



## MERCURY INC7 HIGHLIGHTS: FRIDAY, 11 MARCH 2016

INC7 delegates convened in plenary on Friday morning and afternoon to discuss issues related to: mercury supply sources and trade; emissions; financial resources and mechanism, and rules for the Conference of Parties (COP).

The contact group on technical issues convened during lunch and in the evening, and a contact group on finance convened in the evening.

### WORK TO PREPARE FOR ENTRY INTO FORCE AND COPI

#### ARTICLE 3. MERCURY SUPPLY SOURCES AND TRADE:

In the morning, delegates resumed discussion of the draft guidance documents. On the draft guidance on identification of individual stocks of mercury or mercury compounds exceeding 50 metric tons, as well as sources of mercury supply generating stocks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 (UNEP(DTIE)/Hg/INC.7/4), the EU highlighted the need to clarify, *inter alia*, how to calculate when the thresholds are exceeded and the definition of “stocks” and “sources.” SWITZERLAND proposed clarifying the definitions of “waste” and “non-ferrous metal mining.” With CHILE, he called for deleting a reference to unprocessed ore.

JAPAN and the US called for flexibility according to national situations. GRULAC noted that the guidance is not legally binding. The AFRICAN GROUP said the burden of identifying mercury stocks should be on those countries that are producing mercury and called for incorporating Prior Informed Consent into the draft guidance.

The PHILIPPINES said trade and trans-shipment are the main sources of mercury in his country, and called for addressing concerns through regional trade platforms.

SAUDI ARABIA and CHINA disagreed with inclusion of a reference to fossil fuels, including natural gas.

ZMWG called for grouping small mercury-generating sources for reporting. IPEN called for national assessments to include emissions from gold processing shops and e-waste recovery of over 10 tons a year.

Chair Lugris requested the technical issues contact group to review the guidance and the related EU proposal (UNEP(DTIE)/Hg/INC.7/CRP.2).

On additional guidance (UNEP(DTIE)/Hg/INC.7/5), JAPAN said the Convention does not define the means to quantify mercury and mercury compounds, which could cause confusion when identifying stocks and supplies. Noting that current work could address this issue, she suggested that additional guidance should be a last resort. COLOMBIA emphasized that additional guidance is unnecessary.

**ARTICLE 8. EMISSIONS:** The interim secretariat introduced the report of the BAT/BEP expert group (UNEP(DTIE)/Hg/INC.7/6) and draft guidance documents on: BAT/BEP (Add.1); existing sources (Add.2); criteria for relevant sources (Add.3); and preparing inventories (Add.4).

Adel Shafei Mohamed Osman (Egypt) and John Roberts (UK), Co-Chairs of the BAT/BEP expert group, underlined that these are living documents that provide guidance only, and suggested a process for updating information.

GRULAC and CANADA stressed that the guidance is neither legally binding nor mandatory, and called for similar guidance on releases. CHILE called for a clear distinction between BAT and BEP.

The AFRICAN GROUP, the EU, CANADA, JORDAN, THAILAND, AUSTRALIA, CANADA, MOROCCO and KENYA supported provisional adoption of the guidance. The AFRICAN GROUP, with THAILAND and TUNISIA, also noted the need for financial and technical assistance for implementation of the guidance. Calling for further discussions, CHINA highlighted the need for awareness of the financial feasibility of implementation. INDIA called for the guidance to be linked to Article 13 (financial resources and mechanism) and Article 14 (capacity building, technical assistance and technology transfer).

CAMEROON and GAMBIA requested the inclusion of guidance on emissions from open burning.

INDONESIA requested clarification on the inclusion of indicative performance levels. IRAN highlighted, *inter alia*, the need to set minimum and maximum emission limit values.

IRAQ questioned whether all countries have the means and technologies to apply the guidance and called for flexibility.

SOUTH AFRICA said BAT/BEP technologies may not be easily adaptable to the local context, and that financial assistance may be needed.

IPEN called for adding a waste management strategy to avoid creating new sources of mercury releases, and to mention renewable energy in relation to measures on coal-fired power plants. ZMWG said parties should include information on methods for deriving the data submitted in inventories.

Chair Lugris invited Co-Chairs Osman and Roberts to facilitate a meeting of interested delegates to further clarify issues raised, and urged delegates not to reopen the documents, emphasizing that they have received majority support.

#### ARTICLE 13. FINANCIAL RESOURCES AND MECHANISM:

The interim secretariat introduced the draft Memorandum of Understanding (MOU) between the COP and the GEF (UNEP(DTIE)/Hg/INC.7/7), draft guidance to the GEF (UNEP(DTIE)/Hg/INC.7/8), report of the *ad hoc* working group of financing experts (UNEP(DTIE)/Hg/INC.7/9) and governance arrangements for the specific international programme (SIP) (UNEP(DTIE)/Hg/INC.7/INF/6).



The GEF reported on the expansion of eligibility for GEF support, status and increase of support provided in response to guidance provided by the diplomatic conference and INC6.

SWITZERLAND, NORWAY, the EU and the AFRICAN GROUP expressed support for provisional adoption of the MOU.

IRAN suggested that GEF reports should include a listing of approved projects within the financial mechanism, not outside the mechanism. He also suggested that the COP may seek explanation from the GEF for matters arising from its reports. The RUSSIAN FEDERATION suggested deleting a reference stipulating that the COP decides if the concern of a party regarding a GEF decision has merit, and said he would provide language for the meeting report to avoid any "politicization" of access to resources and technology.

ZMWG suggested the Convention create a website that contains information on all projects receiving support, organized by country and issue.

In the afternoon, the interim secretariat read proposed changes to the MOU, and Chair Lugris requested the interim secretariat to produce a conference room paper (CRP).

GRULAC and the ISLAND SUSTAINABILITY ALLIANCE called for inclusion of health-related activities in implementation of the Convention's legally-binding obligations. IPEN suggested inclusion of activities related to public awareness and effectiveness evaluation.

JAPAN, CUBA and BRAZIL underscored the need for financial assistance to encourage ratification.

Chair Lugris proposed, and delegates agreed, to establish a contact group on financial matters co-chaired by Gillian Guthrie (Jamaica) and Greg Filyk (Canada), both of whom co-chaired the *ad hoc* working group of experts on financing (UNEP(DTIE)/Hg/INC.7/9). Co-Chair Filyk summarized the group's report, which suggests that UNEP would be the most suitable host institution for the SIP and that it may be premature to discuss the duration of the SIP.

GRULAC said the SIP should have unlimited duration and finance all activities that the GEF cannot. JORDAN said the SIP should support institutional capacity not covered by the GEF. The AFRICAN GROUP said the SIP must have sustainable resources, avoid duplication and be subject to regular review.

GRULAC, SWITZERLAND, the US, CHINA, JORDAN and GABON supported UNEP as the host of the SIP. The US said the SIP should be complementary to the GEF. CHINA called for the early creation of the SIP with sustained and stable financial resources.

The WORLD DENTAL FEDERATION called for financial support to reach, guide and train dentists in LDCs on the phase down of amalgam.

Chair Lugris noted support for UNEP to host the SIP. He asked the contact group to finalize the proposal for the SIP, building upon the outcome of the *ad hoc* expert meeting on finance, for adoption by the COP, and to consider options within UNEP for hosting. He further requested the contact group to discuss the guidance to the GEF, after finalizing the SIP proposal.

**ARTICLE 23. CONFERENCE OF THE PARTIES:** In the afternoon, the interim secretariat introduced the draft rules of procedure for the COP (UNEP(DTIE)/Hg/INC.7/13) and draft financial rules for the COP (UNEP(DTIE)/Hg/INC.7/14).

On rules of procedure, the EU, the AFRICAN GROUP, COLOMBIA, SWITZERLAND, CANADA, NORWAY and NEW ZEALAND supported a voting rule. JAPAN, the US, SAUDI ARABIA, PAKISTAN, IRAN, CHINA and INDIA supported consensus. The RUSSIAN FEDERATION suggested keeping the brackets around the voting rule.

On deciding whether an issue is substantive or procedural, the AFRICAN GROUP supported enabling the president to decide, subject to a majority decision if no agreement is reached. TOGO suggested that the president should decide and a two-thirds majority should be required to overturn the decision. IRAN suggested that if there is a question, the decision should be ruled as substantive. The EU preferred that the president decide, in consultation with the Secretariat. INDIA supported treating issues as substantive, in cases of doubt.

The US, RUSSIAN FEDERATION and INDIA suggested specifying that a regional economic integration organization (REIO) can vote only on behalf of members that are present and voting. The EU responded that a REIO is defined in the Convention as an organization constituted by sovereign states of a region to which its member states have transferred competence. She underscored that the COP cannot rewrite the Lisbon Treaty and said mandating the presence of all member states would mean bringing delegates to a meeting about issues for which they have no role.

The UNEP legal advisor explained that rule 44.2 is agreed language from Article 28 of the Convention. Chair Lugris asked delegates to discuss the issue informally, with a view to making progress in a contact group later in the week.

The EU, SWITZERLAND and others called for the financial rules to be compatible with those of the BRS conventions, and compliant with UN financial regulations and UNEP's financial rules. The AFRICAN GROUP stressed the need for them to be consistent with international rules and urged that they empower the secretariat.

Chair Lugris proposed, and delegates agreed, to establish a contact group on financial rules, to be co-chaired by Andrew McNee (Australia) and Mohammed Khashashneh (Jordan).

### CONTACT GROUPS

**TECHNICAL ISSUES:** The contact group on technical issues convened during lunch and in the evening to discuss the draft guidance on completing the forms required under Article 3. They noted that trans-shipment of mercury wastes is covered under the Basel Convention, not Minamata. They discussed separating the general notification form from those related to individual notifications, and agreed to consider revising the guidance, with one country noting that relying on general notifications may not give a true picture of the aggregate quantity of mercury being traded. Some countries opposed referring to natural gas as a source of mercury emissions, and others clarified that the reference is to gas cleaning technology, which could become a significant source of mercury emissions.

### IN THE CORRIDORS

Against the watercolor-like backdrop of the Dead Sea, delegates maintained a relaxed atmosphere despite opening some of the most contentious issues on the agenda, including emissions and finance. One delegate attributed the good spirits to productive intersessional work, including on BAT/BEP and the draft MOU between the COP and the GEF. Several delegates expressed relief that these issues had not been re-opened in a contact group.

However, a few participants voiced concern that the pace was too languid. One highlighted the importance of taking decisions that would provide operational direction for implementation, citing as an example definitions of mercury stocks and mercury sources. Another pointed to other finance issues that, she said, "moved during the intersessional period, but had a way to go." Asked whether work could be completed within the allocated time in one of the contact groups, a Co-Chair commented, "I don't expect miracles, but I do believe in them."