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Conference of the Parties to the Minamata Convention on Mercury First meeting

Geneva, 24–29 September 2017

Item 5 (a) (ii) of the provisional agenda*

Matters for action by the Conference of the Parties at its first meeting: matters stipulated under the Convention: the required content of the certification referred to in paragraphs 6 (b) and 8 of article 3

Required content of the certification required for the import of mercury from non-parties in accordance with paragraphs 6 (b) and 8 of article 3

Note by the secretariat

1. Article 3 of the Minamata Convention on Mercury, on mercury supply sources and trade, provides, in paragraph 12, 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, and shall develop and adopt the required content of the certification referred to in paragraphs 6 (b) and 8”. Paragraph 6 (b) of article 3 requires that a non-party seeking to import mercury from an exporting party provide certification demonstrating that the non-party has measures in place to ensure the protection of human health and the environment, that it has measures in place to ensure its compliance with the provisions of articles 10 and 11 and that such mercury will be used only for a use allowed to a party under the Convention or for environmentally sound interim storage as set out in article 10. Paragraph 8 of article 3 provides that a party “shall not allow the import of mercury from a non-Party to whom it will provide its written consent unless the non-Party has provided certification that the mercury is not from sources identified as not allowed under paragraph 3 or paragraph 5 (b)” of article 3.

2. At its sixth session, the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury considered the requirements of article 3 of the Convention and adopted on a provisional basis, pending possible adoption by the Conference of the Parties at its first meeting, both the forms in relation to paragraphs 6 and 8 and the required content of the certification referred to in those paragraphs. The forms, including the required content of the certification, are set out in annex II to the note by the secretariat on guidance in relation to mercury supply sources and trade (article 3), particularly in regard to identification of stocks and sources of supply (paragraph 5 (a)) and forms and guidance for obtaining consent to import mercury (paragraphs 6 and 8) (UNEP/MC/COP.1/5). The sections relating to the content of the certification are reproduced in annex II to the present note. A draft decision providing for the adoption of the content of the certification is set out in annex I to the present note.

* UNEP/MC/COP.1/1.

Suggested action by the Conference of the Parties

3. The Conference may wish to adopt the content of the certification in regard to article 3 of the Convention as adopted on a provisional basis by the intergovernmental negotiating committee at its sixth session.

Annex I

Draft decision MC-1/[XX]: Guidance in relation to mercury supply sources and trade in relation to certification

The Conference of the Parties

Decides to adopt the required content of certification to be used in conjunction with the forms for the export of mercury from parties and non-parties.

Annex II

Content of the certification to be provided by a non-party under article 3 of the Minamata Convention

1. There are three references to the required certification to be provided by a non-party in the forms and guidance applicable to article 3 of the Convention.
2. Form B, for the provision of written consent by a non-party to the import of mercury, includes the following section on certification:

Section D: Certification and Information to be provided by an importing non-Party

Article 3, paragraph 6 (b) (i), requires certification by a non-Party that it has measures in place to ensure the protection of human health and the environment and to ensure compliance with Articles 10 and 11 of the Convention.

Please circle whether your country has such measures in place. YES NO

If yes, please provide appropriate documentation demonstrating such measures. Such documentation may include procedures, legislation, regulations, or other measures at the national level and shall provide sufficient detail to demonstrate the effectiveness of such measures.

In addition, mercury may only be exported by a Party to a non-Party for a use allowed to a Party under the Convention or for environmentally sound storage, as set out in Article 10 of the Convention.

What is the purpose of the import of the mercury? Please circle:

- i. *Environmentally sound interim storage in accordance with Article 10:*
YES NO

If yes, please specify the intended use if known.

Tel:

- ii. *Use allowed to a Party under the Convention:* YES NO

If yes please specify additional details about the intended use of the mercury.

3. Form C, for non-party certification of the source of mercury to be exported to a party, which is to be used in conjunction with form A or form D, when required, includes the following section on certification:

Section C: Certification

In accordance with Article 3, paragraph 8, of the Convention, my Government certifies that the mercury included in the shipment described in this form is not:

- i. *From primary mercury mining; or*
- ii. *Mercury determined by the exporting non-Party to be excess mercury from the decommissioning of chlor-alkali facilities.*

Supporting information _____

Signature of responsible government official and date

Name:

Title:

Signature:

Date:

4. Form D, for general notification of consent to import mercury, includes the following section on certification:

Section D: Certifications from a non-Party (this section is not applicable to Parties)

In accordance with Article 3, paragraph 6, of the Convention, my Government certifies that:

It has measures in place to ensure the protection of human health and the environment and to ensure its compliance with the provisions of Articles 10 and 11 of the Convention. Please provide appropriate documentation demonstrating such measures. Such documentation may include procedures, legislation, regulations or other measures at the national level and shall provide sufficient detail to demonstrate the effectiveness of such measures; and

The imported mercury covered by this general notification of consent will be used only for a use allowed to a Party under the Convention or for environmentally sound interim storage as set out in Article 10 of the Convention.

For uses allowed under the Convention or for environmentally sound interim storage, please provide information if available about the intended use of the mercury.

