



Distr.: General

12 July 2014

Original: English



**United Nations
Environment
Programme**

**Intergovernmental negotiating committee
to prepare a global legally binding instrument
on mercury
Sixth session**

Bangkok, 3–7 November 2014

Item 3 (a) of the provisional agenda*

**Work to prepare for the entry into force of the Minamata
Convention on Mercury and for the first meeting of the
Conference of the Parties: items necessary for the
effective implementation of the Convention upon its entry
into force**

**Proposal on information to be supplied when registering an
exemption**

Note by the secretariat

1. In paragraph 1 of article 6, the Minamata Convention on Mercury provides that any State or regional economic integration organization may register for one or more exemptions from the phase-out dates listed in Annex A and Annex B to the Convention by notifying the secretariat in writing. Any such registration shall be accompanied by a statement explaining the party's need for the exemption.
2. The secretariat has developed proposed content for the statement explaining the need for an exemption (see annex). The Committee may wish to consider this proposed content in conjunction with the proposed form for registering exemptions and the proposed format for the register of exemptions to be maintained by the secretariat (see UNEP(DTIE)/Hg/INC.6/6 and UNEP(DTIE)/Hg/INC.6/8, respectively).
3. By paragraph 5 of its resolution 1, on arrangements in the interim period, the Conference of Plenipotentiaries on the Minamata Convention on Mercury decided that the intergovernmental negotiating committee should develop, and adopt on a provisional basis pending decision by the Conference of the Parties, those items necessary for the effective implementation of the Convention upon its entry into force, including in particular guidelines for the information to be provided upon registering an exemption.
4. The committee may wish to consider the proposed content and adopt it on a provisional basis pending decision by the Conference of the Parties at its first meeting. This will enable parties to provide the information required when registering an exemption or exemptions in the period until entry into force of the Convention and the period between entry into force of the Convention and the first meeting of the Conference of the Parties.

* UNEP(DTIE)/Hg/INC.6/1.

Annex

Exemptions from the phase-out dates listed in Annex A and Annex B

A. Statement explaining the party's need for an exemption from the phase-out dates listed in Annex A

Exemptions for mercury-added products shall refer to the need to continue the manufacture, import or export of products listed in part 1 of Annex A beyond the phase-out date listed in the Annex. A party registering such an exemption shall provide a statement explaining the need for the exemption, which may include the information set out below. A separate statement is required for each category or subcategory for which the exemption is being registered:

Exemption to allow continued manufacture: A statement justifying the need for continued manufacture of the specific mercury-added product within the party's territory, including any timetable or plan of action to phase out the manufacture or to adjust manufacturing specifications to comply with the mercury concentrations for products set out in the Annex, and the availability to the party of mercury-free alternatives that are technically and economically feasible, taking into account the environmental and human health risks and benefits.

Exemption to allow continued import: A statement justifying the need for continued import of the specified product, including the continuing need for the product at the national level, information on the level of stocks of the product available nationally, information on the availability of suitable alternatives that are free of mercury or that involve the consumption of less mercury than the exempt use and which are considered to be technically and economically feasible, taking into account the environmental and human health risks and benefits, and the timetable and plan of action to phase out the continued import of the product during the period of the exemption.

Exemption to allowed continued export: A statement justifying the need for continued export of the specified product, including the expressed need from importers of the product. As the export of mercury-added products controlled under article 4 of the Convention would need to occur only to parties with allowed uses, importing parties would need to have registered an exemption for import prior to expressing such a need. To export to a non-party, the importing country would need to provide certification of its intention to import and evidence of its ability to manage mercury-containing waste in an environmentally sound manner and under provisions which are not less than those provided for by the Convention.

B. Statement explaining the party's need for an exemption from the phase-out dates listed in Annex B

Exemptions for manufacturing processes in which mercury or mercury compounds are used shall refer to the need to continue the use of mercury in the processes set out in part I of Annex B. A party registering such an exemption shall provide a statement explaining the need for the exemption. A separate statement is required for each category or subcategory for which the exemption is being registered. The statement should identify the facilities for which an exemption is requested, the capacity of the facilities and the expected annual use of mercury by the facilities. The statement shall also provide the plan of action agreed with industries and other relevant stakeholders for the phasing out of the use of mercury in those facilities during the requested exemption period.
