

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

Fifth session

Geneva, 13–18 January 2013

Agenda item 3

**Preparation of a global legally binding instrument on
mercury**

**Submission by the contact group on Article 6, on mercury-
added products**

Note by the secretariat

The secretariat has the honour to provide, in the annex to the present note, a submission by the contact group on Article 6, on mercury-added products. It is presented as submitted to the secretariat, without formal editing.

Annex

Submission by the contact group on Article 6, on mercury-added products

6. Mercury-added products

Restriction of manufacture, import and export

1. Each Party shall not allow, by taking appropriate measures, the manufacture, import or export of mercury-added products listed in Part I of Annex C after the phase-out date specified for those products, except where an exclusion is specified in Annex C or the Party has a registered exemption pursuant to Article 8.

1.bis A Party may, as an alternative to paragraph 1, indicate at the time of ratification or upon entry into force of an amendment to Annex C for it, that it will implement different measures or strategies to address products listed in Part I of Annex C. A Party may only choose this alternative if it can demonstrate that it has already reduced to a de minimis level the manufacture, import, and export for the large majority of the products listed in Part I of Annex C and that it has implemented measures or strategies to reduce the use of mercury in additional products not listed under Part I of Annex C at the time it notifies the Secretariat of its decision to use this alternative. In addition, a Party choosing this alternative shall:

- (a) report to its first Conference of the Parties a description of the measures and/or strategies implemented, including a quantification of the reductions achieved;
- (b) implement measures or strategies to reduce the use of mercury in any products listed in Part I of Annex C for which a de minimis value has not yet been obtained;
- (c) consider additional measures to achieve further reductions; and
- (d) not be eligible to claim exemptions pursuant to paragraph 8 for any product category for which this alternative is chosen.

No later than 5 years after entry into force of the Convention, the Conference of the Parties shall, as part of the review process under paragraph 5, review the progress and the effectiveness of the measures taken under this paragraph.

2. Each Party shall take measures for the mercury-added products listed in Part II of Annex C in accordance with the provisions set out therein.

3. The Secretariat shall, on the basis of information provided by Parties, collect and maintain information on mercury-added products and their alternatives, and shall make such information publicly available. The Secretariat shall also make publically available any other relevant information submitted by Parties.

Assembled products

4. Each Party shall take measures to prevent the incorporation into assembled products of mercury-added products the manufacture, import and export of which are not allowed for it under this Article.

New products

5. Each Party shall discourage the manufacture and the distribution in commerce of mercury-added products not covered by any known use of mercury-added products prior to the date of entry into force of the Convention for it, unless an assessment of the risks and benefits of the product demonstrates environmental or human health benefits.

6. The Party shall provide to the Secretariat, as appropriate, information on any such product, including any information on the environmental and human health risks and benefits of the product. The Secretariat shall make such information publicly available.

Listing of products in Annex C

7. Any Party may submit a proposal to the Secretariat for listing a mercury-added product in Annex C, which shall include information related to the availability, technical and economic feasibility and environmental and health risks and benefits of the non-mercury alternatives to the product, taking into account information pursuant to paragraph 3.

Review of Annex C

8. No later than five years after the entry into force of the Convention, the Conference of the Parties shall review Annex C and may consider amendments to that Annex in accordance with the procedures set forth in Articles 28.

9. In reviewing Annex C pursuant to paragraph 8 of this Article, the Conference of the Parties shall take into account at least:

- (a) Any proposal submitted under paragraph 7;
- (b) The information made available pursuant to paragraph 3; and
- (c) The availability to the Parties of mercury-free alternatives that are technically and economically feasible, taking into account the environmental and human health risks and benefits [and the special circumstances of developing countries].

Annex C - Mercury-added products (*)

* The following products are excluded from this Annex:

- (a) Products essential for civil protection and military uses;
- (b) Products for research, calibration of instrumentation, for use as reference standard;
- (c) Where no feasible mercury free alternative for replacement is available, switches and relays, CCFL and EEFL for electronic displays, and measuring devices;
- (d) Products used in traditional or religious practices; and
- (e) Vaccines containing thiomersal as preservatives.

Part I: Products subject to Article 6, paragraph 1

Mercury-added Products	Date after which the manufacture, import or export of the product shall not be allowed
Batteries, except for button zinc silver oxide batteries with a mercury content < 2%, button zinc air batteries with a mercury content < 2%	2020
Switches and relays, except very high accuracy capacitance and loss measurement bridges and high frequency radio frequency switches and relays in monitoring and control instruments with a maximum mercury content of 20 mg per bridge, switch or relay	2020
Compact fluorescent lamps (CFLs) for general lighting purposes that are ≤ 30 watts with a mercury content exceeding 5 mg per lamp burner	2020
Linear fluorescent lamps (LFLs) for general lighting purposes: (a) Triband phosphor < 60 watts with a mercury content exceeding 5 mg per lamp; (b) Halophosphate phosphor ≤ 40 watts with a mercury content exceeding 10 mg per lamp	2020
High pressure mercury vapour lamps (HPMV) for general lighting purposes	2020
Mercury in cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for electronic displays: (a) short length (≤ 500 mm) with mercury content exceeding 3.5mg per lamp (b) medium length (> 500 mm and ≤ 1 500 mm) with mercury content exceeding 5 mg per lamp (c) long length (> 1 500 mm) with mercury content exceeding 13 mg per lamp	2020
Cosmetics (with mercury content above 1ppm), including skin lightening soaps and creams, and not including eye area cosmetics where mercury is used as a preservative and no effective and safe substitute preservatives are available ¹	2020
Pesticides, biocides and topical antiseptics ²	2020
The following non-electronic measuring devices except non-electronic measuring devices installed in large-scale equipment or those used for high precision measurement, where no suitable mercury free alternative is available: (a) barometers; (b) hygrometers; (c) manometers; (d) thermometers; (e) sphygmomanometers.	2020

¹ The intention is not to cover cosmetics, soaps or creams with trace contaminants of mercury.

² The Contact Group noted that the meeting report should state that listing of biocides in Annex C, Part I was not intended to include preservatives in pharmaceuticals or vaccines.

Part II: Products subject to Article 6, paragraph 2

Mercury-added products	Provisions
Dental amalgam	<p>Measures to be taken by a Party to phase down the use of dental amalgam shall take into account the Party's domestic circumstances and relevant international guidance and shall include two or more of the measures from the following list:</p> <ul style="list-style-type: none"> (i) Setting national objectives aiming at dental caries prevention and health promotion, thereby minimising the need for dental restoration; (ii) Setting national objectives aiming at minimising its use; (iii) Promoting the use of cost-effective and clinically effective mercury-free alternatives for dental restoration; (iv) Promoting research and development of quality mercury-free materials for dental restoration; (v) Encouraging representative professional organisations and dental schools to educate and train dental professionals and students on the use of mercury-free dental restoration alternatives and on promoting best management practices; (vi) Discouraging insurance policies, and programmes that favour dental amalgam use over mercury-free dental restoration; (vii) Encouraging insurance policies and programmes that favour the use of quality alternatives to dental amalgam for dental restoration; (viii) Restricting the use of dental amalgam to its encapsulated form; (ix) Promoting the use of best environmental practices in dental facilities to reduce releases of mercury and mercury compounds to water and land.