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## Minamata COP3 Highlights: Tuesday, 26 November 2019

COP3 delegates exchanged initial positions on agenda items related to mercury-added products and manufacturing processes in which mercury or mercury compounds are used, in addition to the programme of work and budget. Contact groups were mandated to continue discussions on most items.

### Opening Plenary

During the morning, COP3 President Kapindula invited the Chairs of the Contact and Friends of the President groups to report on their progress from Monday.

Effectiveness Evaluation Contact Group Co-Chair Kateřina Šebková (Czech Republic) reported the Group had focused on gathering issues to consider before examining the draft text.

Friends of the President Group Chair Nina Cromnier (Sweden) reported that the discussion was based on the proposal on cooperation between the secretariats of the Minamata Convention and of the Basel, Rotterdam and Stockholm (BRS) Conventions (UNEP/MC/COP.3/CRP.3), and instructions to CRP proponents to propose an amended text taking into account the discussion.

### Matters for Consideration or Action by the COP

**Mercury-added products and manufacturing processes in which mercury or mercury compounds are used: Proposal to amend Annex A:** COP3 continued the discussion from Monday on this agenda item. THAILAND supported maintaining dental amalgam in Annex A Part II. The EU said it could not agree to a broad phaseout until it completed a feasibility study on full phaseout by 2030. GRULAC observed that alternatives do not provide similar tensile strength and buccal disease protection. BRAZIL said more information on dental amalgam use and feasibility of alternatives is needed before deciding on a phaseout, so they opposed having a contact group. CHILE agreed more evidence on phaseout viability is needed before acting. NIGERIA welcomed the CRP. SYRIA and IRAN said awareness, training and technical capacity need to be in place before phaseout. The US favored contact group discussion on taking national circumstances into account. MEXICO favored a phase-down following a roadmap that takes national circumstances into account.

World Health Organization (WHO) discussed its survey of health policymakers in 71 countries regarding possible dental amalgam phase-down (UNEP/MC/COP.3/INF/25), concluding that phaseout is not a one-size-fits-all solution, phaseout without support measure could increase public health problems, and a stepwise approach might be called for.

The World Alliance for Mercury-Free Dentistry and IPEN supported the phase-down of amalgam while taking into consideration national circumstances. The World Dental Federation urged parties not to adopt the proposal and, with the

International Association for Dental Research, urged for more research into restorative materials to provide a basis for transition to alternatives.

Supported by the AFRICAN GROUP, NIGER, CAMEROON and SOUTH AFRICA, President Kapindula proposed that the Contact Group on Technical Issues be mandated to prepare a draft decision the amendment of Annex A. BRAZIL and IRAN opposed the consideration of a draft decision by the Contact Group, with BRAZIL proposing a mandate to discuss deferment of a draft decision. The US reiterated the need to consider the amendment separately from the Review of the Annex A and B while the EU reaffirmed the intrinsic link between Annex A and B and the proposed amendment.

The AFRICAN GROUP expressed disappointment at deferment.

President Kapindula proposed and gaveled the decision to move the matter to the Technical Matters Contact Group for further discussions and to make a recommendation to the COP.

The AFRICAN GROUP and SOUTH AFRICA opposed the decision.

**Harmonized System Codes:** The Secretariat introduced this item (UNEP/MC/COP.3/5, UNEP/MC/COP.3/INF/12). Four options for harmonization were presented: i) international harmonized six digit codes in line with World Customs Organization (WCO) standards; ii) statistical codes for products with more than six digits, developed differently depending on level of harmonization; iii) combination of the two approaches, adjusted according to WCO procedure; iv) no action, inviting collaboration on monitoring procedures and other technical issues during the intersessional period.

THAILAND, KUWAIT, INDONESIA, ZAMBIA, ARGENTINA, CHINA, and JORDAN spoke in favor of option (i). The AFRICAN GROUP and GHANA favored option (ii). BRAZIL and CHILE supported option (iii). The EU supported harmonization of 6 digit codes and non-binding codes for products with more than 6 digits. GRULAC supported harmonization, especially for products with more than 6 codes. JAPAN supported introducing voluntary codes. SWITZERLAND supported voluntary codes and additional guidance before COP4. URUGUAY favored a hybrid approach for 6 digit codes, extending to 10 digits for mercury-added products. The US supported flexibility for country-led decisions.

The Technical Matters Contact Group was tasked with discussing the CRPs and views expressed to make a proposal.

**Capacity-building, Technical Assistance and Technology Transfer:** The Secretariat introduced the documents (UNEP/MC/COP.3/12; UNEP/MC/COP.3/INF/14) and suggested continuing to compile relevant information from existing regional, sub-regional and national arrangements and report again to COP4.

GRULAC said it would be offering a CRP on follow-up to the COP2 decision on this topic. IRAN said the report did not include technology transfer; the Secretariat responded that the operative

paragraph of the COP2 decision only requested information on capacity building and technical assistance. IRAN said this should be corrected in any COP3 decision. The EU noted it had donated EUR 500,000 to support capacity building on trade and emissions. PERU stressed capacity building and technical assistance regarding ASGM and illegal trade and outlined an Andean workshop's recommendations on control of mercury trade. The AFRICAN GROUP stressed that technology transfer should respond to needs assessments. LEBANON called for a clearer cooperation framework. GHANA, BURKINA FASO and MALI stressed the need for technical assistance, capacity building and technology transfer regarding ASGM. MEXICO urged closer cooperation with customs authorities to combat illegal trade.

The President suspended discussion on this item until GRULAC's CRP can be presented.

**Mercury Waste, in Particular the Consideration of Relevant Thresholds:** The Secretariat introduced documents related to mercury waste (UNEP/MC/COP.3/7, UNEP/MC/COP.3/INF/13, UNEP/MC/COP.3/INF/18), noting the outcomes of the group of technical experts on mercury waste thresholds.

The EU agreed with the proposal of setting no waste thresholds for substances under a threshold of 25 mg/kg expressed as total mercury. NORWAY supported the proposals of the technical experts but expressed concern about whether current thresholds provide for environmentally safe management.

CHILE proposed broadening the list of mercury waste defined by the technical expert group and reconsidering thresholds for certain types of wastes ("Category C"), should circumstances change.

INDONESIA, CHINA, EL SALVADOR and IRAN reiterated the need to consider environmental setting and national characteristics on some thresholds. The AFRICAN GROUP and Artisanal Gold Council opposed thresholds for ASGM tailings while JAPAN urged parties to consider a draft decision on threshold on waste contaminated with mercury or mercury compounds. The US expressed concern over the exclusion of waste water in Article 11. GRULAC, ECUADOR, COLOMBIA, MEXICO, PERU, AFRICAN GROUP, CHINA, the US, GRULAC, CHINA, NIGERIA, SWITZERLAND, ZAMBIA, and PANAMA supported the continuation of the work of the technical expert group.

BOTSWANA highlighted capacity building needs for developing countries and SAUDIA ARABIA outlined national efforts to eliminate mercury compounds.

Zero Mercury Working Group supported intersessional work include tailings from industrial-scale non-ferrous metals mines, and said any work involving Basel Convention guidelines should solicit inputs on gaps in the current guidelines. Independent Ecological Expertise stressed linking thresholds to best available technology. IPEN rejected leaching value tests and the 25 mg/kg option, and opposed the two-tier approach to mine tailings.

The Technical Matters Contact Group was mandated to explore the issues further, but not reopen issues already agreed by the group of technical experts.

**Releases:** The Secretariat introduced the document (UNEP/MC/COP.3/6), noting that the suggested draft decision calls for the expert group to continue working electronically in line with a roadmap set out in Annex II of the document. GRULAC supported continuing work according to the roadmap. The EU, with NORWAY, said COP3 needs to provide guidance on the scope of Convention Article 9 (releases) and how best to address mercury in wastewater. JAPAN agreed Article 9 interpretation guidance is needed. AFRICAN GROUP supported continuing discussions on releases. The US expressed skepticism about reaching consensus and significant concern about the definition of releases. CHILE said the expert group should focus on methodologies. ZAMBIA called for clear definitions of terms used in Article 9. KUWAIT called for a new approach regarding wastewater. Independent

Ecological Expertise called for more work on point sources in metal production. IPEN supported addressing wastewater under Article 9 and called for accelerated development of guidance on best environmental practice (BEP) and best available techniques (BAT).

The Technical Matters Contact Group was tasked with further discussion with a view to developing a draft decision on guidance for methodologies for preparing point source inventories and on BEP/BAT.

**Financial Mechanism: Global Environment Facility:** The GEF Secretariat introduced the third report of the GEF to support the Minamata Convention (UNEP/MC/COP.3/9), which notes that USD 206 million was indicatively allocated to the implementation of the Minamata Convention for the current reporting period. The Minamata Secretariat presented updates on the Memorandum of Understanding adopted at COP2 and invited discussion in advance of the eighth replenishment of the GEF expected in 2021.

IRAN cautioned that the GEF is not providing adequate financing for programmatic activities, requesting that parties consider how GEF can resolve this and reflect on guidance for COP4.

### **Programme of Work and Budget**

The Secretariat presented on Programme of work and budget and highlighted elements of the reports on the main activities of the secretariat in the intersessional period (UNEP/MC/COP.3/19), Programme of work and budget for the biennium 2020–2021 (UNEP/MC/COP.3/20), proposed operational budgets for the two funding scenarios (UNEP/MC/COP.3/INF/11 and UNEP/MC/COP.3/INF/11/Add.1), and additional information documents on financial matters and budget activity factsheets.

IRAN requested clarification on outstanding contributions to the general trust fund for 2019, to which the Secretariat clarified that USD 2.9 million has been received out of the assessed contribution of USD 3.3 million of the general trust fund.

The AFRICAN GROUP called for more private sector involvement. Zero Mercury reminded parties that NGOs can support work in developing countries.

A Contact Group on Programme of Work and Budget was mandated to review the two scenarios for the Programme of Work and Budget and to submit a draft decision to plenary.

### **Contact Groups**

The Contact Group on effectiveness evaluation, co-chaired by Katerina Šebková (Czech Republic) and Teeraporn Wiriwutikorn (Thailand), discussed, among other issues, composition of the expert group, methodologies of reviewing available monitoring data, identifying gaps, examining modelling capabilities and outlining global monitoring arrangements.

Co-Chaired by Silvija Klinins (Latvia) and Sam Adu-Kumi (Ghana), the contact group on technical matters examined the CRPs on customs codes proposed by the EU and GRULAC (UNEP/MC/COP.3/CRP.1 and CRP.5). The Group agreed the Co-Chairs would draft a paper on next steps.

### **In the Corridors**

Accounting for national circumstances was a "flavor of the day" for delegates in both plenary and contact groups. "We absolutely cannot have a 'one template fits all' approach on thresholds," said one delegate, noting that factors such as climate and geographical characteristics impact measurement. In another discussion, developing countries also pushed for more representation in an expert group, saying that inclusion would ensure that their respective country situations are reflected. "At the end of the day, I want to see analysis that is specific to my country and our circumstances," said one small island developing state delegate. However, despite the best intentions, a delegate expressed concern that the specific expertise required may not yet be available for certain regions. Only time will tell if countries can mobilize the expertise and perspectives needed to "make mercury history."