

Note from the Secretariat

This is an extract from the Draft Reporting Guidance prepared for COP-4 as document [UNEP/MC/COP.4/17](#). The document is made available in the six UN languages.

Parties are invited to make use of the Draft Reporting Guidance in preparing for their second short report, which is due by December 31, 2023.

To note is that a revised version of the Draft Reporting Guidance will be submitted for consideration and possible adoption at COP-5.

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.

NOTES: This question relates solely to the export of mercury, which includes mixtures of mercury with other substances, including alloys of mercury, with a mercury concentration of at least 95 per cent by weight. It does not relate to export of mercury compounds, mercury-added products or mercury wastes.

The [forms](#) referred to in question 3.5 (a) and (b) are the forms adopted by the Conference of the Parties at its first meeting that may be used by Parties and non-Parties for providing consent for trade in mercury under Article 3, namely:

- (i) **Form A:** Form for the provision of written consent by a Party to the import of mercury;
- (ii) **Form B:** Form for the provision of written consent by a non-Party to the import of mercury;
- (iii) **Form D:** Form for general notification of consent to import mercury.

The [list of Parties](#) to the Convention is available on the Convention website, as is the list of designated [National Focal Points](#).

Paragraph 6 of Article 3 requires Parties to allow exports only with written consent from the importing Parties or importing non-Parties, and only for allowed purposes. Therefore, if mercury is exported by a Party, the Party should have received written consent (e.g., through *form A: Form for the provision of written consent by a Party to the import of mercury*) or relied on the general notification provided for under Article 3, paragraph 7 (i.e., *form D: Form for general notification of consent to import mercury*). It should be noted that exports from a Party to a non-Party require the Party to receive, in addition to the written consent of the non-Party, certification demonstrating that the non-Party has measures in place

to ensure the protection of human health and the environment and to ensure its compliance with the provisions of Articles 10 and 11, and that the mercury will be used only for a use allowed to a Party under the Convention or for environmentally sound interim storage as set out in Article 10.

In decision MC-1/2, on guidance in relation to mercury supply sources and trade, the Conference of the Parties adopted the "[Guidance on completing the forms required under Article 3 related to trade in mercury](#)". This guidance includes information on the scope of Article 3 (i.e., what is not covered, namely mercury waste (Article 11) and mercury-added products (Article 4)); which forms can be used in which circumstance and what considerations should be taken into account before issuing a consent; information to be provided in each section; the role of the registers and how to use them; where to obtain the forms; and how to transmit the forms. The guidance makes clear that Parties should consider the obligations under the Convention before giving consent, as once the mercury has entered the territory of a Party, the Party has responsibilities under the Convention. Parties should undertake measures so that any import is used only for an allowed use, and is stored in an environmentally sound manner or disposed of in accordance with Article 11.

The list of Parties that have given general notification of consent to import are held in a public register by the secretariat that is accessible on the [Convention website](#).

SUGGESTED APPROACH FOR RESPONSE:

- ☐ If the Party has exported mercury to either a Party or a non-Party, or both, and in such a case has 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 Party or non-Party in the reporting period, it would reply **"yes, exports to Parties"** and/or **"yes, exports to non-Parties"**, and, for each export:
 - If the Party has not previously provided copies of such consent received, it is recommended that it do so at the time of reporting.
 - If the Party cannot provide copies, it is requested to provide information showing that the relevant requirements of paragraph 6 of Article 3 have been met. Unless the export was made to a Party or non-Party under a general notification, the information sought under question 3.5 (a) should be available from *form A: Form for the provision of written consent by a Party to the import of mercury*, which should have been provided by the importing Party, or *form B: Form for the provision of written consent by a non-Party to the import of mercury*, which should have been provided by the importing non-Party. If the Party chooses to respond to the supplemental aspect of question 3.5 (a), the Party could specify whether the imported mercury was intended for environmentally sound interim storage in accordance with Article 10 or whether it was intended for a use allowed to a Party under the Convention. If the mercury was intended for interim storage, information on the intended use, if known, could be provided.
 - If the export of mercury was based on a general notification by a Party or non-Party, the Party should specify, if available, the total amount exported (in metric tons) and any relevant terms or conditions in the general notification related to the use of the exported mercury. The information on relevant terms or conditions may be found in section C of *form D: Form for general notification of consent to import mercury* that was provided by the Party or non-Party to the secretariat as its written consent to import mercury.
- ☐ If the Party has exported mercury to either a Party or a non-Party, or both, and for either case has not received consent, it would answer **"no"** and might wish to provide, in *part C: Comments regarding possible challenges in meeting the objective of the Convention*, an explanation of why there were such exports, and measures being taken to prevent that situation in future.
- ☐ If the Party has not exported mercury or mercury compounds from its territory, the Party would reply **"no"** and specify in *part E, where Parties may provide additional comments on each of the Articles in free text should they choose to do so*, that the reason for selecting no is the absence of exports.