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**United Nations
Environment
Programme**

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

Dead Sea, Jordan, 10–15 March 2016
Item 3 (b) 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 to the Convention: matters
required by the Convention to be decided upon by the
Conference of the Parties at its first meeting**

**Compilation of submissions on the question of whether
additional guidance is necessary in accordance with paragraph
12 of article 3 of the Minamata Convention**

Note by the secretariat

1. Paragraph 12 of article 3 of the Minamata Convention on Mercury states that the Conference of the Parties “shall at its first meeting provide further guidance in regard to this Article, particularly in regard to paragraphs 5 (a), 6 and 8....”
2. In paragraph 6 of its resolution on arrangements in the interim period (UNEP(DTIE)/Hg/CONF/4, annex I), the Conference of Plenipotentiaries requested the intergovernmental negotiating committee to focus its efforts on those matters required by the Convention to be decided upon by the Conference of the Parties at its first meeting, including in particular guidance with regard to paragraphs 5 (a), 6, 8 and 12 of article 3.
3. At its sixth session, the intergovernmental negotiating committee considered the issue of guidance required under article 3 and requested the secretariat to prepare draft guidance in relation to paragraphs 5 (a), 6 and 8. Draft guidance prepared by the secretariat in response to that request is before the committee in document UNEP(DTIE)/Hg/INC.7/3 in relation to paragraphs 6 and 8, and in document UNEP(DTIE)/Hg/INC.7/4 in relation to paragraph 5 (a). The committee also requested the secretariat to invite submissions from Governments and other relevant actors regarding whether there were any additional elements within the guidance referred to in paragraph 12 of article 3 not covered by either the guidance on the forms or that for stocks. Governments and other relevant actors were invited to send submissions to the secretariat, including on whether additional guidance was needed and the nature of that guidance, and the secretariat was to make those submissions available on the Minamata Convention website. The secretariat initially asked for submissions no later than 1 May 2015. Following a decision by the Bureau, however, that deadline was extended to 31 August 2015.

* UNEP(DTIE)/Hg/INC.7/1.

4. The submissions received from Governments and other actors are available at <http://www.mercuryconvention.org/Negotiations/INC7/INC7submissions/tabid/4754/Default.aspx>. A compilation of the submissions is set out in the annex to the present note.
5. The Committee may wish to consider the compilation of submissions when determining whether any further guidance is necessary in relation to paragraph 12 of article 3.

Annex

Compilation of submissions

1. The Government of Canada is of the view that there is no need for additional guidance on article 3 but supports the development of material to assist parties in completing the forms.
 2. The Government of Colombia has not identified any additional items to be included in the guide but looks forward with interest to the contributions of other parties with more experience on the matter.
 3. The Government of Mexico does not object to the provision of additional guidance on article 3, provided it follows the principles of the Convention. Should any additional guidance be introduced that requests additional information from parties, the Government of Mexico, in order to ensure transparency, would support the further inclusion of information highlighting the cases in which and the conditions under which such additional information would be required.
 4. The Government of Norway has at present no submission to make on the issue of additional guidance on article 3. It suggests, however, that the issue be revisited when, inter alia, the guidance on the use of the standard forms for consent has been finalized and experience on the use of the forms and on the identification of stocks of mercury and mercury compounds has been gained.
 5. The Government of Switzerland is of the view that the guidance document is of great importance and needs to be considered as an integral part of the prior informed consent procedure. Therefore, a third section of the guidance should be made available with additional information to enable parties to make informed decisions on whether to provide consent for any imports of mercury or mercury compounds. The guidance should assist countries in gaining access to the following sources of information:
 - (a) The register of exemptions for the products and processes administered by the secretariat, which would allow for parties to see which exemptions are registered by which parties and for what period of time;
 - (b) Information provided by parties in their national reporting relevant to providing written consent on the import of mercury and mercury compounds.
 6. The Government of the United States of America is strongly of the view that there is no need for additional guidance on article 3.
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