

Submission by the EU and its Member States on the draft report on the work of the ad-hoc technical group on effectiveness evaluation

The EU and its Member States welcome the progress made by the ad-hoc technical group in preparing the report on effectiveness evaluation. The report is well drafted, clearly explaining the proposed framework. It provides a very good basis allowing for a well-informed review by Parties.

However, the proposed framework is overly complex. It appears to seek to both evaluate the effectiveness of the Convention and to generate a robust understanding of mercury in the environment and how this relates to the Convention. Whilst this would be ultimately desirable, we believe this objective is largely out of reach given current knowledge and science.

The framework should recognise three key facts:

1. The capacity of the Convention to influence the amount of mercury in the environment is limited given the massive historic stock. The 2018 Global Mercury Assessment makes this clear and estimates that about 60% of mercury in the atmosphere is due to recycling of historic mercury, whilst around 10% comes from volcanic activities. The Convention can therefore only have an impact on the 30% of mercury in the atmosphere that is due to anthropogenic emissions stemming from present human activities.
2. Even if the Convention is effective in curbing current supply, use and emissions and releases to the environment, thereby reducing amounts of mercury added to the environment, it is likely that monitoring will observe an increased amount of mercury e.g. in the atmosphere due to factors outside the scope of the Convention. This includes impacts from climate change such as increased availability of mercury stored in melting permafrost and increased evaporation of mercury from the warming of oceans.
3. The consequence of points 1 and 2 is that there is no clear link between levels of mercury observed in the environment and biota and action taken under the Convention. Integrated assessment, as proposed in the framework, would aim to establish causality between action taken under the Convention and levels monitored, i.e. linking the sources to the sinks. However, the required models and tools are not available, at least for the first effectiveness evaluation cycle.

We therefore consider that the first effectiveness evaluation should principally aim at assessing whether the Convention is effective in reducing supply, use and emissions and releases. In other words, is the Convention curbing/stopping anthropogenic addition of mercury to the existing stock of mercury present in the environment?

Furthermore, the framework proposed is heavy in terms of number of groupings of experts, which would make its implementation burdensome and costly.

It is the view of the EU and its Member States that the proposed framework should be amended as follows:

1. Revise the policy questions:
 - a. Policy question 2 should not only refer to emissions and releases but rather to all control measures taken under the Convention. It should thus be widened, e.g. as follows “Have the actions resulted in changes in supply, trade, use, emission and releases of mercury as well as in the management of mercury waste?”
 - b. Policy question 3 should refer to those changes, without limiting this to emissions and releases.
 - c. Policy question 4 should be clarified as applying to the evaluation period and not to modelling of potential future policy scenarios, e.g. as follows: “Are existing measures under the Minamata Convention sufficient to meet its objectives of promoting human health and the environment”.
2. Reduce the number and size of groups:
 - a. Scientific and technical groupings are not needed for drafting the synthesis reports. Rather, the preparation of synthesis reports should be contracted out by the Secretariat.
 - b. Maintain the monitoring group, mandating it to draft a Global Monitoring Report (GMR) and recommendations for SOPs for monitoring activities undertaken by Parties and others. The Framework should present in more concrete terms how the group will proceed to produce the Global Monitoring Report. However, this group should be considerably downsized.
 - c. Postpone the establishment of a group in charge of integrated assessment until after the COP has concluded that proven, reliable and robust tools and models are available.
3. Remove the integrated assessment report from the first effectiveness evaluation cycle until after the COP has concluded that proven, reliable and robust tools and models are available. The report should refer to a possible future refinement of the framework to include integrated assessment and detailed information on integrated assessment should be moved to the information document.
4. Modify the list of synthesis reports:
 - The Secretariat should produce an additional synthesis report on the reporting by Parties in accordance with Article 21, of the Convention. This synthesis report should include the indicators that are based on Article 21 reporting.
 - Although the global mercury waste assessment is an interesting report, it focusses on current mercury waste management practices and does not inform on effectiveness of the Convention. It is expected that future reports on supply and trade would also address any reuse of waste mercury for allowed uses. The waste report thus does not need to be included in the framework.
5. The Effectiveness Evaluation Committee should have a substantive role rather than merely endorsing a report produced by a scientific body. It should consider all relevant reports described in the framework. The Committee should be actively supported by the Secretariat.

6. The list of evaluation indicators should be reviewed for further streamlining, inter alia in light of the following considerations:
 - a. The report should make clear that the indicators are intended to be used to inform on changes and trends and not only to describe a situation at a given moment in time.
 - b. The list of indicators is being prepared at a time where data and information gathering has not taken place. It is thus likely that some indicators will have to be fine-tuned in light of the amount and quality of data and information made available and that gap filling will be necessary. In certain cases indicators might prove unworkable and eventually not be used. Nevertheless, it seems better to have a long list now and to refine it when undertaking the evaluation.
 - c. Where a cross-cutting indicator is provided, its description should cover its components and those components should not be listed as separate indicators. For example, the description of B1 should be enhanced and indicators B5, B6, B7, B9 and B12, on which it draws, should be deleted.
 - d. Indicator A1 will not be available until the COP has concluded that proven, reliable and robust tools and models are available. In the absence of such indicators, the overall conclusions of the effectiveness evaluation report finalised by the EEC should be discussed in light of the objective of the Convention as formulated in Article 1.
 - e. Some indicators do not seem to have the potential to inform on effectiveness and could be deleted, such as B7.

The EU and its Member States hope that the above comments provide clear guidance to the expert group on how to finalise the framework, in accordance with the COP2 decision. We will of course carefully review the final report submitted to COP3 and if needed provide detailed drafting suggestions in the run up to and at COP3.
