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

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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**

Report of the group of technical experts on the development of guidance required under article 8 of the Convention

**Draft guidance on support for parties in implementing the measures set
out in paragraph 5 of article 8, in particular in determining goals and in
setting emission limit values**

Note by the secretariat

The secretariat has the honour to provide, in the annex to the present note, the draft guidance prepared by the group of technical experts on air emissions which is being forwarded to the intergovernmental negotiating committee as the result of its work on support for parties in implementing the measures set out in paragraph 5 of article 8, in particular in determining goals and in setting emission limit values, as referred to in document UNEP(DTIE)/Hg/INC.7/6. The draft guidance is reproduced without formal editing.

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

Annex

Technical aspects of the guidance on support for parties in implementing the measures set out in paragraph 5 of article 8, in particular in determining goals and in setting emission limit values

Specific information related to paragraph 5

In order to implement the measures set out in paragraph 5 of article 8, parties are likely to need information related specifically to the control and eventual reduction of mercury emissions. That information, which forms part of the technical support provided to parties, is set out below.

A. Quantified goal for controlling and, where feasible, reducing emissions from relevant sources

The establishment of quantified goals is a measure which may be used to reduce mercury emissions over time. Goals may be established for attainment over a short period, or over longer (i.e. multiyear) periods. Such quantified goals may take a number of different forms, including caps on total emissions over the year. Goals may also be established on the basis of a reduction percentage. In this case, a clear baseline needs to be defined, in order to measure progress towards the goal. Goals may also be established as an average emission level to be achieved, based on a specified concentration or on other types of emission factors. The goal could be applied to an individual source, or to a group of sources within a source category under Annex D, or even within a group of sources across multiple source categories under Annex D.

Another form which the goal could take would be the quantified phase-in of the application of particular control measures to multiple sources over a specified time period.

The establishment of a goal may be based on defined environmental and health outcomes or on the anticipated emission control or reduction expected from its the achievement of the goal. A quantified goal may also be established using a bottom-up approach, incorporating the expected performance levels associated with the use of BAT.

It should be stressed that setting a goal does not take away the need to control emissions from all relevant sources.

While strategic measures may be recommended, flexibility in terms of the control measures used to meet the goals is possible. It may be feasible for control measures to be implemented sequentially, starting with the least expensive control measure and continuing until sufficient reduction is achieved to meet the required goal. Establishing a goal should include a ready mechanism to report progress and success in terms of being able to meet the goal. While the quantified goal needs to be related to controlling and, where feasible, reducing emissions from relevant sources, other factors could be considered in setting the goal, including desired environmental and health outcomes.

B. Emission limit values for controlling and, where feasible, reducing emissions from relevant sources

As defined in paragraph 2 (e) of Article 8, “emission limit value” means a limit on the concentration, mass or emission rate of mercury or mercury compounds, often expressed as “total mercury”, emitted from a point source.

Emission limit values can be established by a party at a national level, on a state or province basis, or for an individual facility as part of reviewing and approving its continued operation. While values established at a national level provide a high level of consistency, values established on a regional or individual facility basis provide greater flexibility to take into account the particular circumstances in that region or at that facility.

Emission limit values may be set in a number of ways, including as a percentage of the input material, as a percentage of the production value of the facility, or as a concentration of the pollutant in emitted air. The actual numerical value for the emission limit value may vary, depending on national circumstances or the circumstances of individual facilities.

Countries that use emission limit values generally establish values that are consistent with the best available techniques (BAT) as defined under their regulatory framework. Emission limit values should then be regularly reviewed to take account of progress in emission controls using available techniques. It should be noted that the use of emission limit values does not imply the mandatory

application of any specific techniques. Emission limit values are a results-based approach that establishes a certain level of control over emissions, and this may be achieved through a range of techniques or strategies.

As the emission limit value is established on the basis of BAT, it is not feasible to recommend actual levels to be used for these values at a global level. The choice should be informed by the emission levels achieved by the use of BAT for the party or facility, which are mentioned in the BAT/BEP guidance document, developed under paragraph 8 (a) of Article 8, which [was adopted by the Conference of the Parties at its first meeting].

Establishing an emission limit value should be accompanied by an appropriate mechanism to monitor and report on the emissions and compare them with the emission limit value.

C. The use of best available techniques and best environmental practices to control emissions from relevant sources

Technical information relating to paragraph 5 (c) of Article 8, on the use of best available techniques and best environmental practices to control emissions from relevant sources, may be found in the BAT/BEP guidance document. In particular, guidance on establishing BAT is set out in the introductory section of that guidance, while techniques are described both in the chapter on general techniques and in specific sector chapters.

D. A multi-pollutant control strategy that would deliver co-benefits for control of mercury emissions

Multi-pollutant control techniques delivering mercury co-benefits are presented in the BAT/BEP guidance document. For Parties choosing to use this measure for the control and reduction of mercury emissions, it may be beneficial to obtain information on the levels of mercury achieved with the use of such control strategies, so as to demonstrate the effectiveness of the strategies. The BAT/BEP guidance document provides information in this respect.

E. Alternative measures to reduce emissions from relevant sources

A party may select any other alternative measure to reduce emissions from relevant sources, in line with paragraph 6 of Article 8, to show that those measures applied by a party achieve reasonable progress in reducing emissions over time. Measures may include, for example, the closure of smaller facilities (which may be old or have poor control technologies) and their replacement with larger or more modern and efficient facilities with better emissions controls, resulting in an overall reduction of mercury emissions at the national level. A party may also choose to address emissions from relevant sources by closing plants and replacing their contribution to, for example, electricity supply by developing alternative power sources or waste management practices which do not rely on waste incineration.
