that is not compliant with the requirements of article 3, e.g., unreported, informal or illegal trade of mercury according to national legislation. This is a related issue to reported mercury flows that some parties have raised in parts C or E in the short (2019) and full (2021) national reports. The secretariat notes the efforts of the parties to share their concerns and report on measures taken to address trade that is not in compliance with the requirement of article 3 and encourages other parties to follow suit. The secretariat also notes that the current reporting format does not have a direct question on such trade, and that it may be helpful to

¹¹ According to the draft reporting guidance, if a party has not previously provided copies of the submitted consent forms, it is recommended to do so at the time of national reporting.

¹² According to the draft reporting guidance, a party may supply other suitable information showing that the relevant requirements of paragraph 6 of article 3 have been met.

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 trade that is not in compliance with the requirement of article 3.

(h) For example, two parties shared their concerns over informal trade in the short national reports (2019). One party had concerns on falsified or incomplete consent forms, while the other party provided recommendation for optimizing the written consent procedure for the import of mercury, including the provision of information on transit countries, re-export points and the role of free-trade zones, and the establishment of a deadline for receipt of response from parties concerned. The party also raised the need to improve identification of intended uses of traded mercury, strengthening of capacities of border control agents along with the development of protocols to identify, seize, transport, handle, and label mercury. In the full reports (2021), a party noted “illegal” mercury trade to be occurring within its national context, and also regionally. The party called for enhanced cooperation among parties “to create innovative solutions in preventing illegal mercury trading”. Furthermore, some parties in another region (for both questions 3.5 and 3.6) noted that there were known informal flows of mercury also in their region and illegal imports into their national contexts.

(i) Also, on the topic of illegal exports, in its full national report (2021), one party¹³ provided information on exports in 2017 (50.27 metric tons) and 2018 (91.03 metric tons) which they deemed were illegal under its national law. The party reported measures it took in response to the illegal export and further reported on possible illegal export to another country which it is currently resolving. The secretariat notes that information on measures taken at national level to prevent trade that is not in compliance with the requirements of article 3 provide a good example for other parties who may be facing similar challenges, in particular considering the above-mentioned concerns reported by parties on the presence of unreported, informal or illegal trade of mercury in their territories.

23. Question 3.6 on the import of mercury from a non-party

Question 3.6: Has the party allowed the import of mercury from a non-party?

☐ No

☐ Yes

If **yes**, and the party has submitted copies of the consent forms to the secretariat, then no further information is needed.

If the party has not previously provided such copies, it is recommended that it do so.

Otherwise, please provide other suitable information showing that the relevant requirements of paragraph 8 of article 3 have been met.

Supplemental: Please provide information on the quantities and countries of origin.

☐ The importing party has relied on paragraph 7 of article 3.

☐ If **yes**, or if the party relied on paragraph 7 of article 3, did the non-party provide certification that the mercury is not from sources identified under paragraph 3 or paragraph 5 (b) of article 3? (para. 8)

☐ Yes

☐ No

☐ The party has submitted its general notification of consent, applied paragraph 9 of article 3, and provided information on the quantities and countries of origin.

☐ If **no**, please explain.

24. In terms of parties' responses to question 3.6:

(a) 114 parties (97%, 114 of 117) responded “no”, i.e., they had not allowed the import of mercury from a non-party.

(b) Two parties¹⁴ (2%, 2 of 117) responded “yes”, i.e., they had allowed the import of mercury from a non-party. On follow-up with one party, the secretariat learned that the trade took place when party was not yet a party to the convention. Thus, no form B would have been used, but the party made its Rotterdam Convention consent form available for information. In reviewing the

¹³ Canada

¹⁴ Montenegro and Thailand

submission from the other party, the secretariat finds that the party has a general notification in place and should have answered “The importing party has relied on paragraph 7 of article 3”.

(c) One of the two parties who have general notifications in place (paragraph 7 of article 3) and who also reported trade with non-parties, noted in its report that it does not request a certificate from non-parties to certify that the mercury is not from primary mercury mines (paragraph 3 of article 3) or the excess mercury from decommissioning of chlor-alkali facilities (paragraph 5 (b) of article 3). Instead, the party has internal measures to ensure that imported mercury and mercury compounds are handled in an environmental manner.

II. Article 4: Mercury-added products

25. Article 4 requires parties to take specific actions on mercury-added products, as follows:

(a) For products listed in part I of annex A, article 4, paragraph 1 provides that parties shall not allow, by taking appropriate measures, the manufacture, import and export of such products after their respective phase-out dates. It is worth noting that the Conference of the Parties at its fourth meeting amended part I of annex A by adding eight new products which are to be phased out by 2025. The amended annex A shall enter into force on 28 September 2023 for all those parties that have not submitted a notification of non-acceptance in accordance with subparagraph 3 (b) of article 27 or made a declaration in accordance with paragraph 5 of article 30. The amended annex A was therefore not in force during the reporting period covered by this report.

(b) As an alternative to paragraph 1 of article 4, a party may, under certain conditions, indicate at the time of ratification or upon entry into force of an amendment to annex A for it, that it will implement different measures or strategies to address products listed in part I of annex A in accordance with paragraph 2 of article 4.

(c) For the product listed in part II of annex A, dental amalgam, article 4, paragraph 3 requires parties to take measures in line with part II of annex A. Part II lists nine measures which parties can choose from.¹⁵ It is worth noting that the Conference of the Parties at its fourth meeting amended part II, by adding two new measures. The amended annex shall enter in force based on the procedure as described in point (a) above.

(d) For assembled products, parties are to take measures to prevent the incorporation of phased out mercury-added products under part I of annex A as required under article 3, paragraph 5.

(e) For mercury-added products that are not covered by any known use prior to the entry into force of the Convention for a party, article 4, paragraph 6 mandates that each party shall discourage the manufacture and distribution in commerce of such products. For mercury-added products which are not covered by any known use prior to the entry into force for a party, a party can opt to prepare an assessment of risks and benefits demonstrating environmental or human health benefits for products that it will not discourage and submit such information to the secretariat (article 4, paragraph 6).

(f) Exemptions from the phase-out dates listed in annex A are available to parties when they register for one or more exemptions by notifying the secretariat in writing at the time of becoming a party to the Convention (article 6, paragraph 1 (a)). This option is not available to a state after it becomes a party. In the case of any mercury-added product that is added by an amendment to annex A, an exemption can be registered by notifying the secretariat no later than the date upon which the applicable amendment enters into force for the party.

26. Parties are to reply to five questions related to article 4: question 4.1 on taking appropriate measures related to mercury-added products listed in part I of annex A of the Convention; question 4.2 on the choice of implementing paragraph 2 of article 4; question 4.3 on taking two or more measures related to mercury added-products listed in part II of annex A of the Convention, that is to dental amalgam; question 4.4 on taking measures to prevent the incorporation of phased-out mercury-added products into assembled products; and question 4.5 on discouraging the manufacture and the distribution in commerce of mercury-added products not covered by any known use under article 4, paragraph 6.

¹⁵ Decision MC-3/2 encouraged parties to take more than the two required measures listed in part II of annex A and requested the secretariat to collect information on such measures taken.

27. Question 4.1 on appropriate measures taken to not allow the manufacture, import or export of mercury-added products listed in part I of annex A after the phase-out date.

Question 4.1: Has the party taken any appropriate measures to not allow the manufacture, import or export of mercury-added products listed in part I of annex A to the Convention after the phase-out date specified for those products? (para.1)

If the party is implementing paragraph 2, please skip to question 4.2.

☐ Yes

☐ No

If **yes**, please provide information on the measures.

If **no**, has the party registered for an exemption pursuant to article 6?

☐ Yes

☐ No

If **yes**, for which products (please list)? (para. 1, para. 2 (d))

28. In terms of parties' responses to question 4.1:

(a) 78 parties (66%, 78 of 117) responded "yes", i.e., they had taken appropriate measures to not allow the manufacture, import or export of mercury-added products listed in part I of annex A to the Convention after the phase-out date specified for those products.

(b) 35 parties (30%, 35 of 117) responded "no", i.e., they had not taken appropriate measures to not allow the manufacture, import or export of mercury-added products listed in part I of annex A to the Convention after the phase-out date specified for those products, of which one party had registered an exemption.

(c) Five parties (4%, 5 of 117) responded that they are implementing paragraph 2 of article 4. It is worth noting that only one party, out of the five, indicated at the time of ratification that it will implement different measures or strategies to address products listed in part I of annex A, in accordance with paragraph 2 of article 4. This procedure is no longer available for the other four parties, which are bound to comply with paragraph 1 of article 4.

29. The secretariat has some observations on the responses to question 4.1, as follows:

(a) The deadlines for the phase out of the mercury-added products fell within the reporting period covered by the national reports. Parties who have not registered for an exemption under article 6 of the Convention were to meet the deadlines. Thirty percent of parties (35 of 117) reported to have not yet taken appropriate measures on the listed products under part I of annex A. Three parties (China¹⁶, Eswatini, India) of the 35 parties that responded "no" have registered for exemptions from the 2020 phase-out dates for specified products listed in annex A, part I. Many of the parties shared the challenges they faced in implementing the Convention either in parts C or E of their reports which can be summed up as follows:

- (i) Lack of time and human resources, the latter attributed to lack of knowledge and capacity.
- (ii) No mercury-added products trade inventories were developed and maintained in the party's territory.
- (iii) Technical and financial constraints resulting in the non-adoption of appropriate technologies and infrastructure that can enable the sound management of mercury-added products.
- (iv) The need to gather more data and carry out further assessments to ascertain the risks and benefits of products subject to article 4.
- (v) Mercury-added product regulatory framework is not yet in place or is still under development.
- (vi) COVID-19 temporarily affected some parties limiting access to meetings, trainings, etc., due to border closures.

¹⁶ China (Macao SAR) responded "no" to question 4.1.

(b) It is worthwhile to note that many of the parties that reported “no” have completed and submitted their MIA to the secretariat. A review of the respective MIAs shows that the parties have included legal and institutional analysis on the implementation of the Convention.

(c) Sixty-seven percent of parties (78 of 117) reported taking appropriate measures to implement the 2020 phase out date on mercury-added products listed in part I of annex A to the Convention. Responses describing the measures taken varied among parties in terms of level of details and focus. The reported regulatory measures were analysed to give the following overview:

- (i) 30 parties reported on overall legislation or regulation prohibiting all mercury-added products listed in annex A, part I.
- (ii) 27 parties reported on the regulation of manufacture, import and export of mercury-added products under legislation on specific product types.
- (iii) 16 parties reported on regulations on the import of mercury-added products, since they are not manufactured domestically. This approach is common for parties that do not have facilities that manufacture mercury-added products in their territories, their regulations often focused only on the prohibition on the import of such products.
- (iv) Three parties¹⁷ also reported non-regulatory measures, e.g., public awareness measures, promotion of the production, and utilisation of mercury-free products.
- (v) One party responded as having taken appropriate measures but did not provide details of their implementation efforts.

(d) Parties also reported on taking additional measures to what is required by the Convention. 12 parties¹⁸ reported establishing control/restriction measures on marketing and distribution of the covered products, while four parties¹⁹ reported on establishing procurement restrictions on annex A listed products.

(e) It is notable that nine²⁰ out of the 11 parties that have registered an exemption under article 6 on specific mercury-added products listed in part I of annex A have taken measures as well.

30. Question 4.2 on implementing paragraph 2 of article 4

Question 4.2: If yes (implementing paragraph 2 of article 4): (para. 2)

Has the party reported to the Conference of the Parties at the first opportunity a description of the measures or strategies implemented, including a quantification of the reductions achieved? (para. 2 (a))

- ☐ Yes
☐ No

Has the party implemented measures or strategies to reduce the use of mercury in any products listed in part I of annex A for which a de minimis value has not yet been obtained? (para. 2 (b))

- ☐ Yes
☐ No

If **yes**, please provide information on the measures.

Has the party considered additional measures to achieve further reductions? (para. 2 (c))

- ☐ Yes
☐ No

If **yes**, please provide information on the measures.

¹⁷ Colombia, Iran, and Thailand

¹⁸ Colombia, China (Hong Kong SAR), Dominican Republic, Madagascar, Liechtenstein, Argentina, Paraguay, Indonesia, Argentina, Singapore, Honduras, and the Philippines

¹⁹ Costa Rica, Mongolia, Argentina, and Ecuador

²⁰ Argentina, Botswana, Canada, China, Iran (Islamic Republic of), Lesotho, Madagascar, Peru, and Thailand

31. In terms of parties' responses to question 4.2:

(a) Only one party (0.9%, 1 of 117) responded "yes" to question 4.2.²¹ The party has also submitted a notification as per article 4, paragraph 2.

(b) Six parties (5%, 6 of 117) responded "no" to question 4.2.

32. The secretariat has some observations to the response to question 4.2, as follows:

(a) The party submitted a notification to demonstrate that it had reduced the manufacture, import and export of mercury-added products to a de minimis level, pursuant to paragraph 2 of article 4 when it accepted the Convention on 6 November 2013. Furthermore, pursuant to subparagraph 2 (a) of article 4 and as requested by the Conference of the Parties by its decision MC-3/1, the party submitted a report on the measures and strategies it implemented, including a quantification of the reductions achieved, which was included in document UNEP/MC/COP.4/4.

(b) The secretariat is awaiting updates from the party on data on switches and relays through the national inventory data reported in 2018.²²

33. Question 4.3 on whether a party has taken two or more measures for the mercury-added products listed in part II of annex A

Question 4.3: Has the party taken two or more measures for the mercury-added products listed in part II of annex A in accordance with the provisions set out therein? (para. 3)

☐ Yes

☐ No

If yes, please provide information on the measures.

34. In terms of parties' responses to question 4.3:

(a) 88 parties (75%, 88 of 117) responded "yes", i.e., that the party has taken two or more measures for the mercury-added products listed in part II of annex A, that is dental amalgam, in accordance with the provisions set out therein.

(b) 30 parties (25%, 30 of 117) responded "no", i.e., that the party had not taken two or more measures for the mercury-added products listed in part II of annex A, that is dental amalgam, in accordance with the provisions set out therein.

35. The secretariat has some observations on the responses to question 4.3, as follows:

(a) Seventy-five percent of parties (88 out of 117) have reported to have taken two or more measures to phase down dental amalgam in their territories. The question does not request parties to specify which of the nine measures have been taken, but the secretariat reviewed the information provided by the parties in their reports and found that of the 88 parties responding "yes", 59 reported on two or more of the measures listed in part II of annex A, and 30 parties reported on only one measure of the nine measures listed. Some parties also reported on taking measures that are not listed in part II of annex A, a majority of whom reported restricting or banning the use of dental amalgam, including banning the use of dental amalgam for persons under 15 years of age, pregnant and breastfeeding women,^{23 24} and restricting the construction, renovation, and expansion of dental

²¹ Four of the five parties who responded "yes" to implementing paragraph 2 of article 4 in question 4.1, responded "no" to question 4.2.

²² See the report for 2020 from the United States of America in response to paragraph 9 of decision MC-3/1, UNEP/MC/COP.4/4 annex II paragraph 14.

²³ Banning of the use of dental amalgam for persons under 15 years of age, pregnant and breastfeeding women was adopted as a new measure in part II of annex A through decision MC-4/3.

²⁴ 14 parties (Austria, Bulgaria, Czechia, Estonia, European Union, France, Hungary, Ireland, Luxembourg, Mauritius, Philippines, Slovakia, Slovenia, and Viet Nam) reported banning the use of dental amalgam for persons under 15 years of age, pregnant and breastfeeding women.

amalgam material production devices²⁵. Several parties also reported on setting a national deadline for phasing out the use of dental amalgam²⁶.

(b) The responses to question 4.3 describing measures taken ranged from being very specific to being general and broad. Table 1 below shows the number of parties and the measures they reported to have taken:²⁷

Table 1

Comparison of article 4, paragraph 3 measure and number of parties reported to have taken the measure

<i>Measures as listed in part II of annex A</i>		<i>Number of parties reporting to have taken measures</i>
i.	Setting national objectives aiming at dental caries prevention and health promotion, thereby minimizing the need for dental restoration;	27
ii.	Setting national objectives aiming at minimizing its use;	14
iii.	Promoting the use of cost-effective and clinically effective mercury-free alternatives for dental restoration;	19
iv.	Promoting research and development of quality mercury-free materials for dental restoration;	5
v.	Encouraging representative professional organizations and dental schools to educate and train dental professionals and students on the use of mercury-free dental restoration alternatives and on promoting best management practices;	24
vi.	Discouraging insurance policies and programmes that favour dental amalgam use over mercury-free dental restoration;	8
vii.	Encouraging insurance policies and programmes that favour the use of quality alternatives to dental amalgam for dental restoration;	5
viii.	Restricting the use of dental amalgam to its encapsulated form;	28
ix.	Promoting the use of best environmental practices in dental facilities to reduce releases of mercury and mercury compounds to water and land.	37

(c) 30 out of 117 parties responded “no” to question 4.3. Since the reporting format does not prompt parties to provide an explanation why they answered “no” the parties did not elaborate in part E. Some of the parties, however, provided general comments under part C of the challenges they faced in implementing the Convention which is similar to the results described in paragraph 29 (a) above regarding question 4.1. As question 4.3 touches on measures which are legal or regulatory in nature, updates on the progress in addressing the legal and institutional gaps that have been identified by the party in its MIA would be helpful to provide additional insight to the impediments faced and steps being taken to address these by the party.

36. Question 4.4 on measures taken to prevent the incorporation into assembled products of mercury-added products whose manufacture, import and export are not allowed.

²⁵ One party (China) reported restricting the construction, renovation, and expansion of dental amalgam material production devices.

²⁶ Seven parties (Finland, Greece, Hungary, Ireland, Portugal, Romania, and Sweden) reported on setting a national deadline for phasing out the use of dental amalgam.

²⁷ The secretariat notes that some of the parties submitted information on these and other measures at the fourth meeting of the Conference of the Parties pursuant to decision MC-3/2, which encouraged parties to take more than the two required measures listed in part II of annex A and requested the secretariat to collect information on such measures taken. The Conference of the Parties at its fourth meeting reviewed the compilation of information submitted by the 14 parties (see documents UNEP/MC/COP.4/5 and UNEP/MC/COP.4/INF/4). In cases where only the name of the law or link is provided, for purposes of this report, the secretariat counted the response as one measure, given that it was not possible to review the law for each party citing their laws or regulations.

Question 4.4: Has the party taken measures to prevent the incorporation into assembled products of mercury-added products whose manufacture, import and export are not allowed for it under article 4? (para. 5)

☐ Yes

☐ No

If yes, please provide information on the measures.

37. In terms of parties' response to question 4.4:

(a) 59 parties (50%, 59 of 117) responded "yes", i.e., they had taken measures to prevent the incorporation into assembled products of mercury-added products whose manufacture, import and export are not allowed for it under article 4.

(b) 59 parties (50%, 59 of 117) responded "no", i.e., they had not taken measures to prevent the incorporation into assembled products of mercury-added products whose manufacture, import and export are not allowed for it under article 4.

38. The secretariat has some observations on the responses to question 4.4 as follows:

(a) The majority of the "no" responses to question 4.4 are from developing country parties, some of whom may not have manufacturing facilities that uses mercury-added products in their territories. The draft national reporting guidance suggests that if a party does not have manufacturing industries that may be using mercury-added products that are listed in annex A, the party would indicate "no" and provide such explanation in part E. In cases where the party did not take any measures, the draft national reporting guidance also suggest that an explanation be added in part C of the report. Two parties²⁸ indicated they had no manufacturing plants using mercury-added product in its territory. For the rest, it does not appear that the suggestion was followed as no explanation was given in parts C or E. Additional information from these parties would be useful to understand their response.

(b) Majority of parties that responded "yes" provided a general explanation of the measures they have taken, with some parties reporting regulations (in draft form or as promulgated regulations) to prevent the incorporation of mercury-added products, while others reporting on their focus on enforcement action by not issuing permits or licenses. Some of the regulations described were applicable to mercury-added products in general, while other regulations were product specific. Two parties²⁹ reported that successful implementation was achieved through the enactment of mercury regulations that prohibit the manufacture, import and export of assembled products that incorporate mercury-added products listed in annex A.

(c) It is worthwhile noting that one party brought forward a suggestion to amend question 4.4 in section D of its national report. The party suggested deleting the word "who" and replace it with "the", to make it in line with the text of article 4, paragraph 5.

39. Question 4.5 on discouraging the manufacture and the distribution in commerce of mercury-added products not covered by any known use.

²⁸ Chad and China (Macao SAR)

²⁹ Japan and European Union

Question 4.5: Has the party discouraged the manufacture and the distribution in commerce of mercury-added products not covered by any known use in accordance with article 4, paragraph 6? (para. 6)

☐ Yes

☐ No

If **yes**, please provide information on the measures taken.

If **no**, has there been an assessment of the risks and benefits of the product that demonstrates environmental or health benefits? Has the party provided to the secretariat, as appropriate, information on any such product?

☐ Yes

☐ No

If **yes**, please name the product: _____

40. In terms of parties' responses to question 4.5:

(a) 60 parties (51%, 60 of 117) responded "yes", i.e., they had discouraged the manufacture and the distribution in commerce of mercury-added products not covered by any known use in accordance with article 4, paragraph 6.

(b) 58 parties (49%, 58 of 117) responded "no", i.e., they had not discouraged the manufacture and the distribution in commerce of mercury-added products not covered by any known use in accordance with article 4, paragraph 6.

41. The secretariat has some observations on the responses to question 4.5 as follows:

(a) Among the parties that responded "no", six parties³⁰ pointed to the lack of manufacturing in their territory, and two³¹ parties clearly explaining that question 4.5 is not applicable as there are no manufacturing and distribution in commerce of mercury-added products not covered by any known use in its territory. It is not clear from the other 50 parties who responded "no" if the question is not applicable to them or if they did not take any measures to implement paragraph 6 of article 4. Additional information in particular on the reason for responding "no" to question 4.5 would be helpful to understand the context of the respective parties.

(b) 42 of the 60 parties who responded "yes", reported that they have a regulation or legislation discouraging the manufacture and distribution in commerce of mercury-added products not covered by any known use. One regional economic integration organization and its member states, reported on their regulation complying with paragraph 6 of article 4, and on the additional measures they have taken on mercury-added products not listed in annex A, part I, such as batteries and lamps with stricter mercury content limits. The party also reported that it imposed an authorization requirement for the manufacturing of mercury-added products that were not being manufactured prior to 1 January 2018. Seven parties³² reported on other measures, such as general awareness-raising, four parties³³ reported to have taken other measures, three parties³⁴ reported that no mercury-added products not covered by any known use was found in their territory, one party³⁵ did not find manufacturing of mercury-added products in their territory and four parties³⁶ reported that work is in progress on the measures.

(c) It is worthwhile noting that one party brought forward the following item related to question 4.5 in section D of its national reports: *"The Guidance for Completing the National Reporting Format" (Draft for Comment), Article 4, Item 5, requires: "If a party has carried out a risk and benefit assessment of such mercury-added products to demonstrate that it has environmental or health benefits, the parties should select 'yes'" and we propose to modify it as: "If the party has not identified mercury-added products other than known uses, or has conducted a risk and benefit assessment of such mercury-added products to demonstrate environmental or health benefits, the party shall select 'Yes'". Rationale: If a party does not find mercury-added products other than known uses,*

³⁰ Chad, Lao People's Democratic Republic, Luxembourg, Nicaragua, Saint Lucia, and Uruguay

³¹ Luxemburg and Korea (Republic of)

³² Burkina Faso, Chile, Guinea-Bissau, Lesotho, Saint Kitts and Nevis, Sierra Leone and Sri Lanka

³³ Botswana, China (Hong Kong SAR), Iran (Islamic Republic of) and Saint Kitts and Nevis

³⁴ Chile, Samoa, and Sri Lanka

³⁵ Paraguay

³⁶ Costa Rica, Mexico, Samoa, and South Africa

it should also be considered an act and result of “discouraging” commercial production and distribution of mercury-added products other than known uses.”

42. Based on its review of the overall responses by the parties to the five questions related to article 4, the secretariat has the following additional observations:

(a) The secretariat compared the responses to questions 4.1, 4.3, 4.4, and 4.5 to arrive at an overview of how all parties responded to the questions on mercury-added products. The results of the comparison and the secretariat’s observations are as follows:

- (i) There were 16 parties (14%, 16 of 117) who responded “no” to questions 4.1, 4.3, 4.4, and 4.5. The geographic distribution of these parties are as follows: Africa – 9; Asia-Pacific – 3; Eastern European – 0; Latin America and the Caribbean – 2; Western Europe and Other states – 2. Supporting these 16 parties in meeting their obligations may need to be prioritized as they appear to have not been able to take any of the appropriate measures under article 4.
- (ii) There were 10 parties (63%, 10 of 16) out of the 16 parties who have undertaken their MIAs but have not submitted these to the secretariat. It would be useful to understand the legal and institutional analysis in their assessments as the measures under article 4, paragraph 1 can include relevant measures under environmental law, hazardous substances management or laws or regulations that touch on medical equipment or devices, cosmetics, electrical and electronic or other products. Additional information from the relevant parties would be useful to understand how the parties are addressing the legal gaps that they may have identified, if any, to be able to implement article 4, paragraph 1.
- (iii) Further, a review of the 16 parties’ explanation either in part E or part C of their reports show that for six parties from the Africa region³⁷ the lack of financial and technical resources posed as impediments in implementing the Convention, one party from the Asia-Pacific³⁸ cited lack of technical capacity as its main challenge, and the other parties did not provide any further explanation on the challenges faced. It is worth noting that one party from the Latin America and the Caribbean³⁹ cited financial resources as a challenge, but the party also reported it is making arrangements to finance projects in order to comply with the Convention. Some parties also mentioned that the challenges were linked to or exacerbated by the COVID-19 pandemic.

III. Article 5: Manufacturing processes in which mercury or mercury compounds are used

43. Article 5 requires parties to take specific measures for certain types of processes in which mercury or mercury compounds are used. In paragraph 2 of article 5, parties are obligated not to allow the use of mercury or mercury compounds, by taking appropriate measures, in manufacturing process listed in part I of annex B after the specified phase-out dates, namely: I: mercury-cell chlor-alkali production (2025) and acetaldehyde production (2018). Parties are also required to restrict the use of mercury, in accordance with specified measures, for the processes listed in part II of annex B, namely: vinyl chloride monomer production, sodium or potassium methylate or ethylate and production of polyurethane using mercury containing catalysts.

44. Article 5, paragraph 5 (a) to (c) requires parties that have one or more manufacturing facilities that use mercury or mercury compounds listed in annex B to:

- (a) take measures to address emissions and releases;
- (b) include in their reports, pursuant to article 21, measures the party has taken; and
- (c) endeavour to identify facilities that use mercury or mercury compounds for processes listed in annex B and submit to the secretariat no later than three years after the date of entry into force of the Convention for the party, information on the number and types of such facilities, and the estimated annual amount of mercury or mercury compounds used in such facilities.

³⁷ Chad, Congo, Djibouti, Equatorial Guinea, Niger, and Togo

³⁸ Tuvalu

³⁹ Bolivia

45. Parties are also required not to allow the use of mercury or mercury-compounds in a facility using manufacturing processes listed in annex B that did not exist prior to the date of entry into force of the Convention for the party under article 5, paragraph 6. Parties are also to discourage the development of any facility using any other manufacturing process in which mercury or mercury compounds are intentionally used that did not exist prior to the date of entry into force of the Convention, except for specific conditions specified in paragraph 7 of article 5.

46. Parties are to reply to five questions related to article 5: question 5.1 on whether there are facilities that use the annex B, part I processes in the party's territory and if there are, what measures are taken and submit other related information; question 5.2 on the existence of measures not to allow the use of mercury or mercury compounds in processes listed in part I of annex B after the respective phase out dates; question 5.3 on whether measures are in place to restrict the use of mercury or mercury compounds in processes listed in part II of annex B; question 5.4 on whether mercury or mercury compounds are used in a facility using the manufacturing processes listed in annex B that did not exist prior to the date of entry into force of the Convention for the party; and question 5.5 on whether there is a facility that has been developed using any other manufacturing process in which mercury or mercury compounds are intentionally used that did not exist prior to the date of entry into force of the Convention.

47. Question 5.1 on whether there are annex B listed facilities within the territory of the party that use mercury or mercury compounds

Question 5.1: Are there facilities within the territory of the party that use mercury or mercury compounds for the processes listed in annex B to the Minamata Convention in accordance with paragraph 5 of article 5 of the Convention? (para. 5)

- ☐ Yes
- ☐ No
- ☐ Do not know (*please explain*)

If **yes**, please provide information on measures taken to address emissions and releases of mercury or mercury compounds from such facilities.

If available, please provide information on the number and type of facilities and the estimated annual amount of mercury or mercury compounds used in those facilities.

Please provide information on how much mercury (in metric tons) is used in the processes listed in the two first entries of part II of annex B in the last year of the reporting period.

48. In terms of parties' responses to question 5.1:

(a) 17 parties (14% 17 of 117) responded "yes", i.e., that there are facilities within the territory of the party that use mercury or mercury compounds for the processes listed in annex B to the Minamata Convention in accordance with paragraph 5 of article 5 of the Convention.

(b) 93 parties (79%, 93 of 117) responded "no", i.e., that there are no facilities within the territory of the party that use mercury or mercury compounds for the processes listed in annex B to the Minamata Convention in accordance with paragraph 5 of article 5 of the Convention.

(c) Eight parties (7%, 8 of 117) responded "do not know" on whether there are facilities within the territory of the party that use mercury or mercury compounds for the processes listed in annex B to the Minamata Convention in accordance with paragraph 5 of article 5 of the Convention.

49. The secretariat has some observations on the responses to question 5.1 as follows:

(a) Table 2 below lists the number of facilities, amounts of mercury used, and status of the facilities having processes subject to article 5, paragraph 3 as reported by the respective parties. The table does not include two parties that responded with processes not listed in annex B, nor one party that did not specify the applicable process they are reporting on. Acetaldehyde production in which mercury or mercury compounds are used as a catalyst and was due for phase-out by 2018 is not included either as no party reported to have such facility in their territory.

Table 2

List of the number, amount of mercury reported and status of operation of facilities

<i>Party</i>	<i>Number of facility</i>	<i>Amount of mercury reported</i>	<i>Status of facility</i>
Process: Chlor-alkali (mercury-cell)			
Argentina	1 facility	10 tons/year	Operational
Brazil	4 facilities	17 tons/year	Operational
Finland	1 facility	No mercury used	Shut down in 2017
Hungary	1 facility	No mercury used	Shut down in 2018
Indonesia	1 facility	No mercury used.	Operational – no mercury added to closed loop system.
Iran	1 facility	7000 kg of mercury annually	Operational – 1 facility Shut down – 2 facilities*
Mexico	2 facilities in 2015	9,093 kg of mercury annually	Shut down - 1 facility in 2016*
Peru	2 facilities: 1 facility (Oquendo Plant) and 1 facility (Paramonga Plant)	- Oquendo Plant / 1,449 kg/year 2019 - Paramonga Plant / 1,242 kg/year 2019	Operational
United States	2 facilities	700 pounds (300 kg) per year approximately	Converted - 1 facility to mercury-free operation Feb. 2020 1 facility operating using mercury
Uruguay	1 facility	350 kg/year	Operational
Total	16 facilities	Approx. 46 tonnes / year	2 facilities shut down and 1 conversion to mercury-free (during reporting period)
Process: Vinyl chloride monomer			
China	No number of facilities reported	670-790 tonnes per year	Operational
India	1 facility	3.740 tonnes per year	Operational
Process: Sodium or potassium methylate or ethylate			
European Union	Referred to member state report for details		
Germany		Did not report amount of Hg citing confidentiality	Confirmed existence of facility
Process: Polyurethane			
Canada	< 5 facilities	22.3 kg from all facilities in 2019 (no data for 2017, 2018 and 2020)	Operational – 1 facility phased out mercury use in 2017.
Uganda	Reported on measure, but not able to provide information on number of facilities	approx. 197.64 kg annually	No data

* data reported outside of the reporting period 16 Aug. 2017 to 31 December 2020.

(b) The majority of the parties who responded “yes” provided clear descriptions of the measures taken to address emissions and releases of mercury and mercury compounds from the facilities. One party provided facility specific descriptions of how emissions and releases are managed. Several of the parties pointed to national regulations, one party answered that it created an inventory of emissions and releases, while another indicated monitoring of emissions and releases as their preferred measure. Four parties cited the closure of the facilities.

(c) Of the eight parties that responded, “do not know”, three parties were not able to endeavour to identify if there were facilities in their territory that used mercury or mercury

compounds. Regarding the remaining five parties, three of the parties⁴⁰ had until 2022, while two parties⁴¹ have until 2023 to fulfil their obligation.

(d) There were two parties who cited confidentiality of information or sensitive trade information as a reason for not reporting the actual amount of mercury used in the processes in their report. One of the two parties, however, provided publicly available data on the average amount of mercury used in its report, while the other party did not provide any information. Under article 5 (c), parties are to submit to the secretariat information on the number and types of such facilities and the estimated annual amount of mercury or mercury compounds used in those facilities.

50. Question 5.2 on measures taken in place to not allow the use of mercury or mercury compounds in manufacturing processes listed in part I of annex B after the phaseout date.

Question 5.2: Are measures in place to not allow the use of mercury or mercury compounds in manufacturing processes listed in part I of annex B after the phaseout date specified in that annex for the individual process? (para. 2)

Chlor-alkali production:

- ☐ Yes
- ☐ No
- ☐ Not applicable (*do not have those facilities*)

If **yes**, please provide information on these measures.

Acetaldehyde production in which mercury or mercury compounds are used as a catalyst:

- ☐ Yes
- ☐ No
- ☐ Not applicable (*do not have those facilities*)

If **yes**, please provide information on these measures.

If **no** to either of the questions above, has the party registered for an exemption pursuant to article 6?

- ☐ Yes
- ☐ No

If **yes**, for which process(es)? (*please list*)

51. In terms of parties' responses to question 5.2:

(a) Chlor-alkali production

- (i) 24 parties (20%, 24 of 117) responded "yes", i.e., that there are measures in place to not allow the use of mercury or mercury compounds in mercury-cell chlor-alkali production.
- (ii) 17 parties (15%, 17 of 117) responded "no", i.e., that there are no measures in place to not allow the use of mercury or mercury compounds in mercury-cell chlor-alkali production.
- (iii) 77 parties (66%, 77 of 117) responded, "not applicable (do not have those facilities)".

(b) Acetaldehyde production

- (i) 14 parties (12%, 14 of 117) responded "yes", i.e., that there are measures in place to not allow the use of mercury or mercury compounds in acetaldehyde production.
- (ii) 14 parties (12%, 14 of 117) responded "no", i.e., that there are no measures in place to not allow the use of mercury or mercury compounds in acetaldehyde production.

⁴⁰ Congo, Guinea-Bissau, and Saudi Arabia.

⁴¹ Albania and Bahamas

- (iii) 90 parties (76%, 90 of 117) responded, “not applicable (do not have those facilities)”.

(c) 12 parties responded “no”, that there are no measures in place, to both questions above of which two parties⁴² responded that they have registered for an exemption. One party⁴³ reported in error that it had not registered for an exemption under article 6. All three parties registered an exemption for chlor-alkali facilities, and only one of the three also registered an exemption for acetaldehyde production.⁴⁴

52. The secretariat has some observations on the responses to question 5.2 as follows:

(a) *On chlor-alkali production:* There is a strong effort by parties to not allow the use of mercury and mercury compounds in manufacturing processes listed in part I of annex B. Comparing the responses between question 5.1 on whether there are facilities within the territory of the party that use mercury or mercury compounds for the processes listed in annex B, and with question 5.2, all ten parties that reported to have chlor-alkali facilities (*see* table 2) responded to question 5.2. Six of the ten parties responded “yes” to question 5.2, confirming measures are in place, while four parties⁴⁵ responded “no”. Three of the parties⁴⁶ who responded “no” to question 5.2, however, have registered exemptions with the secretariat in accordance with article 6. The remaining party that responded “no” explained in its report of the deactivation of the mercury cells by 2025 in the facility and notes the resulting mercury residues from the deactivation of the facility that will be generated after 2025. Several parties responding “yes” to the question do not have chlor-alkali facilities in their territories but described regulations that prohibit such facilities.

(b) *On acetaldehyde production:* There are no parties reporting having acetaldehyde manufacturing processes that use mercury or mercury compounds in their territories. Despite this, 13 parties confirmed to have measures in place taking a pro-active stance in preventing the establishment of such facilities in the future, and eight parties have reported to have no measures in place.

53. Question 5.3 on measures put in place to restrict the use of mercury or mercury compounds in the processes listed in part II of annex B.

⁴² Ghana and Iran

⁴³ Argentina

⁴⁴ Ghana

⁴⁵ Argentina, Brazil, Iran, and the United States

⁴⁶ Argentina, Iran, and the United States

Question 5.3: Are measures in place to restrict the use of mercury or mercury compounds in the processes listed in part II of annex B in accordance with the provisions set out therein? (para. 3)

Vinyl chloride monomer production:

- ☐ Yes
- ☐ No
- ☐ Not applicable (*do not have these facilities*)

If **yes**, please provide information on these measures.

Sodium or potassium methylate or ethylate:

- ☐ Yes
- ☐ No
- ☐ Not applicable (*do not have these facilities*)

If **yes**, please provide information on these measures.

Production of polyurethane using mercury-containing catalysts:

- ☐ Yes
- ☐ No
- ☐ Not applicable (*do not have these facilities*)

If **yes**, please provide information on these measures.

54. In terms of parties' responses to question 5.3:

(a) Vinyl chloride monomer production:

- (i) 14 parties (12%, 14 of 117) responded "yes", i.e., that there are measures in place to restrict the use of mercury or mercury compounds in vinyl chloride monomer production.
- (ii) 13 parties (11%, 13 of 117) responded "no", i.e., that there are no measures in place to restrict the use of mercury or mercury compounds in vinyl chloride monomer production.
- (iii) 91 parties (78%, 91 of 117) responded, "not applicable (do not have those facilities)".

(b) Sodium or potassium methylate or ethylate:

- (i) 11 parties (9%, 11 of 117) responded "yes", i.e., that there are measures in place to restrict the use of mercury or mercury compounds in sodium or potassium methylate or ethylate production.
- (ii) 14 parties (12%, 14 of 117) responded "no", i.e., that there are no measures in place to restrict the use of mercury or mercury compounds in sodium or potassium methylate or ethylate production.
- (iii) 93 parties (79%, 93 of 117) responded, "not applicable (do not have those facilities)".

(c) Production of polyurethane using mercury containing catalysts:

- (i) 13 parties (11%, 13 of 117) responded "yes", i.e., that there are measures in place to restrict the use of mercury or mercury compounds in the production of polyurethane using mercury containing catalysts.
- (ii) 11 parties (9%, 11 of 117) responded "no", i.e., that there are no measures in place to restrict the use of mercury or mercury compounds in production of polyurethane using mercury containing catalysts.
- (iii) 94 parties (80%, 94 of 117) responded, "not applicable (do not have those facilities)".

55. The secretariat has some observations on the responses to questions 5.3 as follows:

(a) The secretariat notes the strong effort by parties to implement the article 5 requirements with respect to the following annex B, part II production processes:

- (i) *On vinyl-chloride monomer production:* Two parties⁴⁷ that reported to have vinyl-chloride monomer production facilities using mercury or mercury compounds in question 5.1, also responded “yes” to question 5.3 and reported that they had taken measures to restrict the use of mercury in their vinyl-chloride monomer facilities. Both parties reported that the use of mercury in the process had been reduced by 50% compared to 2010. 11 parties who do not have vinyl-chloride monomer production facilities also responded “yes” to question 5.3, i.e., that they had taken measures.
- (ii) *On sodium or potassium methylate or ethylate production facilities:* Two parties⁴⁸ reported to have facilities using mercury or mercury compounds in question 5.1, also responded in question 5.3 that they had taken measures and reported on regulatory measures taken to comply with the requirements set out in part II or annex B to the Convention. Nine parties who do not have sodium or potassium methylate or ethylate production facilities (“no” response to question 5.1) responded “yes” to question 5.3, i.e., that they had taken measures even though relevant facilities do not exist in their territories.
- (iii) *On polyurethane facilities using mercury containing catalysts:*⁴⁹ One⁵⁰ of the two parties who responded to have such facilities in question 5.1 reported to have taken measures under question 5.3. It responded that it has fewer than 5 polyurethane facilities using mercury as a catalyst and reported that it had taken measures as those listed in part II of annex B. The party also reported that it will be prohibiting the process by 2028 and confirmed that one facility has already phased out mercury use. The other party⁵¹ that responded to have facilities in question 5.1 responded that those facilities had not been mapped and the information on the use of mercury was from the MIA report. One party,⁵² while it had no known facilities engaged in the primary production of polyurethane using mercury containing catalysts reported that there might be potential sources of mercury or mercury compounds used in the secondary production of polyurethane foams. Eleven parties reported that they had taken measures even though relevant facilities do not exist in their territories.

56. Question 5.4 on the use of any mercury or mercury compounds in a facility using the manufacturing processes listed in annex B that did not exist prior to the date of entry into force of the Convention for the party

Question 5.4: Is there any use of mercury or mercury compounds in a facility using the manufacturing processes listed in annex B that did not exist prior to the date of entry into force of the Convention for the party? (para. 6)

☐ Yes

☐ No

If yes, please explain the circumstances.

⁴⁷ China and India

⁴⁸ European Union and Germany. Germany produces sodium or potassium methylate or ethylate using mercury as an electrode. Germany reported that it is implementing European regulation (EU) 2017/852 on mercury, which includes several measures to address emissions and releases of mercury or mercury compounds from such facilities.

⁴⁹ The Conference of the Parties at its fourth meeting clarified that the use of mercury use as a catalyst in any polyurethane production is considered a manufacturing process and hence covered under in article 5 and annex B, even if it is the “production” of polyurethane foams in polyurethane application. This means that the Convention looks at the process factory settings, also in construction sites and other applications that produces foams in polyurethane application. This technicality is not yet reported on by most parties in the current reporting period. Efforts to inform and further share this clarification is needed for it to be reflected in the next full national report cycle. The secretariat notes that one party (Ghana) reported on this technicality in their current report.

⁵⁰ Canada

⁵¹ Uganda

⁵² Ghana

57. In terms of parties' responses to question 5.4:

(a) One party (0.9%, 1 of 117) responded "yes", i.e., that there are uses of mercury or mercury compounds in a facility using the manufacturing processes listed in annex B that did not exist prior to the date of entry into force of the Convention for the party.

(b) 116 parties (99%, 116 of 117) responded "no", i.e., that there are no uses of mercury or mercury compounds in a facility using the manufacturing processes listed in annex B that did not exist prior to the date of entry into force of the Convention for the party.

58. The secretariat has some observations on the responses to questions 5.4 as follows:

(a) Parties are to not allow new facilities using mercury listed in annex B, and it is welcome that no such cases are reported. With only few manufacturing processes present in a small number of parties, reporting on existing and new facilities appears to be consistent in the reports.

(b) The one party who responded "yes" explained that as a relatively new party it did not have enough information "since some industries could or can use this mercury to manufacture other products, not knowing its degree of contamination to the environment".

59. Question 5.5 on whether a facility was developed using any other manufacturing process in which mercury or mercury compounds are intentionally used that did not exist prior to the date of entry into force of the Convention.

Question 5.5: Is there any facility that has been developed using any other manufacturing process in which mercury or mercury compounds are intentionally used that did not exist prior to the date of entry into force of the Convention? (para. 7)

☐ Yes

☐ No

If yes, please provide information on how the party tried to discourage this development or that the party has demonstrated the environmental and health benefits to the Conference of the Parties and that there are no technically and economically feasible mercury-free alternatives available providing such benefits.

60. In terms of parties' responses to question 5.5:

(a) One party (0.9%, 1 of 117) responded "yes", i.e., the party identified a packaging factory that was using metallic mercury as a transmitter of electric charge in the sheaves of welding equipment.

(b) 116 parties (99%, 116 of 117) responded "no", i.e., there were no facilities identified.

61. The secretariat has an observation to the responses on question 5.5 as follows:

(a) More information on the process reported on will be useful in determining whether this process needs to be considered for the purpose of the Convention.

62. Based on its review of the overall responses by the parties to the five questions related to article 5, the secretariat has the following additional observations:

(a) The reported closures of two mercury-cell chlor-alkali facilities, the conversion of one chlor-alkali facility to a mercury-free facility, and the phase-out of mercury use in one polyurethane facility are major achievements for the Convention during the reporting period. Parties are also beginning to report on actions taken in preparation for the closure of other chlor-alkali facilities by the 2025 deadline.

(b) Parties did not report on specific efforts to develop and/or identify alternatives and phase out mercury-use in accordance with article 21.

IV. Article 7: Artisanal and small-scale gold mining

63. Article 7 addresses artisanal and small-scale gold mining and processing that uses mercury or mercury compounds (ASGM). Artisanal and small-scale gold mining is defined under article 2 (a) of the Convention as gold mining conducted by individual miners or small enterprises with limited capital investment and production. Article 7, paragraph 2 requires parties that have ASGM using mercury or mercury compounds in their territories to take measures to reduce, and where feasible, eliminate the use of mercury in and the eliminate emissions and releases to the environment of mercury, in such mining.

64. At any time that a party determines that ASGM in its territory is more than insignificant, the party is required under article 3, paragraph 3 to undertake four distinct steps:

(a) Notify the secretariat that it has determined that ASGM is more than insignificant in its territory. The party needs to send this notification to the Executive Secretary of the Minamata Convention.

(b) Develop and implement a national action plan in accordance with annex C of the Convention. The Conference of the Parties through decision MC-1/3 adopted the guidance on developing a NAP to reduce and, where feasible, eliminate mercury use in artisanal and small-scale gold mining.

(c) Submit the national action plan to the secretariat no later than three years after the Convention entered into force for it or three years after the notification to the secretariat, whichever is later.

(d) Provide a review every three years of the progress made in meeting its obligation and include such review in its national reports pursuant to article 21.

65. Parties are to report on four main questions and one supplemental question: question 7.1, on whether a party has taken steps to reduce, and where feasible, eliminate mercury and mercury compounds in, and the emissions and releases from artisanal and small-scale gold mining and processing; question 7.2, on whether the party has determined and notified the secretariat that ASGM in its territory is more than insignificant; question 7.3, on whether the party has developed and implemented a national action plan and submitted it to the secretariat; question 7.4, on whether the party has submitted the most recent review of its national action plan; and a supplemental question 7.5, on whether a party has cooperated with other countries or relevant intergovernmental organization or other entities to achieve the objectives of article 7.

66. Question 7.1 on steps taken to reduce and, where feasible, eliminate the use of mercury and mercury compounds in, and the emissions and releases to the environment of mercury from, artisanal and small-scale gold mining and processing within the party's territory.

Question 7.1: Have steps been taken to reduce and, where feasible, eliminate the use of mercury and mercury compounds in, and the emissions and releases to the environment of mercury from, artisanal and small-scale gold mining and processing subject to article 7 within your territory? (para. 2)

☐ Yes

☐ No

☐ There is no artisanal and small-scale gold mining and processing subject to article 7 in which mercury amalgamation is used in the territory.

If yes, please provide information on the steps.

67. In terms of parties' response to question 7.1:

(a) 42 parties (36%, 42 of 117) responded "yes", i.e., that steps have been taken to reduce and, where feasible, eliminate the use of mercury and mercury compounds in, and the emissions and releases to the environment of mercury from, artisanal and small-scale gold mining and processing subject to article 7 within their territory. All 42 parties provided information on the steps taken.

(b) Ten parties (8%, 10 of 117) responded "no", i.e., that steps have not been taken to reduce and, where feasible, eliminate the use of mercury and mercury compounds in, and the emissions and releases to the environment of mercury from, artisanal and small-scale gold mining and processing subject to article 7 within their territory.

(c) 66 parties (56%, 66 of 117) responded, "there is no artisanal and small-scale gold mining and processing subject to article 7 in which mercury amalgamation is used in the territory."

68. The secretariat has some observations on the responses to question 7.1, as follows:

(a) The 42 parties who responded "yes", reported on various measures which can be broadly categorized as follows:

(i) Legislation phasing out or prohibiting mercury use in ASGM

(ii) Legislation prohibiting or regulating ASGM

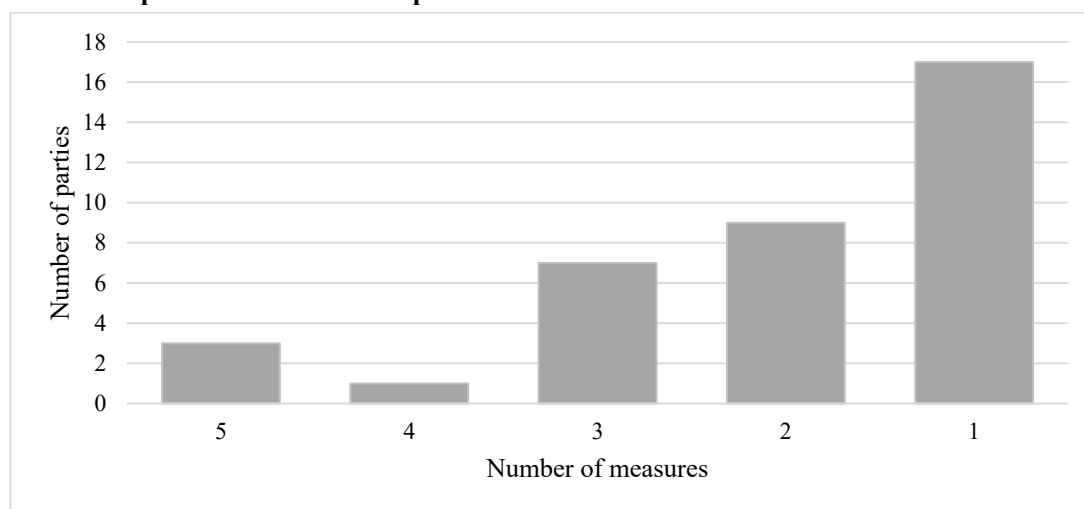
(iii) Other national policies, strategies, or action plans

- (iv) Minamata initial assessment development
- (v) National action plan development or implementation
- (vi) Development of institutional capacity
- (vii) Formalization of the ASGM sector
- (viii) Enforcement of legislation to combat illegal mining
- (ix) Promotion of mercury free alternatives
- (x) Awareness raising and education among miners
- (xi) Improvements to the supply chain of gold
- (xii) International cooperation
- (xiii) Development of alternative livelihoods
- (xiv) Other studies and assessments of ASGM sites

(b) Among the different measures, the most common measure reported, by 19 parties, is developing national legislation phasing out or prohibiting mercury use in ASGM. The second most reported measure was the development and/or implementation of national action plans (NAP) to reduce or eliminate mercury use in ASGM with 13 parties reporting, followed by the promotion of mercury free alternatives, including capacity building, knowledge sharing, extension services for miners with eight parties, and efforts to formalize the ASGM sector with seven parties. The other measures ranked low with only one or two parties reporting the measure. While many parties reported on prohibiting mercury use, figure 1 below shows that parties are reporting other steps taken including measures such as the promotion of mercury-free alternatives and capacity-building and formalization.⁵³

Figure 1

Number of parties and measures reported



(c) Majority of the parties did not provide information on the progress of the measures they have taken.⁵⁴ The lack of information on progress, for some parties may be due to factors such as: implementation just started or that it is still underway; uncertainty on how to review their NAPs (please see question 7.4 discussion on NAP review); and the reporting format does not provide an immediate prompt to describe progress of the measure.

(d) Of the 10 parties that responded “no”, three provided an explanation that work was still in progress. The other seven parties did not provide an explanation why they responded “no”.

⁵³ The secretariat notes that figure 1 shows many parties choosing only one measure, as some parties cited their national action plan without enumerating the steps taken or unpacking the relevant portion of the plan that responds to question 7.1, the secretariat only counted their response as one measure for the purpose of this report.

⁵⁴ Some parties explained that even though a measure was put in place in their territory, mercury use was still continuing due to lack of resources to enforce the measure.

69. Question 7.2 regarding a party's determination and subsequent notification to the secretariat that artisanal and small-scale gold mining and processing within its territory is more than insignificant.

Question 7.2: Has the party determined and notified the secretariat that artisanal and small-scale gold mining and processing within its territory is more than insignificant?

☐ Yes

☐ No

If **no**, please proceed to article 8 on emissions.

70. In terms of parties' responses to question 7.2:

(a) 39 parties (33%, 39 of 117) responded "yes", i.e., that a determination has been made and the secretariat notified that artisanal and small-scale gold mining and processing within its territory is more than insignificant.

(b) 78 parties (67%, 78 of 117) responded "no", i.e., that a party has not determined and notified the secretariat that artisanal and small-scale gold mining and processing within its territory is more than insignificant.

71. The secretariat reviewed its records of notifications received (and posted) against the ones reported by parties in its national report ("yes" to question 7.2) and those parties who submitted their notifications to the secretariat under paragraph 3 of article 7. Among the 39 parties who answered "yes" to question 7.2, 33 parties had notified the secretariat as required. Six parties have responded in their national reports that they have determined ASGM to be more than insignificant in their territory but have not notified the secretariat. These appear to the secretariat to be reporting errors. One party responded "no" to question 7.2 but had, in fact, submitted a notification to the secretariat. This also appears to be a reporting error.

72. Question 7.3 on the development and implementation of a national action plan and its submission to the secretariat.

Question 7.3: Has the party developed and implemented a national action plan and submitted it to the secretariat? (para. 3 (a), para. 3 (b))

☐ Yes

☐ No

☐ In progress

73. In terms of parties' responses to question 7.3:

(a) 12 parties (10%, 12 of 117) responded "yes", i.e., that a NAP has been developed and implemented and submitted to the secretariat.

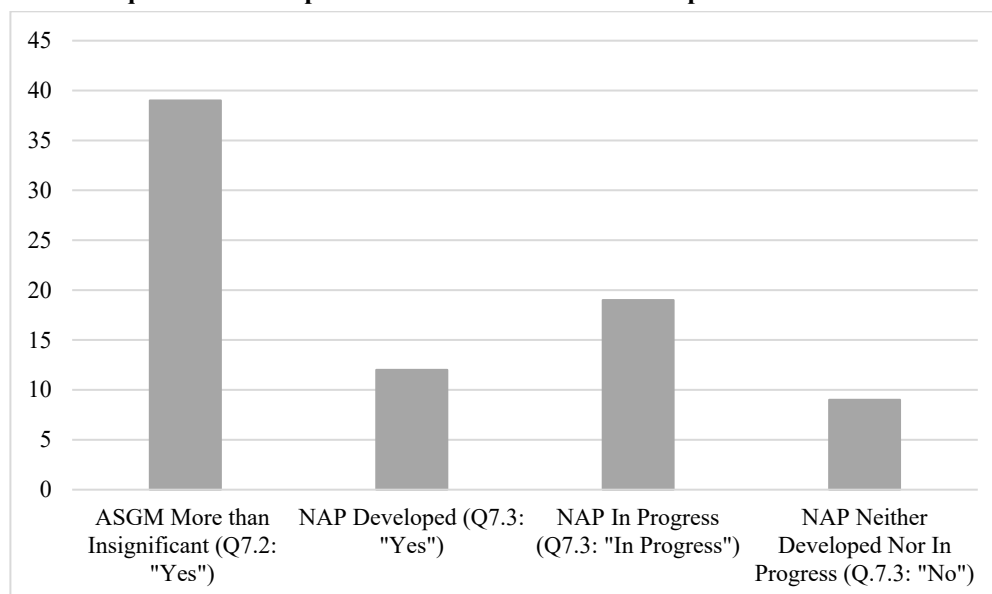
(b) Ten parties (9%, 10 of 117) responded "no", i.e., that a NAP has not been developed, implemented nor submitted to the secretariat. Some of these parties could have responded "in progress" based on initiation of a NAP project within the reporting period. Others appear to be reporting errors.

(c) 19 parties (16%, 19 of 117) responded, "in progress", i.e., that a NAP is being developed. Eight of these parties have since submitted their NAPs to the secretariat.⁵⁵

(d) Figure 2 below shows an overview of the status, within the reporting period, as reported by parties in developing and implementing their NAPs (see document UNEP/MC/COP.5/6 for information on more recent developments with respect to NAPs).

⁵⁵As of 5 July 2023, 24 parties have submitted their national action plans to the secretariat. For more information see document UNEP/MC/COP.5/6.

Figure 2

Parties required to develop NAP and their NAP status as reported

(e) On 9 December 2022, the Executive Secretary sent a letter to all parties reminding them of the procedures established under article 7 and the obligation to notify the secretariat should a party determine that artisanal and small-scale gold mining and processing in its territory is more than insignificant. The letter is posted on the [Convention's website](#). On 15 December 2022 the Executive Secretary also sent letters to individual parties who have missed the deadlines to submit their NAPs pursuant to article 7. The secretariat received the following responses: one party informed the secretariat that ASGM in their territory is insignificant and that their maximum effort is directed towards the illicit traffic, prohibition of the import and re-export of mercury for non-permitted uses and training port inspectors. At the moment, an operational plan of action on artisanal mining is under discussion with various actors. The plan was to be submitted to the secretariat in January 2023. Another party informed the secretariat that the NAP is in the finalization and approval stage. Two of the parties whose submissions were late within the reporting period subsequently submitted their NAPs. Another of these parties requested a meeting with the secretariat in which they described the advanced stage of their NAP which, although it had not been officially submitted, is already being implemented.

74. Question 7.4 on the review of a party's NAP.

Question 7.4: Attach your most recent review that must be completed under paragraph 3 (c) of article 7, unless it is not yet due.

75. In terms of responses to question 7.4:

(a) Four parties (3%, 4 of 117) shared a link to their NAPs in their response. The submitted documents are not the review documents required under question 7.4, which refers to the article 7, paragraph 3(c) requirement for parties to provide a review of the progress made in meeting their obligations under article 7 every three years after the plan has been submitted to the secretariat. The reviews of the submitted NAPs were not yet due during the reporting period.

76. Question 7.5 (supplemental) whether parties cooperated with other countries or relevant intergovernmental organizations or other entities.

Question 7.5: Supplemental: Has the party cooperated with other countries or relevant intergovernmental organizations or other entities to achieve the objective of this article? (para. 4)

☐ Yes

☐ No

If yes, please provide information.

77. In terms of responses to question 7.5:

(a) 23 parties (20%, 23 of 117) responded “yes”, i.e., that party has cooperated with other countries or relevant intergovernmental organizations or other entities to achieve the objective of this article.

(b) 18 parties (15%, 18 of 117) responded “no”, i.e., that party has not cooperated with other countries or relevant intergovernmental organizations or other entities to achieve the objective of this article.

78. The secretariat has some observations on the responses to question 7.5, as follows:

(a) The 23 parties that responded “yes” to question 7.5 are also parties who have determined that ASGM is more than insignificant in their territory. Thus, from the group of countries that have more than insignificant ASGM, 61% (23 of 38) have reported to be cooperating with other countries and relevant entities.

(b) The responses given by the parties cover a variety of cooperation projects with other countries, donor countries, and relevant intergovernmental organizations.

79. Based on its review of the overall responses by the parties to five questions related to article 7, the secretariat has the following additional observations:

(a) Information on the effectiveness of measures taken under paragraph 2 of article 7 is lacking in the reports, which may be due in part to a lack of guidance on how to review the completed and implemented NAPs.

(b) Regarding the submission of NAPs the secretariat notes overall strong performance from parties that have notified the presence of more than insignificant ASGM in their territories, with 12 parties reporting having completed their NAPs, and 19 parties reporting that work on their NAPs is underway.

(c) No review required under question 7.4 was due during the current reporting cycle.

V. Article 8: Emissions

80. The control and, where feasible, reduction of emissions of mercury and mercury compounds to the atmosphere from the point sources enumerated in the list of source categories in annex D is set out in article 8, paragraph 1. These point sources are coal-fired power plants; coal-fired industrial boilers; smelting and roasting processes used in the production of non-ferrous metals; waste incineration facilities; and cement clinker production facilities. Parties with relevant source are required to take measures to control emissions under paragraph 4 of article 8. The Convention distinguishes new sources from existing sources and establishes a set of specific obligations for new (article 8, paragraph 4) and existing sources (article 8, paragraphs 4 and 5) respectively.

81. Parties with relevant sources are also required under article 8, paragraph 7 to establish as soon as practicable, but no later than five years after the date of entry into force of the Convention for the party, and maintain thereafter, an inventory of emissions from relevant sources. Parties may prepare a national action plan that sets out the measures to control emissions and its expected targets, goals, and outcomes. If a party develops such a plan, the plan shall be submitted to the Conference of the Parties within four years of entry in force of the Convention for the party as required under article 8, paragraph 3.

82. Parties are to answer five questions related to article 8: question 8.1 on identifying new annex D source categories and describing the measures taken; question 8.2 on identifying existing annex D sources and describing the measures taken; question 8.3 on whether the party has prepared an inventory of emissions from relevant sources; question 8.4, on whether a party has chosen to establish relevant criteria to identify relevant sources covered within a source category, and question 8.5 on whether a party has chosen to prepare a nation plan.

83. Question 8.1 on the identification of annex D source categories for which there are new sources of emissions.

Question 8.1: Identify any annex D source categories for which there are new sources of emissions of mercury or mercury compounds as defined in paragraph 2 (c) of article 8.

For each of those source categories describe the measures in place, including the effectiveness of such measures, to implement the requirements of paragraph 4 of article 8.

Has the party required the use of best available techniques or best environmental practices (BAT/BEP) to control and where feasible reduce emissions for new sources no later than 5 years after the date of entry into force of the Convention for the party? (para. 4)

- ☐ Yes
- ☐ No (*please explain*)

84. In terms of parties' response to question 8.1:

(a) 56 parties (48%, 56 of 117) identified new annex D source categories; the following is a breakdown of the responses:

- (i) 30 parties (26%, 30 of 117) identified coal-fired power plants;
- (ii) 27 parties (23%, 27 of 117) identified coal-fired industrial boilers;
- (iii) 25 parties (21%, 25 of 117) identified smelting and roasting processes used in the production of non-ferrous metals;
- (iv) 49 parties (42%, 49 of 117) identified waste incineration facilities; and
- (v) 37 parties (32%, 37 of 117) identified cement clinker production facilities.⁵⁶

(b) Of the 56 parties that have identified new annex D source categories, 44 parties (38%, 44 of 117) required the use of best available techniques or best environmental practices (BAT/BEP) ahead of the deadline stipulated in the Convention.

85. The secretariat has some observations to the responses on question 8.1, as follows:

(a) Of the 56 parties that identified new annex D source categories, 24 parties responded that they have not yet required the use of BAT/BEP for new source categories. Parties are to use BAT/BEP to control, and where feasible, reduce emissions as soon as practicable, but no later than 5 years from the entry into force of the Convention. The following shows the deadlines when the 24 parties are to require the use of BAT/BEP noting that none of these deadlines were in force at the time of the reporting in this first full national reporting cycle:⁵⁷

- (i) During 2022 for 15 parties⁵⁸
- (ii) During 2023 for one party⁵⁹
- (iii) During 2024 for four parties⁶⁰
- (iv) During 2025 for four parties⁶¹

(b) Twelve parties did not identify any new sources but reported that they included BAT/BEP in their regulations for new sources.

(c) Several parties reported on measures specifically related to BAT/BEP, such as regulatory requirements to use BAT/BEP⁶², or emission limit values reflecting BAT/BEP⁶³. Other parties reported on regulatory measures referring to specific legislation or standards, without specific details on the use of BAT and BEP⁶⁴.

(d) Paragraph 11 of article 8 and the reporting format requires parties to describe the effectiveness of the measures taken. Only a few parties reported specifically on the effectiveness of measures so far. For example, one party stated that facilities submit information on emissions, but

⁵⁶ Six parties reported identifying new sources, but in their explanation for not requiring BAT/BEP indicated that there are no new sources in their territories. There appears to be an inconsistency in the responses. For the purposes of this report, the responses were counted as is, notwithstanding the inconsistency.

⁵⁷ The deadlines differ for each party as it is dependent on the date on which the party has deposited its instrument of ratification with the Depositary.

⁵⁸ Benin, Bolivia, Brazil, Costa Rica, Guyana, Iran, Lesotho, Mali, Niger, Saint Kitts and Nevis, Senegal, Sierra Leone, Slovenia, Togo, and Zambia

⁵⁹ Nigeria

⁶⁰ Congo, Republic of Korea, Tuvalu, and Vanuatu

⁶¹ Bahamas, Equatorial Guinea, Greece, and Oman

⁶² the European Union

⁶³ Japan and the United States

⁶⁴ China and Iran

mercury monitoring is currently not included. Another party stated that no new facilities exceeded regulatory emission limits. Many parties did not report on the effectiveness of the measures taken.

86. Question 8.2 on annex D source categories for which there are existing sources of emissions of mercury or mercury compounds.

Question 8.2: Identify any annex D source categories for which there are existing sources of emissions of mercury or mercury compounds as defined in paragraph 2 (e) of article 8.

For each of those source categories, select and provide details on the measures implemented under paragraph 5 of article 8 and explain the progress that these applied measures have achieved in reducing emissions over time in your territory:

- ☐ A quantified goal for controlling and, where feasible, reducing emissions from relevant sources;
- ☐ Emission limit values for controlling and, where feasible, reducing emissions from relevant sources;
- ☐ Use of BAT/BEP to control emissions from relevant sources;
- ☐ Multi-pollutant control strategy that would deliver co-benefits for control of mercury emissions;
- ☐ Alternative measures to reduce emissions from relevant sources.

Have the measures for existing sources under paragraph 5 of article 8 been implemented no later than 10 years after the date of entry into force of the Convention for the party?

- ☐ Yes
- ☐ No (*please explain*)

87. In terms of parties' responses to question 8.2:

(a) Table 4 below provides an overview of the responses on the measures implemented for the respective annex D source categories. For brevity, the measures are represented by the following letters in table 4:

- (i) (A) - A quantified goal for controlling and, where feasible, reducing emissions from relevant sources;
- (ii) (B) - Emission limit values for controlling and, where feasible, reducing emissions from relevant sources;
- (iii) (C) - Use of BAT/BEP to control emissions from relevant sources;
- (iv) (D) - Multi-pollutant control strategy that would deliver co-benefits for control of mercury emissions; and
- (v) (E) - Alternative measures to reduce emissions from relevant sources.

Table 4

Comparison of Annex D point source categories and measures implemented by parties for the existing sources

<i>Annex D point source categories</i>	<i>Measures reported by parties</i>				
	(A)	(B)	(C)	(D)	(E)
Coal-fired power plants	15	35	34	17	12
Coal-fired industrial boilers	10	26	21	14	7
Smelting and roasting processes	12	30	28	12	8
Waste	18	48	47	20	15
Cement	16	47	45	17	11

88. The secretariat has some observations on the responses to question 8.2, as follows:

(a) The majority of the parties indicated (B) emission limit values for controlling and, where feasible, reducing emissions from relevant sources and (C) use of BAT/BEP to control emissions from relevant sources of emissions. Table 4 also indicates that many of the parties are implementing more than one measure in accordance with article 8, paragraph 5 of the Convention.

(b) Parties are to implement one or more of the listed measures as soon as practicable, taking into account national circumstances and other conditions, but no more than ten years after the entry into force of the Convention for a party. The earliest deadline to implement article 8, paragraph 5 will be in 2027 for those countries that became parties in 2017, and the latest is 2030 for those that

became parties to the Convention in 2020. The secretariat notes that 68 parties reported to have already implemented measures before the relevant 10-year deadline.

(c) Out of the 68 parties that reported to have implemented measures on existing sources, fifteen parties did not report on specific measures from (A) to (E) mentioned above, 53 parties provided narrative description of the measures taken. Some parties reported on regulatory requirements on emission limit values, use of BAT/BEP applicable to all existing sources. Other parties reported on technologies used in specific plants. Still other parties reported on limited measures only, such as emission sampling. 32 parties provided narrative description on the progress of the measures.

89. Question 8.3 on the preparation of an inventory of emissions from relevant sources.

Question 8.3: Has the party prepared an inventory of emissions from relevant sources within 5 years of entry into force of the Convention for it? (para. 7)

☐ Yes

☐ No

☐ Have not been a party for 5 years

If **yes**, when was the inventory last updated?

Please indicate where this inventory is available.

If no such inventory exists, please explain.

90. In terms of parties' response to question 8.3:

(a) 66 parties (56%, 66 of 117) responded, "yes", i.e., the party has prepared an inventory of emissions from relevant sources within five years of entry into force of the Convention for it.

(b) 17 parties (15%, 17 of 117) responded, "no", i.e., the party has not prepared an inventory of emissions from relevant sources within five years of entry into force of the Convention for it.

(c) 34 parties (29%, 34 of 117) responded, "Have not been party for five years".

91. The secretariat has some observations on the responses to question 8.3, as follows:

(a) From the results reported, there is strong progress in the preparation of inventories from relevant sources. Parties have five years from the entry into force of the Convention for them to fulfil their obligation under article 8, paragraph 7. It is to note that 56% (66 of 117) of parties reported to have prepared an inventory before the following range of applicable due dates:

(i) During 2022 for those becoming parties in 2017

(ii) During 2025 for those becoming parties in 2020

(b) A further indicator of the strong progress is that majority of the 16 parties who responded "no" indicated in their explanation that work is in progress to finish the inventory. And some of those responding "no" also explained that there are no existing facilities in their territory, or that all facilities are operating within the required thresholds not necessitating an inventory.

(c) 59 of the 66 parties that reported that they have developed an inventory also provided information on its availability, including web links or attachments in their respective national reports. Six parties mentioned an MIA report which has not yet been submitted to the secretariat.

92. Question 8.4: on choosing to establish criteria to identify relevant sources covered within a source category.

Question 8.4: Has the party chosen to establish criteria to identify relevant sources covered within a source category? (para. 2 (b))

☐ Yes

☐ No

If **yes**, please explain how the criteria for any category include at least 75 per cent of the emissions from that category and explain how the party took into account guidance adopted by the Conference of the Parties.

93. In terms of parties' response to question 8.4:

(a) 22 parties (19%, 22 of 117) responded, "yes", i.e., that the party has chosen to establish criteria to identify relevant sources covered within a source category. All 22 parties provided an explanation.

(b) 95 parties (81%, 95 of 117) responded, "no", i.e., that the party has chosen not to establish criteria to identify relevant sources covered within a source category.

94. The secretariat has an observation on the responses to question 8.4, as follows:

Of the 22 parties that responded "yes", ten parties provided an explanation on how the criteria for any category included at least 75 per cent of the emissions from that category and also explained how the party took into account guidance adopted by the CONFERENCE OF THE PARTIES. Eleven parties either explained that work was still in progress, or it was not immediately clear from the response if both topics requiring explanation were covered requiring further elaboration. Among the responses, members of a regional economic integration organization cited the organization's industrial emissions directive and one party⁶⁵ reported that its regulation, the air pollution control act covers almost 100% of emissions from annex D sources.

95. Question 8.5 on national plans to control emissions from relevant sources and its expected targets, goals and outcomes.

Question 8.5: Has the party chosen to prepare a national plan setting out the measures to be taken to control emissions from relevant sources and its expected targets, goals and outcomes? (para. 3)

☐ Yes

☐ No

If **yes**, has the party submitted its national plan to the Conference of the Parties under this article no later than 4 years after the date of entry into force of the Convention for the party?

☐ Yes

☐ No (*please explain*)

96. In terms of parties' response to question 8.5:

(a) 30 parties (26%, 30 of 117) responded, "yes", i.e., the party has chosen to prepare a national plan setting out the measures to be taken to control emissions from relevant sources and its expected targets, goals and outcomes. Of the 30 parties that responded "yes", three parties reported to have submitted national plans; and 27 parties have not submitted national plans.

(b) 87 parties (74%, 87 of 117) responded, "no", i.e., the party has not chosen to prepare a national plan setting out the measures to be taken to control emissions from relevant sources and its expected targets, goals and outcomes.

97. The secretariat has some observations on the responses to question 8.5, as follows:

(a) The secretariat can confirm receipt of one party's national plan. For the other 29 parties that have chosen to prepare a plan, the deadline to submit their plan to the Conference of the Parties is four years after the entry into force for the party. The following are the applicable due dates for submission to the Conference of the Parties:

(i) COP-4 – 2021: 18 parties

(ii) COP-5 – 2023: Ten parties

(iii) COP-6 – 2025: One party

(b) One of the 16 parties indicated that it finished its plan but has not been able to officially present the plan to the C. Three parties expected to finish their plans in 2022. Thirteen parties indicated that their plans are still in development but did not provide a timeline on when it will be completed. One party did not provide an explanation. The next opportunity to submit completed plans is at the fifth meeting of the Conference of the Parties on 30 October – 3 November 2023.

⁶⁵ Japan

98. Based on its review of the overall responses by the parties to the five questions related to article 8, the secretariat has the following additional observations:

- (a) There is good progress in the preparation of inventories from relevant sources: 66 parties have reported that inventory was completed before the applicable due dates; and 16 parties reported that work on the inventory is already underway.
- (b) There are 66 parties who reported to have implemented measures to address emissions from relevant source categories before the appropriate 10-year deadlines. Majority of the measures reported are in accordance with article 8, paragraph 5 (a) to (e).
- (c) Very few parties reported on the effectiveness of measures taken, pursuant to paragraph 11 of article 8.

VI. Article 9: Releases

99. Article 9 concerns controlling and, where feasible, reducing releases of mercury and mercury compounds to land and water from the relevant point sources not addressed other provisions of the Convention (article 9, paragraph 1). Parties with relevant sources are required to take measures to control releases, which shall include one or more of the following, as appropriate:

- (a) Release limit values to control and, where feasible, reduce releases from relevant sources;
- (b) The use of best available techniques and best environmental practices to control releases from relevant sources;
- (c) A multi-pollutant control strategy that would deliver co-benefits for control of mercury releases;
- (d) Alternative measures to reduce releases from relevant sources (article 9, paragraph 5).

100. Article 9 also requires parties to:

- (a) Identify no later than three years after the date of entry into force of the Convention for it and on a regular basis thereafter, the relevant point source categories (article 9, paragraph 3); and
- (b) Establish, as soon as practicable and no later than five years after the date of entry into force of the Convention for it, and maintain thereafter, an inventory of releases from relevant sources (article 9, paragraph 6).

101. parties are to answer two questions related to article 9 as follows: question 9.1 on whether there are relevant sources of releases within the party's territory and identify the measures taken; and question 9.2 on whether the party has established an inventory of releases within the time period provided under the Convention.

102. Question 9.1 on relevant sources of releases as defined in paragraph 2 (b) of article 9.

Question 9.1: Are there, within the party's territory, relevant sources of releases as defined in paragraph 2 (b) of article 9? (para. 4)

- ☐ Yes
- ☐ No
- ☐ Do not know (*please explain*)

If **yes**, please indicate the measures taken to address releases from relevant sources and the effectiveness of those measures. (para. 5)

103. In terms of parties' response to question 9.1:

- (a) 38 parties (32%, 38 of 117) responded "yes", i.e., that there are relevant sources of releases as defined in paragraph 2 (b) of article 9 within the party's territory.
- (b) 68 parties (58%, 68 of 117) responded "no", i.e., that there are no relevant sources of releases as defined in paragraph 2 (b) of article 9 within the party's territory.
- (c) 12 parties (10%, 12 of 117) responded, "Do not know", and provided an explanation.

104. The secretariat has an observation on the responses to question 9.1, as follows:

(a) There are 83 parties that became parties to the Convention before 31 December 2017 and for whom the deadline for identifying relevant point source categories is within the scope of the current reporting period.

(b) The three-year deadline for identifying relevant point source categories was due for four out of 12 parties that responded ‘do not know’ within this reporting cycle. Two of the four parties explained the work is underway. Another party explained that it conducted monitoring of mercury in its coastal waters, but due to limited data available on mercury discharges in water in the region the party concluded it did not know enough about the potential sources of mercury in its waters. The remaining party explained that it is awaiting for the implementation of its MIA.

(c) Of the 38 parties that responded “yes” to question 9.1, the secretariat notes that the descriptions of measures varied greatly with some parties providing sufficient detail of the context faced by the party and resulting measures taken, while some parties cited only the name and link of the applicable regulation without further elaborating on the measures. In these cases, it was not possible for the secretariat to find specific regulations in the links provided by some parties, and summarize the measure included in the regulations. Parties are expected to summarize and include the relevant information in their report. In these instances, and where explanations provided were vague, the secretariat assigned the closest measure based on the parties’ description in order to provide an overview of the of the responses, which is as follows:

- (i) 20 parties: Release limit values to control and, where feasible, reduce releases from relevant sources;
- (ii) Seven parties: Use of best available techniques and best environmental practices to control releases from relevant sources;
- (iii) Three parties: Use of a multi-pollutant control strategy that would deliver co-benefits for control of mercury releases; and
- (iv) 11 parties: alternative measures to reduce releases from relevant sources.

(d) Three parties did not report on specific sources nor control measures, and four parties submitted incomplete information.

105. Question 9.2 on establishing an inventory of releases from relevant sources within 5 years of entry into force of the convention for a party.

Question 9.2: Has the party established an inventory of releases from relevant sources within 5 years of entry into force of the convention for it? (para. 6)

- ☐ Yes
- ☐ Relevant sources do not exist in the territory
- ☐ Have not been a party for 5 years
- ☐ No (*please explain*)

If **yes**, when was the inventory last updated?

Please indicate where the information is available.

106. In terms of parties’ response to question 9.2:

(a) 40 parties (34%, 40 of 117) responded “yes”, i.e., that an inventory of releases from relevant sources within five years of entry into force of the Convention for the party has been established. All 40 parties provided links or an attachment on where the inventory can be accessed.

(b) 34 parties (29%, 34 of 117) responded, “relevant sources do not exist in the territory”.

(c) 29 parties (25%, 29 of 117) responded, “have not been a party for five years”.

(d) 14 parties (12%, 14 of 117) responded “no”, i.e., no inventory of releases has been established from relevant sources within five years of entry into force of the convention for it. All the parties responding “no” provided explanations for their answers.

107. The secretariat has some observations on the responses to question 9.2, as follows:

(a) For those that became parties to the Convention before 31 December 2017, the respective deadlines for establishing an inventory of releases from relevant sources is in 2022, which is outside the scope of the current reporting period.

(b) Of the 14 parties that responded “no”, five parties are currently developing their inventories;⁶⁶ three parties appear to have responded in error;⁶⁷ four parties provided unclear explanation that appears to indicate that an inventory may have been established, and one party cited the lack of regulation allowing it to access information from private companies that prevented it from conducting the inventory. The guidance on the methodology for preparing inventories of releases pursuant to paragraph 7 of article 9 of the Convention was adopted through decision MC-4/5 by the Conference of the Parties at its fourth meeting in March 2022.

(c) Of the 40 parties that have responded to have identified relevant sources within their territories, 21 (53%, 21 of 40) have established inventories, and three parties (8%, 3 of 40) are in the process of updating their inventories. It is also worth noting that of the 34 parties that have no relevant sources in their territories, 15 parties (44%, 15 of 34) have existing regulations or mechanisms already in place.

108. Based on its review of the overall responses by the parties to the two questions related to article 9, the secretariat has the following additional observations:

(a) Seven parties provided incomplete information to question 9.1.

(b) Information on the effectiveness of measures taken, required under paragraph 11 of article 9, is incomplete with very few parties reporting on effectiveness.

VII. Article 10: Environmentally sound interim storage of mercury, other than waste mercury

109. Article 10 applies to the interim storage of non-waste mercury and mercury compounds as defined in article 3, which covers: (a) mercury (elemental); (b) mixtures of mercury with other substances, including alloys of mercury, with a mercury concentration of at least 95 per cent by weight; and (c) mercury compounds, namely mercury(I) chloride (known also as calomel), mercury(II) oxide, mercury(II) sulphate, mercury(II) nitrate, cinnabar and mercury sulphide. Under paragraph 2 of article 10, parties shall take measures to ensure that the interim storage of mercury and mercury compounds for a use allowed under the Convention is undertaken in an environmentally sound manner.

110. Parties are to respond to one question:

Question 10.1: Has the party taken measures to ensure that the interim storage of non-waste mercury and mercury compounds intended for a use allowed to a party under the Convention is undertaken in an environmentally sound manner? (para. 2)

- ☐ Yes
- ☐ No
- ☐ Do not know (*please explain*)

If **yes**, please indicate the measures taken to ensure that such interim storage is undertaken in an environmentally sound manner and the effectiveness of those measures.

111. In terms of parties’ responses to question 10.1:

(a) 56 parties (48%, 56 of 117) responded “yes”, i.e., that measures have been taken to ensure that the interim storage of non-waste mercury and mercury compounds intended for a use allowed to a party under the Convention is undertaken in an environmentally sound manner.

(b) 52 parties (44%, 52 of 117) responded “no”, i.e., that measures have not been taken to ensure that the interim storage of non-waste mercury and mercury compounds intended for a use allowed to a party under the Convention is undertaken in an environmentally sound manner.

(c) Nine parties (8%, 9 of 117) responded “do not know” and provided an explanation for their answer.

112. The secretariat has some observations to the responses to question 10.1, as follows:

⁶⁶ Three parties provided a timeline on when the inventory will be completed, and two parties did not provide a timeline for completion.

⁶⁷ Two parties have inventories thus, should have answered “yes”. One party in its explanation that there are no relevant sources and should have checked the appropriate option “Relevant sources do not exist in the country”.

(a) The majority of parties that responded “no” mostly considered question 10.1 inapplicable to them as they explained in their reports that they do not have manufacturing facilities or industries that use mercury or mercury compounds in their territories. Some parties also reported that the non-waste mercury in their territory was of such little quantities that no interim storage facilities were created to cater for such small quantity of non-mercury wastes. The guidelines on the environmentally sound interim storage of mercury other than waste mercury (MC/COP.2/5/Rev.1) explains that the “*Convention does not specify the amount of mercury or mercury compounds that may be stored prior to use. In certain jurisdictions, the same national controls may apply regardless of the quantity of mercury, while in others, different rules and standards may apply depending on the quantity stored.*” It is not clear from the explanations what the various national controls are on the quantity of mercury or mercury compounds for environmentally sound interim storage of non-mercury waste.

(b) One party noted its lack of existing legislation but reported that the operator of the facilities using mercury and mercury compounds have committed to environmentally sound interim storage measures in line with Convention requirements. One party cites the operational challenges of its current law preventing it from conducting a detailed inventory. The other parties provided unclear explanations. There were 25 parties, from among those who responded ‘no’, that indicated financial and technical constraints as hurdle to implementation of this provision. Two parties specifically cited lack of capacity or infrastructure for environmentally sound interim storage.

(c) Most parties that responded “do not know” cited they have lack of information as a reason for their answer, and it appears may not to be aware that the Convention through the Conference of the Parties adopted the guidelines on the environmentally sound interim storage of mercury other than waste during its second meeting.

(d) The majority of the parties that responded “yes”, cited national or established policy frameworks to ensure environmentally sound interim storage. 20 parties reported to have existing measures under hazardous substance regulations, while 18 parties reported to have enacted specialized legal and policy instruments that specifically govern the interim storage of mercury and mercury compounds. Some parties adopted a licensing or permitting system which is only issued when the applicant (intended user or importing entity) satisfies the conditions for safe storage of mercury and mercury compounds. One party reported that it requires an environmental management plan, including hazardous chemical substance storage management plans, before allowing an activity requiring the use of mercury or mercury compounds. Several parties reported to have adopted the Convention’s guidelines for the environmentally sound interim storage of mercury (MC/COP.2/5/Rev.1) within their national guidelines and national legal frameworks. One party also reported that in addition to developing national guidelines, it also enforces and requires reports on traceability measures for operators storing more than 30kg of mercury per fiscal year.

(e) Parties also provided additional information in their responses:

- (i) Four parties reported on the amount of mercury stored;
- (ii) Seven parties described the sites used for their interim storage facilities for mercury and mercury compounds;
- (iii) Eight parties reported on workplace standard procedures and guidelines on safe handling, safe storage, labelling, chemicals management plans, safety data sheets, continuous monitoring and checks, as well as education and training of workers.
- (iv) Three parties reported that employers are by law placed with the obligation to create safe working environments, including ensuring the prioritisation of worker safety through preventing exposure to hazardous substance.
- (v) One party defined the source of its non-waste mercury under storage, indicating that the source was from the deactivation of plant using mercury and mercury compounds.

(f) Some parties reported on additional measures not related to the interim storage of mercury and mercury compounds. One party included measures on the storage and management of mercury-added products such as dental amalgam, one party reports on the existence of management plan for mercury-related products, while others reported on the existence of hazardous waste storage facilities which also cater for mercury waste or stated simply that they ratified the Basel Convention but discussed no further measures.

113. Based on its review of the overall response by the parties to question 10.1, the secretariat has the following additional observation:

(a) There are 52 parties (44%, 52 of 117) who have not taken measures required under article 10. Of the 52 parties, 23 parties have reported in their full national reports (2021) to have: stock and supplies of mercury; processes in their territory that use mercury and mercury compounds; traded in mercury and mercury compounds; and/or have more than insignificant ASGM in their territory.

(b) Since the Convention does not specify the amount of mercury or mercury compounds subject to article 10, this has largely fallen on national or domestic law to define. Explanations in the report are not consistent on what the various national regulations are on the quantity of mercury or mercury compounds that are subject to environmentally sound interim storage of non-mercury waste. Additional information from parties that have imposed national controls that specify quantity limits for interim environmentally sound storage of non-waste mercury would be helpful in understanding the implementation of article 10.

VIII. Article 11: Mercury wastes

114. Article 11 addresses mercury wastes, their management in an environmentally sound manner and transportation across international boundaries. In doing so, the Convention recognizes the relationship on this issue between the Minamata Convention on Mercury and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.

115. Article 11 paragraph 1 of the Convention defines mercury wastes to mean substances or objects consisting, containing, or contaminated with mercury or mercury compounds in a quantity above the relevant thresholds that are disposed of, are intended to be disposed of or are required to be disposed of.

116. In relation to the definition of the term “final disposal” used in question 11.2, it is to be noted that such a definition is not contained in the text of the Convention, but that paragraphs 1 and 3 of article 11 references the technical guidelines developed under the Basel Convention.⁶⁸

117. Paragraph 3 of article 11 of the Convention outlines the measures that parties need to take in addressing mercury wastes, which can be summarized as measures:

(a) To ensure that mercury waste is managed in an environmentally sound manner, taking into account the Basel Convention guidelines and requirements to be developed by the Conference of the Parties to the Minamata Convention;

(b) To ensure that mercury waste can only be recovered, recycled, reclaimed or directly re-used for a use allowed under the Minamata Convention or for environmentally sound disposal;

(c) Not to transport mercury wastes across international boundaries, except for the purpose of environmentally sound disposal in conformity with article 11 and the Basel Convention.

118. Parties are to reply to two questions: question 11.1 on whether measures to implement environmentally sound management of waste mercury and mercury compounds have been implemented and question 11.2 on the presence of final disposal facilities in the party’s territory.

119. Question 11.1 on the implementation of measures for mercury wastes outlined in article 11, paragraph 3.

⁶⁸ In decision MC-4/8, the Conference of the Parties clarified that parties may look for information on how to define “final disposal” and how they might find national facilities using techniques for final disposal in the Basel Convention technical guidelines in national laws or regulations, in national policy and administrative statements, in their Minamata initial assessment, or in an implementation plan developed pursuant to article 20 of the Convention. The Basel Convention technical guidelines, for example, describe physico-chemical treatment using stabilization and solidification processes, to meet the acceptance criteria of disposal facilities. As final disposal operations, the technical guidelines describe the methods for disposal in specifically engineered landfills and disposal in permanent storage (underground facilities) together with measures to be taken to prevent releases and methylation of stabilized compounds, to prevent fire, and to conduct long-term monitoring.

Question 11.1: Have measures outlined in article 11, paragraph 3, been implemented for the party's mercury waste? (para. 3)

☐ Yes

☐ No

If **yes**, please describe the measures implemented pursuant to paragraph 3, and please also describe the effectiveness of those measures.

120. In terms of parties' responses to question 11.1:

(a) 85 parties (73%, 85 of 117) responded "yes", i.e., the measures outlined in article 11, paragraph 3, have been implemented for the party's mercury waste.

(b) 32 parties (27%, 32 of 117) responded "no", i.e., the measures outlined in article 11, paragraph 3, have not been implemented for the party's mercury waste.

(c) Of the 85 parties that responded "yes", 83 (99%, 83 of 84) parties described the measures implemented in their territories.

121. The secretariat has some observations on the responses to question 11.1, as follows:

(a) For the 85 parties who responded "yes" to question 11.1, the majority reported on their measures often relating it to existing national legislation transposing the Basel Convention mandates on managing all types of hazardous waste and other waste into the national policy and regulatory framework. Of the 85 responses that provided details on one or more measures taken, 74 parties⁶⁹ reported on article 11, paragraph 3(a) measure; 37 parties⁷⁰ reported on article 11, paragraph 3 (b) measures; 51 parties⁷¹ reported on article 11, paragraph 3 (c) measure; and six parties only provided general information. The following is a summary of the responses received:

(i) Of the 74 parties that reported on waste management rules and regulations that are in line with the obligations for environmentally sound management under article 11, some parties⁷² reported that in addition to existing waste management measures they also established extended producer responsibility laws which may include retail take-back programs. Several parties⁷³ have indicated that they are implementing the Basel technical guidelines on the environmentally sound management of mercury wastes. One party⁷⁴ also reported carrying awareness raising initiatives on the technical guidelines. One party⁷⁵ reported to have set up universal waste regulations that provide a

⁶⁹ Albania, Antigua and Barbuda, Argentina, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, China (including Hong Kong SAR), Colombia, Croatia, Cuba, Cyprus, Czechia, Denmark, Ecuador, Estonia, European Union, Eswatini, Finland, Germany, Ghana, Greece, Guinea, Guyana, Honduras, Hungary, Iceland, India, Iran (Islamic Republic of), Ireland, Japan, Jordan, Kuwait, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mauritius, Mexico, Monaco, Mongolia, Netherlands (Kingdom of the), Nicaragua, Nigeria, Norway, Paraguay, Peru, Philippines, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saudi Arabia, Seychelles, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Sweden, Switzerland, Thailand, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Viet Nam, and Zambia

⁷⁰ Austria, Belgium, Bulgaria, Canada, China (Hong Kong SAR), Colombia, Croatia, Cuba, Cyprus, Czechia, Denmark, Estonia, European Union, Finland, Germany, Greece, Hungary, Ireland, Japan, Kuwait, Lithuania, Luxembourg, Malta, Mexico, Netherlands (Kingdom of the), Norway, Peru, Romania, Saint Lucia, Slovakia, Slovenia, South Africa, Sweden, Switzerland, Uganda, United Kingdom of Great Britain and Northern Ireland, and United States of America.

⁷¹ Albania, Argentina, Armenia, Austria, Belgium, Botswana, Bulgaria, Canada, China (Macao SAR), Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czechia, Denmark, Estonia, European Union, Finland, Germany, Greece, Guyana, Hungary, India, Ireland, Japan, Jordan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Mongolia, Montenegro, Netherlands (Kingdom of the), Norway, Peru, Philippines, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, Sweden, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America, and Zambia

⁷² Canada and Chile

⁷³ Brazil, Nicaragua and Romania

⁷⁴ Canada

⁷⁵ United States

streamlined framework for collecting and managing specified wastes, including specific mercury-containing equipment and lamps.

- (ii) There were 37 parties who reported on regulations on mercury waste that is recovered, recycled, reclaimed or directly reused for a use allowed to a party under the Convention or for environmentally sound disposal. For one party⁷⁶ mercury recovery has been made obligatory for wastes containing mercury above certain thresholds. Sulfurization and solidification are also required before final disposal at landfills.
- (iii) There were 51 parties who reported on regulations on the transboundary movement of hazardous wastes. Parties that reported under this category generally refer to their Basel Convention obligations. Some parties, particularly those not equipped with mercury waste treatment and disposal technologies, have imposed bans on the importation of mercury waste and other hazardous wastes. For instance, one party,⁷⁷ reported that the entry of hazardous waste is completely prohibited, allowing only waste to be exported for treatment and final disposal outside its territory. One party,⁷⁸ reported that it restricts both the import and export of certain mercury containing waste based on certain threshold limits.

(b) The reporting format does not require parties to provide an explanation if they respond “no”. Thus, for the remaining 32 parties there is no clear indication in the report on the reasons why they responded “no”, other than the general challenges such as lack of financial or technical resources that some parties have noted in part C of their report.

(c) At the request of the Implementation and Compliance Committee at its fourth meeting, the secretariat followed-up with the parties who responded “no” to gather more information about their response. Twelve parties provided additional information as follows: The result of the follow-up revealed that majority made a mistake in answering “no” (42%, 5 of 12); some had a qualified response that were not immediately captured by the options provided under the reporting format (17%, 2 of 12); one party had no mercury waste in its territory (8%, 1 of 12); and for other parties “no” meant the party was unable to implement article 11 (33%, 4 of 12)

122. Question 11.2 on facilities for final disposal of waste consisting of mercury and mercury compounds in the party’s territory.

Question 11.2: *Are there facilities for final disposal of waste consisting of mercury or mercury compounds in the party’s territory?

- ☐ Yes
- ☐ No
- ☐ Do not know (*please explain*)

If **yes**, if the information is available, how much waste consisting of mercury or mercury compounds has been subjected to final disposal under the reporting period? Please specify the method of the final disposal operation/operations.

123. In terms of parties’ responses to question 11.2:

(a) 21 parties (18%, 21 of 117) responded “yes”, i.e., they had facilities for final disposal of waste consisting of mercury or mercury compounds in the party’s territory. Of the 21 parties that responded “yes” that they had facilities for final disposal, only three parties⁷⁹ provided information on amount of waste subject to final disposal and method of final disposal operations. Other parties provided other and general information on mercury waste management.

(b) 92 parties (79%, 92 of 117) responded “no”, i.e., they did not have facilities for final disposal of waste consisting of mercury or mercury compounds in the party’s territory.

(c) Five parties (4%, 5 of 117) responded they “do not know” if they had facilities for final disposal of waste consisting of mercury or mercury compounds in the party’s territory. As to

⁷⁶ Japan

⁷⁷ Argentina

⁷⁸ Armenia

⁷⁹ Canada, Ecuador and Norway

explaining their answers, most parties indicated not to have more information, while one party indicated “since the Convention has not yet specified the final disposal requirements, it is impossible to judge there are corresponding facilities and disposal volumes”.

124. The secretariat has some observation on the responses to question 11.2, as follows:

(a) The term “final disposal” continues to be interpreted in various ways by parties, however, there appears to be an improvement in understanding of the term among the parties during the reporting period. Note that the Conference of the Parties adopted decision MC-4/8 which clarifies for future reporting cycles where parties may look for information on how to define “final disposal” and how they might find national facilities using techniques for final disposal.

(b) Some parties highlighted the challenges they faced in implementing article 11, as follows:

- (i) Lack of knowledge on what constitutes proper mercury waste disposal facility;
- (ii) Lack of inventories including the challenge of identifying the mercury waste;
- (iii) Lack of technical resources and need for capacity-building;
- (iv) Challenge of establishing a waste collection infrastructure to better collect and manage household waste;
- (v) Cost of exporting mercury waste for final disposal to other parties;
- (vi) Lack of financial resources to establish proper waste facilities;
- (vii) Defective project designs which fail to tackle the challenges of mercury at the national level; and
- (viii) Challenge of disaggregating mercury waste volumes from other wastes.

(c) The secretariat notes that one party brought forward the following item related to question 11.2 in section D of its national report: “*Most facilities that perform final disposal operations for mercury waste do not track whether the waste falls into the consisting, containing, or contaminated with categories established under the Convention. Significant efforts to distinguish the categories of mercury wastes were required. Additionally, this question does not appear to have strong links to the treaty obligations in Article 11 or the overall treaty objectives. A better question should be developed that would link more strongly to paragraph 5 of Article 11.*”

IX. Article 12: Contaminated Sites

125. Article 12, paragraph 1 calls on parties to endeavour to develop appropriate strategies for identifying and assessing sites contaminated with mercury or mercury compounds. Parties are also encouraged to cooperate in developing strategies and implementing activities for identifying, assessing, prioritizing, managing and, as appropriate, remediating contaminated sites (article 12, paragraph 2).

126. Parties are to respond to one question:

Question 12.1: Has the party endeavoured to develop strategies for identifying and assessing sites contaminated by mercury or mercury compounds in its territory? (para. 1)

☐ Yes

☐ No

Please elaborate.

127. In terms of parties’ responses to question 12.1:

(a) 73 parties (62%, 73 of 117) responded “yes”, i.e., that they have endeavoured to develop strategies for identifying and assessing sites contaminated by mercury or mercury compounds in its territory.

(b) 44 parties (38%, 44 of 117) responded “no”, i.e., that no endeavour has been taken to develop strategies for identifying and assessing sites contaminated by mercury or mercury compounds in its territory.

128. The secretariat has some observations to the responses to question 12.1, as follows:

(a) Of the 44 parties who responded “no”, a number of parties reported on steps being taken, with 10 parties reported on taking requisite strategies; and one party indicated their intent to transpose into relevant law and strategy, the guidance provided by the Conference of the Parties for the management of mercury-contaminated sites. Several parties also provided additional explanation for their response, which can be summarized as follows:

- (i) Enabling activities are underway hence not enough information is available to warrant the development of strategies of managing existing and potential mercury contaminated sites.
- (ii) No mercury contaminated sites were found. In these cases, parties report to have no facilities using mercury or no evidence regarding waste management activities, stack emissions, fugitive emissions and/or spills and emergency incidents that could lead to mercury contamination of a specific site.
- (iii) Legal framework amendments are underway but not complete.
- (iv) Technical, financial, and technological constraints.

(b) Of the 73 parties who responded “yes”, the reported endeavour and the number of parties that reported taking such endeavour can be summarized as follows:

- (i) Establishing regulatory instruments – 34 parties
- (ii) Identifying, and performing environmental risk assessment of contaminated sites – 35 parties
- (iii) Developing a comprehensive plan of action or national plans and strategies for identifying and assessing contaminated sites – 15 parties
- (iv) Other non-regulatory endeavours, e.g., public engagement efforts through information sharing and workshops, establishing strategic partnerships, enhancing access to standardised information and technical guidelines, e.g., periodic research, soil and groundwater contamination surveys, etc. – 22 parties
- (v) Taking additional steps to managing risks posed by contaminated sites, e.g., remediating contaminated sites (Austria, Finland, Mongolia, Sweden, and Switzerland); managing the health risks associated with the current high mercury concentrations in fish through the provision of specific dietary recommendations on fish consumption by food authorities (Finland); enhancing analytical capacity to conduct assessments (Antigua and Barbuda) – 19 parties
- (vi) Taking general measures – 7 parties

(c) Most of the reported endeavours, including those provided through web links to publicly accessible documents, point towards implementation as a work in progress for most parties. Parties also reported on inter-party collaborations, such as the cooperation between the environmental agencies to facilitate the monitoring and establishment of hotspot mercury-contaminated sites. Another party reported on the regional project under the Specific International Programme, where it expects to establish a mercury analysis laboratory and implement a regional monitoring program that will target, in particular, the cross-border areas that are subject to gold mining.

Annex II to the report

Details of the responses to each of the questions of articles 13, 14, 16, 17, 18 and 19, and part C and part D of the first full national reports received for the first full reporting period (16 August 2017 to 31 December 2020)

Table of contents

Article 13: Financial resources and mechanism	48
Article 14: Capacity-building, technical assistance and technology transfer	50
Article 16: Health aspects.....	52
Article 17: Information exchange.....	54
Article 18: Public information, awareness and education	55
Article 19: Research, development and monitoring	56
Responses to part C and part D of the reporting format	58

I. Article 13: Financial resources and mechanism

1. Article 13, paragraph 1 requires each party to provide, within its capabilities, resources in respect of those national activities that are intended to implement the Convention, in accordance with its national policies, priorities, plans and programmes. The resources mentioned in paragraph 1 may include domestic funding through relevant policies, development strategies and national budgets, and bilateral and multilateral funding, as well as private sector involvement. Article 13, paragraph 5 defines a mechanism for the provision of adequate, predictable, and timely financial resources to support developing country parties and parties with economies in transition in implementing their obligations under the Convention. Article 13, paragraph 6 provides that the mechanism includes: the Global Environmental Facility Trust Fund and the Specific International Programme to support capacity-building and technical assistance.
2. Parties are to answer one main question and may respond to two supplemental questions related to article 13: question 13.1 on whether the party has undertaken to provide resources in respect of those national activities intended to implement the Convention; question 13.2 (supplemental) on whether the party contributed to the mechanism; and question 13.3 (supplemental) on whether a party provided 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 resources or channels.
3. Question 13.1 on providing resources, within a party's capability, in respect of those national activities that are intended to implement the Convention in accordance with its national policies, priorities, plans and programmes.

Question 13.1: Has the party undertaken to provide, within its capabilities, resources in respect of those national activities that are intended to implement the Convention in accordance with its national policies, priorities, plans and programmes? (para. 1)

- ☐ Yes (*please specify*)
- ☐ No (*please specify why not*)

Please provide comments, if any.

4. In terms of parties' response to question 13.1:
 - (a) 91 parties (78%, 91 of 117) 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.
 - (b) 26 parties (22%, 26 of 117) responded "no", i.e., resources have not 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.
5. The secretariat has some observations on the responses to question 13.1, as follows:
 - (a) The secretariat notes the high number of positive responses (78%, 91 of 117) to question 13.1 indicating significant mobilization of resources and action at the national level to implement the Convention during the reporting period. Parties who answered "yes" described the resources provided, which can be loosely categorized as follows: financial, regulatory or legal, technical, technology transfer, capacity-building, information, education, and awareness. The secretariat found it challenging to further categorize the responses from parties as the responses varied greatly in content, length, level of detail, and because most responses detail activities that overlap with the broad categories mentioned.
 - (b) Of the 117 parties, 22% (26 of 117) stated they had not undertaken to provide resources to implement the Convention. Many of the 26 parties who responded "no" noted that they are a developing or a country whose economy is in transition, and/or that they need resources from the financial mechanism. These responses highlight not only an ongoing need for resources from the financial mechanism, but also a need for awareness-raising on how to mainstream and mobilise resources at the national level.
 - (c) Most parties did not provide detailed information on levels of financing, as per instructions under the draft national reporting guidance which suggests that parties "please specify" information on types of resources and, if possible, include amounts. Some parties indicated that they did not have separate budgetary line items for Convention implementation, which would explain

limited amount of info provided on levels of financing. Many parties indicated that it is difficult to provide information across ministries and the private sector. For example, one party indicated inability to provide monetary estimate across many agencies. Given the variation in the responses, the secretariat is unable to identify a representative level of financing mobilized for the implementation of the Convention for the reporting cycle 2017-2021.

6. Question 13.2 (supplemental) on a party's contribution, within its capabilities, to the mechanism referred to in paragraph 5 of article 13.

Question 13.2: Supplemental: Has the party, within its capabilities, contributed to the mechanism referred to in paragraph 5 of article 13? (para. 12)

(Please tick one box only)

☐ Yes (*please specify*)

☐ No (*please specify why not*)

Please provide comments, if any.

7. In terms of parties' response to question 13.2:

(a) 37 parties (32%, 37 of 117) responded "yes", i.e., a contribution has been made to the mechanism referred to in paragraph 5 of article 13.

(b) 80 parties (68%, 80 of 117) responded "no", i.e., no contribution has been made to the mechanism referred to in paragraph 5 of article 13.

8. The secretariat has some observations on the responses to question 13.2, as follows:

(a) Many parties who contributed to the financial mechanism responded positively to question 13.2. Several parties who answered "yes" are not traditional donor countries and cited co-financing and/or in-kind contributions to GEF projects. Some, but not all, of the parties who answered "yes" to this question specified the amounts contributed to the GEF and/or the Specific International Programme (SIP), as suggested in the draft national reporting guidance. The secretariat notes that amounts contributed by individual donor countries to each of these components of the financial mechanism are publicly available.

(b) Most of the 80 parties who responded "no" to question 13.2 are developing country parties or parties with economies in transition. Most such parties are eligible to receive support from the financial mechanism. Since developing countries and countries with economies in transition are not barred from contributing to the GEF and the SIP, the question yields valuable information.

9. Question 13.3 (supplemental) 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: Supplemental: Has the party provided 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? (para. 3)

(Please tick one box only)

☐ Yes (*please specify*)

☐ No (*please specify why not*)

Please provide comments, if any.

10. In terms of parties' response to question 13.3:

(a) 16 parties (14%, 16 of 117) responded "yes", i.e., that financial resources have been provided 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.

(b) 101 parties (86%, 101 of 117) responded "no", i.e., that financial resources have not been provided 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.

11. The secretariat has some comments on the responses to question 13.3, as follows:

(a) In reviewing the “yes” responses, the secretariat was able to broadly categorise the channels through which resources were provided as follows:

- (i) Bilateral or regional projects;
- (ii) Multilateral sources or channels other than the financial mechanism;
- (iii) Cooperation through Basel or Stockholm Convention Regional Centres;
- (iv) Cooperation with other countries as an activity or results of a financial mechanism project; and
- (v) Other, e.g., one country responded “no”, but expressed its intention to contribute to the Special Programme in the future.

(b) Only about half of the respondents that answered “yes” provided quantified financial information as suggested in the draft national reporting guidance. Those that did provide quantified financial information used various time scales and scope of assistance, including work beyond the Minamata Convention. Therefore, the secretariat is not able to report on a total amount of assistance provided for the reporting period.

II. Article 14: Capacity-building, technical assistance and technology transfer

12. Article 14, paragraph 1 states that parties shall cooperate to provide, within their respective capabilities, timely and appropriate capacity building and technical assistance to developing country parties, in particular parties that are least developed countries or small island developing states, and parties with economies in transition, to assist them in implementing their obligations under the Minamata Convention. Paragraph 2 of article 14 describes the channels to which the assistance can be delivered, and paragraph 3 requires developed country parties and other parties, supported by the private sector and other relevant stakeholders as appropriate, to promote and facilitate the development, transfer and diffusion of, and access to, up-to-date environmentally sound alternative technologies to developing country parties.

13. For the full reports, parties are to answer two main questions and may respond to one supplemental question related to article 14: question 14.1 on whether the party has cooperated to provide capacity-building or technical assistance to another party; question 14.2 (supplemental) on whether the party received capacity-building or technical assistance; and question 14.3 on whether a party promoted and facilitated the development, transfer, and diffusion of, and access to, up-to-date environmentally sound alternative technologies.

14. Question 14.1 on the cooperation to provide capacity-building or technical assistance, pursuant to article 14, to another party to the Convention.

Question 14.1: Has the party cooperated to provide capacity-building or technical assistance, pursuant to article 14, to another party to the Convention? (para. 1)

- ☐ Yes (*please specify*)
- ☐ No (*please specify*)

15. In terms of parties’ response to question 14.1:

(a) 29 parties (25%, 29 of 117) 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.

(b) 88 parties (75%, 88 of 117) responded “no”, i.e., that a party has not cooperated with another party to the Convention to provide capacity-building or technical assistance, pursuant to article 14.

16. The secretariat has some observations on the responses to question 14.1, as follows:

(a) The secretariat notes that there is a good distribution of positive responses from both developed and developing country parties to question 14.1. A number of developed-country parties and many developing country parties responded that they have cooperated to provide capacity-

building or technical assistance to other developing country parties. Capacity-building or technical assistance cooperation activities reported can be broadly classified as follows:

- (i) Funding support;
- (ii) Organizing and hosting workshops, training courses or delivering presentations;
- (iii) Project collaboration;
- (iv) Providing specific technical assistance; and
- (v) General support.

(b) Many of the parties who responded “no” do in fact cooperate through the financial mechanism and/or other means. The secretariat notes that some developing country parties responded “yes” to having cooperated on capacity-building or technical assistance efforts notwithstanding their developing country status. Some parties seem to have faced challenges in collecting and reporting of information related to article 14.

17. Question 14.2 (supplemental) on receiving capacity-building or technical assistance pursuant to article 14.

Question 14.2: Supplemental: Has the party received capacity-building or technical assistance pursuant to article 14? (para. 1)

☐ Yes (*please specify*)

☐ No (*please specify*)

Please provide comments, if any.

18. In terms of parties’ response to question 14.2:

(a) 57 parties (49%, 57 of 117) responded “yes”, i.e., the party received capacity-building or technical assistance pursuant to article 14.

(b) 60 parties (51%, 60 of 117) responded “no”, i.e., the party has not received capacity-building or technical assistance pursuant to article 14.

19. The secretariat has some observations on the responses to question 14.2, as follows:

(a) In reviewing the responses received, the following is a broad classification of the capacity-building or technical assistance received by parties:

- (i) Assistance in developing/implementing the MIAs or NAPs;
- (ii) General strengthening of national capacities and legal framework;
- (iii) Technical advice for preparing a SIP submission;
- (iv) GEF project funding;
- (v) Other project funding;
- (vi) Participation in workshops, webinars and technical trainings; and
- (vii) SIP project funding.

20. Comparing the description of capacity-building or technical assistance delivered in question 14.1 and those reported to have been received under questions 14.2, the secretariat notes the differences in reporting. One party reported funding projects in a developing country party on extractives and resource management. The recipient party did not mention the particular project received in its response in question 14.2. In another report, a party reported to have received support from a party under question 14.2, but the party delivering the project did not mention the project. The secretariat notes that questions 14.1 and 14.2 are not meant to be mirror-image information, however, the differences in the information reported highlights challenges in collecting and reporting of information.

21. Question 14.3: on promoting and facilitating the development, transfer and diffusion of, and access to, up-to-date environmentally sound alternative technologies.

Question 14.3: Has the party promoted and facilitated the development, transfer and diffusion of, and access to, up-to-date environmentally sound alternative technologies? (para. 3)

- ☐ Yes (*please specify*)
- ☐ No (*please specify why not*)
- ☐ Other (please provide information)

22. In terms of parties' response to question 14.3:

(a) 44 parties (37%, 44 of 117) 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.

(b) 63 parties (54%, 63 of 117) responded "no", i.e., that a party has not promoted and facilitated the development, transfer and diffusion of, and access to, up-to-date environmentally sound alternative technologies.

(c) Ten parties (9%, 10 of 117) responded "other".

23. The secretariat has some observations on the responses to question 14.3, as follows:

(a) A number of the 44 parties that responded "yes" reported that they used the following channels to support other parties:

- (i) Training and seminars;
- (ii) Project funding;
- (iii) Website and platforms;
- (iv) School programs, communication plans, and awareness-raising; and
- (v) Project implementation.

(b) Information shared on types of technologies and channels of support was useful, although of varying level of detail. The variety of responses received highlights the challenge of collating and reporting on this information.

III. Article 16: Health Aspects

24. Article 16 promotes the development of health-related programmes focusing on mercury. The article recognizes that these programmes will involve coordination with the World Health Organization, public health ministries and other stakeholders involved in public health to undertake programme activities.

25. Under article 16 parties are encouraged to promote the development and implementation of strategies and programmes to identify and protect populations at risk, particularly vulnerable populations, which can include: (a) adoption of science-based health guidelines relating to the exposure of mercury; (b) setting targets for mercury reduction, as appropriate, and (c) public education with the participation of public health and other involved sectors. Article 16 paragraph 1 also encourages parties to promote the development and implementation of science-based educational and preventive programmes, appropriate health services, and strengthening of institutional and professional capacities related to addressing mercury exposure.

26. Parties are to respond to two questions: question 16.1 on whether measures have been taken to provide information to the public on exposure to mercury, and question 16.2 on whether other measures have been taken to protect human health in accordance with article 16.

27. Question 16.1 on measures to provide information to the public on exposure to mercury in accordance with paragraph 1 of article 16.

Question 16.1: Have measures been taken to provide information to the public on exposure to mercury in accordance with paragraph 1 of article 16?

☐ Yes

☐ No

Supplemental: If **yes**, describe the measures that have been taken.

28. In terms of parties' responses to question 16.1:

(a) 91 parties (78%, 91 of 117) responded "yes", i.e., that measures have been taken to provide information to the public on exposure to mercury in accordance with paragraph 1 of article 16.

(b) 26 parties (22%, 26 of 117) responded "no", i.e., that measures have not been taken to provide information to the public on exposure to mercury in accordance with paragraph 1 of article 16.

29. The secretariat has some observations on the responses to question 16.1, as follows:

(a) Of the 117 parties, 78% (91 of 117) responded "yes" to taking measures to provide information to the public in accordance with paragraph 1 of article 16. Responses disaggregated by region show that four regions are reporting particularly strong implementation rates. Eastern European states, Latin America and the Caribbean region and Western Europe and Other regions at 100% of parties in the three regions reporting to have taken measure, followed closely by the Africa region with 97% (31 of 32 parties), and rounding up is the Asia-Pacific region with 83% (25 of 30).

(b) The response rate for the supplemental question is also strong with 97% (88 of 91 parties) of parties describing measures that they have taken. In reviewing the measures, it was not possible to identify and match the measures reported with the focus areas enumerated in paragraph 1 of article 16 due to the varying responses. The secretariat observed that parties at times did not indicate the date when the measure was taken, and if they did, appear to be reporting on measures taken outside of the reporting period.

(c) A total of 26 parties (22%, 26 of 116) responded "no" to question 16.1. One party provided an explanation in part E of its report that work on article 16 is in progress. Other parties did not provide additional information in part E related to their "no" response.

30. Question 16.2 on taking measures to protect human health in accordance with article 16.

Question 16.2: Have any other measures been taken to protect human health in accordance with article 16? (para. 1)

☐ Yes

☐ No

Supplemental: If **yes**, describe the measures that have been taken.

31. In terms of parties' responses to question 16.2:

(a) 86 parties (74%, 86 of 117) responded "yes", i.e., taking other measures to protect human health in accordance with article 16.

(b) 31 parties (26%, 31 of 117) responded "no", i.e., not taking other measures to protect human health in accordance with article 16.

32. The secretariat has some observations on the responses to question 16.2, as follows:

(a) Of the 117 parties reporting, 74% (86 of 117) reported to have taken other measures in compliance with article 16. Responses disaggregated by region are as follows: Africa – 69% (22 of 32); Asia-Pacific – 57% (17 of 30); Eastern European states – 100% (14 of 14); Latin America and the Caribbean – 75% (18 of 24); and Western Europe and Other states 68% (15 of 22). 81 parties also provided supplemental information describing the health measures taken. As discussed in question 16.1, due to the variety and breadth of responses it was not possible to clearly differentiate between the measures identified in response to question 16.1 from those in response to question 16.2 or to align reported measures with article 16 paragraph 1 focus areas.

(b) The secretariat notes that many parties responding "no" in question 16.2, responded "yes" in question 16.1. It appears incongruent that parties who were able to report on information shared ("yes" to question 16.1) are not able to report on the measures taken ("no" to question 16.2).

Article 16, paragraph 1 encourages parties to take a variety of measures, which may serve as the basis for information that parties can disseminate. Question 16.1 asks parties if it provided information, and question 16.2 asks parties what measures it implemented. The secretariat notes further that in reviewing both questions 16.1 and 16.2 and the responses to both questions, it appears that the text to question 16.2 may need to be amended to provide better clarity, particularly the deletion of the qualifying word “other” before the word “measure”. The word “other” may lead parties to interpret that the question prompts parties to look at “other measures” not listed in article 16, which could elicit a “no” response especially if the party answered “yes” to question 16.1. This appears to be a contributing factor in the incongruity in responses.

33. Based on its review of the overall response by the parties to the two questions related to article 16, the secretariat has the following additional observations:

- (a) There is a positive response from parties to both questions related to article 16.
- (b) An amendment to the text of question 16.2 in the reporting format may be needed to make the question more accurate. Many parties responding “no” in question 16.2, responded “yes” in question 16.1. Particularly, parties responding to question 16.1 parties were able share information on measures taken to protect human health but have not reported on these measures in question 16.2.
- (c) It would be useful for parties to refer to the guidance developed by the World Health Organization entitled, Strategic planning for implementation of the health-related articles of the Minamata Convention on Mercury in their implementation of article 16.

IV. Article 17: Information exchange

34. Article 17, paragraph 1 requires parties to facilitate the exchange of information in the following areas:

- (a) Scientific, technical, economic and legal information concerning mercury and mercury compounds, including toxicological, ecotoxicological, and safety;
- (b) Reduction or elimination of the production, use, trade, emissions and releases of mercury and mercury compounds;
- (c) Technically and economically viable alternatives, including information on the health and environmental risks and economic and social costs and benefits of alternatives, to the following:
 - (i) Mercury-added products;
 - (ii) Manufacturing processes in which mercury or mercury compounds are used; and
 - (iii) Activities and processes that emit or release mercury or mercury compounds.
- (d) 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.

35. Paragraph 2 of article 17 describes the mode of exchanging information, which parties may do through the secretariat or in cooperation with other relevant organizations. The secretariat is tasked with facilitating information exchange under article 17, paragraph 3.

36. Parties are to respond to one question: question 17.1.

Question 17.1: Has the party facilitated the exchange of information referred to in article 17, paragraph 1? (para. 1)

- ☐ Yes
- ☐ No

Please provide more information, if any.

37. In terms of parties’ response to question 17.1:

- (a) 77 parties (66%, 77 of 117) responded “yes”, i.e., that the party facilitated the exchange of information referred to in article 17.
- (b) 40 parties (34%, 40 of 117) responded “no”, i.e., that the party has not facilitated the exchange of information referred to in article 17.

38. The secretariat has some observations on the response to question 17.1, as follows:

(a) Of the 66% (77 of 117) of parties reporting to have facilitated in the exchange of information, many parties provided general comments, with some parties elaborating on the area covered of the information exchange activity, with whom (the audience) and the mode of exchange. There were also those who reported on information exchange through the secretariat and other relevant organizations, such as the Global Mercury Partnership, Strategic Approach to International Chemicals Management, and national entities.

(b) The 34% of parties (40 of 117) that responded “no” appears high given that many parties have reported strongly on various questions in their reports about their efforts. Some parties have commented that information required in questions 17 and 18 are duplicative or repetitive, while others indicated that there appears to be an overlap in the questions.

V. Article 18: Public information, awareness and education

39. Article 18, paragraph 1 requires parties, within their capabilities to promote and facilitate public information and education, training and public awareness related to the effects of exposure to mercury and mercury compounds in collaboration with relevant intergovernmental and non-governmental organizations and other stakeholders. Paragraph 1 is specific on the kind of information the article covers; these are:

- (a) Health and environmental effects of mercury and mercury compounds;
- (b) Alternatives to mercury and mercury compounds;
- (c) Topics identified in paragraph 1 of article 17;
- (d) The results of its research, development and monitoring activities under article 19; and
- (e) Activities to meet a party’s obligations under the Convention.

40. Parties are to respond to one question: question 18.1.

Question 18.1: Have measures been taken to promote and facilitate the provision to the public of the kinds of information listed in article 18, paragraph 1? (para. 1)

☐ Yes

☐ No

If yes, please indicate the measures that have been taken and the effectiveness of those measures?

41. In terms of parties’ response to question 18.1:

(a) 96 parties (82%, 96 of 117) responded “yes”, i.e., measures have been taken to promote and facilitate the provision to the public of the kinds of information listed in article 18, paragraph 1.

(b) 21 parties (18%, 21 of 117) responded “no”, i.e., measures have not been taken to promote and facilitate the provision to the public of the kinds of information listed in article 18, paragraph 1.

42. The secretariat has some observations on the responses to question 18.1, as follows:

(a) There is a strong response from parties to question 18.1, with 82% (96 of 117) of parties responding “yes”. The measures reported by parties⁸⁰ can be broadly categorized as follows:

- (i) training sessions, workshops or seminars;
- (ii) website information;
- (iii) research;
- (iv) cooperation with stakeholders;

⁸⁰ Most of the issues reported covered by the public awareness measures include impact of mercury on human health and the environment, mercury alternatives and mercury-added products, ASGM, and dental practices. Parties reported on working with stakeholders and these vary from government (different ministries), scientists, inspectors, academia and NGO.

- (v) public consultations;
- (vi) preparation and issuance of guidelines;
- (vii) production of educational materials;
- (viii) communication campaigns or events or media efforts; and
- (ix) production and sharing of videos and photo exhibitions.

43. One party reported to have difficulties responding to the questions related to articles 16, 17, 18, and 19 as complicated and too detailed, and found the points between the questions difficult to distinguish. The party raised a concern that information seems repeated in various questions. Similar comments were raised in question 17.1, indicating a need to improve understanding of the questions and response options. Of the 18% of parties (21 of 117) that responded “no”, 80% (17 of 21) did not provide any explanation for their response. Of the four parties that provided an explanation in Part E of their reports, some of the explanation raised where: a party was in the process of carrying out the measure through a project and another was looking for funds to raise awareness.

VI. Article 19: Research, development and monitoring

44. Article 19, paragraph 1 obligates parties to endeavour to cooperate to develop and improve, taking into account individual party circumstances and capabilities:

- (a) Inventories of use, consumption, and anthropogenic emissions to air and releases to water and land of mercury and mercury compounds;
- (b) 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;
- (c) 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;
- (d) Harmonized methodologies for the activities undertaken under (a), (b) and (c);
- (e) 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;
- (f) Information on commerce and trade in mercury and mercury compounds and mercury added products; and
- (g) 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.

45. Paragraph 2 of article 19 also requires parties, where appropriate, build on existing networks and research programmes in undertaking the identified activities.

46. Parties are to respond to one question: question 19.1.

Question 19.1: Has the party undertaken any research, development and monitoring in accordance with paragraph 1 of article 19? (para. 1)

- ☐ Yes
- ☐ No

If yes, please describe these actions.

47. In term of parties' response to question 19.1:

- (a) 83 parties (71%, 83 of 117) responded “yes”, i.e., research, development and monitoring in accordance with paragraph 1 of article 19 has been undertaken.
- (b) 34 parties (29%, 34 of 117) responded “no”, i.e., no research, development and monitoring in accordance with paragraph 1 of article 19 has not been undertaken.

48. The secretariat has some observations on the responses to question 19.1, as follows:

(a) The topics covered in sub-paragraphs (a) to (g) of article 19 and the number of parties reporting on each subject is listed in table 5 below:

Table 5

Article 19 topics and number of parties reporting on the topic

<i>Topic</i>	<i>Number of parties</i>
Inventories of use, consumption, and anthropogenic emissions to air and releases to water and land of mercury and mercury compounds;	35
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; ⁸¹	15
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;	40
Harmonized methodologies for the activities undertaken under (a), (b) and (c);	3
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;	20
Information on commerce and trade in mercury and mercury compounds and mercury added products; and	14
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.	17

(b) Nine parties also provided information on building on existing monitoring networks and research programmes, as per paragraph 2 of article 19. Some parties cited pre-existing networks and programmes involving strategic alliances with research institutes, laboratories, existing regional and international monitoring networks.

(c) Sixteen parties presented evidence of their endeavour to cooperate with other parties.

(d) For parties who responded “no”, the following challenges were reported:

- (i) MIAs in progress and are unable to share any information.
- (ii) Difficulty in collecting data.
- (iii) Poor or lack of mechanisms to report and update information from the relevant stakeholders as well as general weakness in close coordination among organizations involved in mercury management.
- (iv) Delay in transposing the Convention into national chemical law.
- (v) COVID-19 contributed to the financial challenges faced by the party.
- (vi) Technical and financial constraints.

(e) In their response to question 19.1, some parties did not elaborate on the information they provided.

(f) A considerable number of parties who provided information did not include dates of their endeavour, thus it was not possible to determine the period in which the endeavour was undertaken. The addition of pertinent information such as dates and other information suggested in the draft reporting guidance will help improve the quality of responses in the next reporting cycle.

⁸¹ At least 14 parties reported to have modelled and/or monitored the following key aspects:

Mercury content in environmental media and biota (determining the spatial and temporal trends of mercury measured and the terrestrial, aquatic and bioaccumulation behaviours);
Exposure risks; and
Mercury speciation, transportation and deposition pathways.

(g) A considerable number of parties have provided information on research, development and monitoring activities undertaken at national level which were not a result of bilateral or international cooperation.

(h) It would be helpful for parties to include in their responses pertinent information, such as dates, activities undertaken in cooperation with other countries, and other information suggested in the draft reporting guidance.

Responses to part C and part D of the reporting format

49. This section provides an overview of the responses to parts C and D of the reporting format. Part C provides an opportunity for parties to comment on possible challenges in meeting the objective of the Convention. Part D provides an opportunity for parties to comment on the reporting format and possible improvements.

50. In terms of parties' responses to parts C and D:

(a) In part C, 68 parties provided comments on possible challenges in meeting the objective of the Convention;

(b) In part D, 52 parties provided comments on the reporting format and possible improvements.

51. The secretariat has some observations to the responses to part C and part D, as follows:

(a) In part C, parties shared challenges they faced in implementing the Convention. One party reported that while there is no ASGM in its territory, a segment of its constituents travels to another country that has ASGM where mercury use is occurring. The workers return home bringing mercury with them thereby exposing their families and communities to mercury. Another party also raised as challenge that executing agencies that are not familiar with the national context of a party can be a cause for a project's failure. The majority of the parties' comments regarding challenges can be summarized as per below:

- (i) Prevent and control illegal mining of mercury;
- (ii) Manage illegal trade in mercury;
- (iii) Need for more stringent trade controls at point of manufacture of mercury-added products, including improved customs control and the stronger trade controls of mercury-added products;
- (iv) Lack of information on and access to alternatives to mercury uses and mercury-free alternatives;
- (v) Lack of a final disposal facility within their territories, including lack of interim storage options;
- (vi) Challenge of managing contaminated land;
- (vii) Lack of access to financial, technical, and capacity-building support, including, for developing NAPs and/or their review, guidelines and regulation;
- (viii) Need for stronger international cooperation;
- (ix) Challenge of language, in cases where technical information needs to be translated into the local language and in cases where there are unclear translations of Convention obligations or requirements;
- (x) Insufficient data, e.g., baseline data;
- (xi) Relevant foreign companies who provide maintenance, technical services, products, equipment and spare parts for monitoring, measuring and controlling mercury pollutant do not cooperate or sell needed equipment to a party; and
- (xii) COVID-19 disrupting project implementation.

52. In **part D**, 23 parties commented that they found the reporting format suitable, sufficient and user friendly. Several parties recommended new features be added to the online reporting tool, such as making the tool available in the AppStore, allow for tables and hyperlinks for ease of attachment, make it easy to refer to previous answers, and make a list of mercury-added products easily available when using the online reporting tool. Some parties provided text suggestions to the reporting format related to articles 3, 4, 8, 11, 13, 14, 17, and 18. One party noted the difficulty of describing the

effectiveness of a measure since some measures were taken prior to the entry into force of the Convention. Some parties also noted the repetitiveness of some questions and overlap between questions related to articles 16 to 19. One Spanish-speaking party requested the secretariat to review two questions in the Spanish version of the agreed reporting format for a possible translation adjustment. (The secretariat is currently working to address the matter.) One party requested the secretariat for additional training to complete their national reports using the online reporting tool. Some parties commented on the challenges related to the need for national coordination with other agencies to collect responses for the national report. Some parties noted that regional or provincial coordination was a challenge. One party mentioned the need for a multi-sectoral approach to complete the report.
