Summary of the Minamata Treaty on Mercury
on the basis of conference room papers (CRPs) at the end of INC 5.

28 January 2013

Preamble (CRP 53)

- Reaffirms the Rio+20 principles including common but differentiated responsibilities;
- Recognizes the health concerns of vulnerable populations and particular vulnerabilities of indigenous communities;
- Discusses the importance of financial, technical, technological and capacity-building support, particularly for developing countries and economies in transition;
- States that the Convention and other international agreements are mutually supportive and includes references to WHO activities related to human health and mercury.

Convention Objective (Article 1, CRP 15 and 20)

- The objective of the Convention is to protect human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds.

Mercury supply sources and trade (Article 3, CRP 55)

- New mercury mines in a country are prohibited as of the date the Convention enters into force by that government;
- Existing mines in a country must be phased out within 15 years of the date the Convention enters into force by that government;
- Mercury from mercury mines and chlor-alkali plant decommissioning cannot be used for small-scale gold mining once the Convention comes into force;
- Mercury from decommissioning chlor-alkali plants (factories using mercury to make chlorine and caustic soda, required to be phased out by 2025), cannot be sold or reused except within the chlor-alkali sector itself, otherwise mercury should be directed to final disposal;
- The trading of mercury requires the written consent of the importing country;

Mercury-added products (Article 6, CRP 54)

- Parties shall discourage the manufacture and the distribution in commerce of mercury-added products not covered by any known use prior to the date of entry into force of the Convention for it.
- Specified mercury-added products are subject to a 2020 phase out date. These products are batteries (except silver oxide and zinc air button cells), the vast majority of switches and relays, skin lightening soaps and creams (>1ppm), pesticides, biocides (but not vaccines), topical antiseptics, barometers, hygrometers, manometers, thermometers, and blood pressure cuffs. Exceptions are provided for calibration and scientific research, and certain replacement applications;
- The use of mercury in dental amalgam, are subject to requirements in Annex C, Part II, which specifies that parties shall undertake two or more of the measures listed to phase down amalgam use;

Manufacturing processes in which mercury or mercury compounds are used (Article 7, CRP 55)

- Mercury is not allowed in a facility that did not exist prior to the date of entry into force of the Convention;

- Parties shall discourage the development of any new process in which mercury is used that did not exist prior to the date of entry into force of the Convention;
- The mercury cell chlor-alkali plants are subject to a 2025 phase out date. The manufacture of acetaldehyde using mercury is to be phased out by 2018;
- The manufacture of vinyl chloride monomer, polyurethane, and sodium methylate are subject to phase down requirements;

Exemptions available to a Party upon request (Article 8, CRP 55)

- The phase out dates for products and the chlor-alkali sector may be extended if a country requests an exemption. An initial five year extension will be easy to get; the second and last possible five year extension is subject to review and approval by all Parties to the Convention;

Artisanal and small-scale gold mining (Article 9, from INC 4- para 5 deleted at INC 5)

- To address mercury use in small-scale gold mining, if determined use "is more than insignificant," governments must develop and implement national action plans (NAP) no later than 3 years after Convention enters into force and report progress every 3 years thereafter
- NAP designed to prohibit the worst practices, undertake measures to reduce and where feasible eliminate mercury use over time.
- To send the right market signals to miners and reduce mercury availability, mercury from mercury mines and chlor-alkali plant decommissioning cannot be used for small-scale gold mining once the Convention comes into force;

Emissions (Article 10, CRP 55)

- Air emissions from coal-fired power plants and industrial boilers; lead, zinc, copper, and industrial gold roasting and smelting processes; cement plants; and waste incinerators will be covered by the treaty. New (and substantially modified) sources within these sectors will be subject to BAT/BEP (Best Available Techniques/Best Environmental Practices) latest 5 years after the Convention comes into force, where feasible, for that government, but existing sources (in existence one year after the Convention comes into force for that government) are subject to a wider range of possible regulatory regimes, taking into account its national circumstances, and the economic and technical feasibility, and affordability of the measures, as soon as practicable that need not be applied until 10 years after the Convention comes into force for that government;

Releases (Article 11, CRP 55)

- Mercury releases to water and land from relevant sources not addressed elsewhere in the convention shall be identified within 3 years of entry into force of the Convention by that government and are to be controlled and, where feasible, reduced;
- Control measures include a wide range of possible regulatory regimes;

Environmentally sound interim storage of mercury, other than waste mercury (Article 12, CRP 35)

- Measures need to be taken to ensure that the interim storage of mercury intended for a use allowed is undertaken in an environmentally sound manner, taking into account any existing guidelines; specific requirements for interim storage may be developed at a later stage by the Conference of the Parties (COP).

Mercury wastes (Article 13, CRP 35)

- Appropriate measures shall be taken so that mercury waste is managed in an environmentally sound manner on the basis of specific requirements that will be developed by the COP.
- The Basel Convention applies on the transport of mercury waste, and non parties to the Basel Convention should take into account relevant international rules, standards, and guidelines.

Contaminated sites (Article 14, CRP 55)

- Requires parties "to endeavor to develop appropriate strategies" that can be developed for identifying and assessing sites contaminated by mercury, and actions to reduce relevant risks has to be performed in an environmentally safe manner;
- Guidance on managing contaminated sites is to be adopted by the COP at a later stage.

Financial Resources and Mechanism (Article 15, CRP 52)

- A special trust fund will be created within the Global Environmental Facility to support developing nations as they undertake activities to implement this Convention, and an additional source of funds will be made available to provide general capacity-building and technical assistance (perhaps ongoing support for focal points in developing countries working on multiple chemical treaties).Both will be operated under the guidance of and be accountable to the Conference of the Parties.

Implementation and compliance committee (Article 17, CRP 51)

- An implementation and compliance committee will be established to promote implementation of, and review compliance with, all provisions of the Convention.

Information exchange (Article 18, CRP 15 and 20)

- Requires parties to facilitate exchange of information on scientific, economic and legal information concerning mercury and mercury compounds; on viable alternatives to mercury use in products and processes; and on epidemiological information on health impacts from mercury.
- Each party shall designate a national focal contact points for information exchange
- Health and safety information shall not be regarded as confidential

Health (Article 20bis, CRP 35)

- Parties are encouraged to promote strategies to identify and protect populations at risk, implement programs to prevent occupational exposure and strengthen health professional capacities for reducing exposure risks to mercury

National Implementation Plans (Article 21, CRP 50)

- Parties, may develop and execute a national implementation plan (NIP) for meeting the obligations under the convention, following an initial assessment of the domestic implications of each obligation for that Party

Parties should consult with national stakeholders in the development, implementation, review and updating of NIPs

Evaluation (Article 23, CRP 26)

- Conference of the Parties shall evaluate the Convention's effectiveness no later than 6 years after the date of entry into force

Entry into force (Article 32, CRP 15)

- Fifty (50) countries will need to sign the Treaty so that it enters into force.