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**United Nations
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**Intergovernmental negotiating committee
to prepare a global legally binding instrument
on mercury
Sixth session**

Bangkok, 3–7 November 2014
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: 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**

Note by the secretariat

1. Paragraph 8 of article 8 of the Minamata Convention on Mercury provides that the Conference of the Parties to the Convention shall, at its first meeting, adopt guidance on:
 - (a) Best available techniques and on best environmental practices, taking into account any difference between new and existing sources of emissions and the need to minimize cross-media effects;
 - (b) Support for parties in implementing the measures set out in paragraph 5 of the same article, in particular in determining goals and in setting emission limit values.
2. Paragraph 9 of article 8 further provides that the Conference of the Parties shall, as soon as practicable, adopt guidance on:
 - (a) Criteria that parties may develop pursuant to paragraph 2 (b) of the article;
 - (b) The methodology for preparing inventories of emissions.
3. In its resolution on arrangements in the interim period, the Conference of Plenipotentiaries on the Minamata Convention established a group of technical experts, as a subsidiary body which would report to the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury, to develop the guidance called for in article 8 of the Convention. In the same resolution, the Conference agreed on the composition of the group and requested the Executive Director of the United Nations Environment Programme (UNEP) to convene the group of technical experts at the earliest opportunity.

* UNEP(DTIE)/Hg/INC.6/1.

4. The group met for the first time in Ottawa from 25 to 28 February 2014 and elected its two Co-Chairs: Mr. John Roberts (United Kingdom of Great Britain and Northern Ireland) and Mr. Adel Shafei Osman (Egypt). At its first meeting, the group considered the rules of procedure to govern its work, noting that, under rule 48 of the rules of procedure of the intergovernmental negotiating committee, they must be those of the committee, as appropriate, subject to such modifications as the committee may decide upon in the light of proposals made by the group. The group agreed to propose to the committee amendments to those rules of procedure required to ensure their applicability to the work of the group. The proposed amendments are described in annex I to the present note, and the draft rules of procedure for the group of technical experts are set out in annex II.
5. An informal summary of the outcomes of the first meeting of the group of technical experts is set out in annex III to the present note. The outcomes include an agreed approach to fulfilling the group's mandate, the assignment of responsibilities for its intersessional work and a workplan for the group in preparation for its second meeting, to be held in Geneva, Switzerland, from 9 to 12 September 2014. A further report by the Co-Chairs, presenting the intersessional work undertaken and the work of the group at its second meeting, will be made available to the committee.
6. The committee may wish to consider the proposal for amendments to the rules of procedure as applicable to the group of technical experts and adopt them for the further work of the group.
7. The committee may also wish to take note of the progress reports on the work of the group of technical experts.

Annex I

Proposals for amendments to the rules of procedure of the intergovernmental negotiating committee to adapt them for use by the group of technical experts

1. In section I, the purpose of the rules of procedure should be set aside, as the rules of procedure for the group of technical experts govern only the work of the group, rather than the negotiation of a global legally binding instrument on mercury.
2. In section II, on definitions, paragraphs 1 and 6 of rule 1 would need to be understood to refer to “experts” rather than to “parties”. The expert members were nominated through the United Nations regions.
3. Rule 3 on the agenda should refer to the group of technical experts deciding upon the agenda.
4. With regard to rules 6 and 7, the composition of the group is determined by the mandate set out in the resolution on arrangements in the interim period adopted by the Conference of Plenipotentiaries and presented in its Final Act.
5. With regard to rules 8 to 12, on officers, it should be noted that rule 48 governs the election of officers for any subsidiary bodies. The resolution on arrangements in the interim period, however, specifies that the technical expert group shall have two co-chairs. Rules 9 and 10 of the committee’s rules set out the process should the Chair be unable to perform his or her duties. They have been adapted, in rules 7 and 8 of the proposed rules of the expert group, to apply to the group’s co-chairs.
6. Rule 16 should be adjusted in terms of the availability of documents. It may not be possible, should work continue intersessionally, to provide all documents at least six weeks in advance of the expert group meetings.
7. Rule 17 should be adjusted to reflect that the meetings of the expert group are held in English only.
8. Paragraph 1 of rule 18 may need to be adjusted in relation to the number of experts required to constitute a quorum given the limited membership of the expert group.
9. Paragraph 2 of rule 18 on the participation of a regional economic integration organization is not applicable, as all members of the expert group participate in their personal capacities.
10. Rule 21 on a vice-chair acting as chair is not applicable if the group decides to have only two Co-Chairs and no Chair or other officers.
11. Rule 22 is not applicable as the chairs or co-chairs of subsidiary bodies do vote when voting is required.
12. Rules 32, 49, 50 and 51 should be amended to reflect that the working language of the expert group is English, with consequent effects in terms of interpretation and documents.
13. Rule 36 should be modified to refer to “expert” rather than “Party”.
14. Rules 38 to 42, which relate to voting, are not relevant to the expert group given its size and the nature of its work.
15. Rules 46 and 47 on elections and equally divided votes are not relevant for the expert group given the proposed changes to rules 38 and 42.
16. Rules 54 and 55 are not applicable as the resolution of the Conference of Plenipotentiaries specifies the procedure for the participation of observers.
17. Rule 56 is not applicable to the expert group, as the mandate for amending the rules of procedure for the expert group lies with the intergovernmental negotiating committee.

Annex II

Rules of procedure of the group of technical experts to develop the guidance called for in article 8 of the Minamata Convention on Mercury

I. Purposes

These rules of procedure shall govern the work of the group of technical experts established by the Conference of Plenipotentiaries on the Minamata Convention on Mercury to develop the guidance called for in article 8 of the Convention.

II. Definitions

Rule 1

1. “Expert” means an individual nominated by one of the United Nations regions to the group of technical experts established by the Conference of Plenipotentiaries on the Minamata Convention on Mercury.
2. “Co-Chair” means any Co-Chair elected in accordance with rules 6–8 of these rules of procedure.
3. “Secretariat” means the secretariat provided by the Executive Director required to service the negotiations.
4. “Executive Director” means the Executive Director of the United Nations Environment Programme.
5. “Meeting” means any series of sessions convened in accordance with the present rules of procedure.
6. “Experts present and voting” means experts present and casting an affirmative or negative vote. Experts who abstain from voting are considered as not voting.
7. “Committee” means the intergovernmental negotiating committee to prepare a legally binding instrument on mercury.

III. Places and dates of meetings

Rule 2

The venues and dates of meetings shall be decided by the group of technical experts in consultation with the secretariat.

IV. Agenda

Drawing up of the provisional agenda for a meeting

Rule 3

The group of technical experts shall draw up its provisional agenda for each meeting.

Adoption of the agenda

Rule 4

At the beginning of each meeting, the group of technical experts shall adopt its agenda for the meeting based on the provisional agenda.

Revision of the agenda

Rule 5

During a meeting, the group of technical experts may revise the agenda for the meeting by adding, deleting or amending items. Only items that the group of technical experts considers to be urgent and important may be added to its agenda during the meeting.

V. Officers

Elections

Rule 6

1. The group of technical experts shall elect two Co-Chairs from among its members.
2. In electing the Co-Chairs referred to in the previous paragraph, the group of technical experts shall have due regard to the principle of equitable geographic representation.

Acting Co-Chair

Rule 7

If one of the Co-Chairs finds it necessary to be absent from a meeting or any part thereof, he or she shall call upon the other Co-Chair to take his or her place.

Replacement of a Co-Chair

Rule 8

If a Co-Chair is unable to continue to perform his or her functions, a new Co-Chair shall be elected for the unexpired term, with due regard to rule 6, paragraph 2.

VI. Secretariat

Rule 9

The Executive Director may designate his or her representative during the meetings.

Rule 10

The Executive Director shall provide and direct the staff of the secretariat required to service the negotiations, including any subsidiary organs that the group of technical experts may establish.

Rule 11

The Executive Director, or his or her designated representative, may, subject to rule 15, make oral and written statements to the group of technical experts and its subsidiary organs concerning any matter under consideration.

Rule 12

The Executive Director shall be responsible for convening meetings in accordance with rules 2 and 3 and for making all the necessary arrangements for meetings, including the preparation and distribution of documents as agreed by the group of technical experts.

Rule 13

The secretariat shall, in accordance with these rules, receive and circulate the documents of the meetings; publish and circulate reports and relevant documentation to the Parties; have the custody of the documents in the archives of the group of technical experts; and generally perform all other work that the group of technical experts may require.

VII. Conduct of business

Quorum

Rule 14

The Co-Chairs may declare a meeting open and permit the debate to proceed when at least one half of the experts participating in the meeting are present. The presence of a majority of experts so participating shall be required for any decision to be taken.

Powers of the Co-Chairs

Rule 15

In addition to exercising the powers conferred upon them elsewhere by the present rules, the Co-Chairs shall declare the opening and closing of each meeting; direct the discussion; ensure the observance of the present rules; accord the right to speak; put questions to the vote; and announce decisions. The Co-Chairs shall rule on points of order and, subject to the present rules, shall have control over the proceedings of the meetings and over the maintenance of order at meetings. The Co-Chairs may propose to the group the limitation of the time to be allowed to speakers, the limitation of the number of times each expert may speak on any subject, the closure of the list of speakers or the closure of the debate. The Co-Chairs may also propose the suspension or the adjournment of the meeting or of the debate on the question under discussion.

Rule 16

Each Co-Chair, in the exercise of his or her functions, remains under the authority of the group of technical experts.

Speeches

Rule 17

No one may address a meeting without having previously obtained the Co-Chairs' permission. Subject to these rules, the Co-Chairs shall call upon speakers in the order in which they signify their desire to speak. The Co-Chairs shall call a speaker to order if his or her remarks are irrelevant to the subject under discussion.

Points of order

Rule 18

1. During the discussion of any matter, an expert may at any time raise a point of order and the point of order shall be immediately decided upon by the Co-Chairs in accordance with these rules. An expert may appeal against the ruling of the Co-Chairs. The appeal shall be put to the vote immediately and the Co-Chairs' ruling shall stand unless overruled by a majority vote of the experts present and voting.
2. An expert raising a point of order may not speak on the substance of the matter under discussion.

Time limit on speeches

Rule 19

The group of technical experts may limit the time allowed to each speaker and the number of times that each person may speak on any question, except on procedural questions, in respect of which the Co-Chairs shall limit each intervention to a maximum of five minutes. When debate is limited and a speaker has spoken for his or her allotted time, the Co-Chairs shall call him or her to order without delay.

Closing of list of speakers

Rule 20

During the course of a debate, the Co-Chairs may announce the list of speakers and, with the group of technical experts' consent, declare the list closed. The Co-Chairs may, however, accord the right of reply to any expert if, in their opinion, a speech delivered after they have declared the list closed renders this justified. When the debate on an item is concluded because there are no other speakers, the Co-Chairs shall, with the group of technical experts' consent, declare the debate closed.

Adjournment of debate

Rule 21

During the discussion of any matter, an expert may move the adjournment of the debate on the subject under discussion. In addition to the proponent of the motion, one expert may speak in favour of the motion and one against it, after which the motion shall be immediately put to the vote.

Closure of debate

Rule 22

An expert may at any time move the closure of the debate on the subject under discussion, whether or not any other expert has signified his or her wish to speak. Permission to speak on the closure of the debate shall be accorded only to two experts opposing the closure, after which the motion shall be immediately put to the vote. If the group of technical experts is in favour of the closure, the Co-Chairs shall declare the closure of the debate.

Suspension or adjournment of a meeting

Rule 23

During the discussion of any matter, an expert may move the suspension or the adjournment of any meeting. Such motion shall not be debated, but shall be immediately put to the vote.

Order of procedural motions

Rule 24

Subject to rule 25, and regardless of the order in which they are submitted, the following motions shall have precedence, in the following order, over all other proposals or motions before the meeting:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the subject under discussion;
- (d) To close the debate on the subject under discussion.

Proposals and amendments

Rule 25

Proposals and amendments shall normally be introduced in writing and submitted to the secretariat, which shall circulate copies to all experts. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the group of technical experts unless copies of it have been circulated to all experts not later than the day preceding the meeting. Subject to the group of technical experts' consent, the Co-Chairs may, however, permit the discussion and consideration of proposals or amendments that have not been circulated or have only been circulated the same day.

Decisions on competence

Rule 26

Subject to rule 24, any motion calling for a decision on the group of technical experts' competence to adopt any proposal or any amendment submitted to it shall be put to the vote before a vote is taken on the proposal or amendment in question.

Withdrawal of proposals or motions

Rule 27

A proposal or a motion may be withdrawn by its proponent at any time before voting on it has commenced, provided that the proposal or the motion has not been amended. A proposal or motion that has thus been withdrawn may be reintroduced by another expert.

Reconsideration of proposals

Rule 28

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting unless the group of technical experts, by a two-thirds majority of the experts present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded to only two experts opposing the motion, after which the motion shall be immediately put to the vote.

Voting rights

Rule 29

Each expert shall have one vote.

Adoption of decisions

Rule 30

1. The group of technical experts shall make every effort to reach agreement on all matters of substance by consensus. If all efforts to reach consensus have been exhausted and no agreement reached, the decision shall, as a last resort, be taken by a two-thirds majority of the experts present and voting.
2. Decisions of the group of technical experts on procedural matters shall be taken by a majority of the experts present and voting.
3. Where there is disagreement as to whether a matter to be voted on is a substantive or procedural matter, that issue shall be decided by a two-thirds majority of the experts present and voting.

Method of voting

Rule 31

Subject to rule 35, the group of technical experts shall normally vote by a show of hands.

Division of proposals or amendments

Rule 32

An expert may move that parts of a proposal or of an amendment shall be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given to only two experts in favour and two against. If the motion for division is carried, those parts of the proposal or of the amendment that are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Voting on amendments

Rule 33

1. When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the group of technical experts shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest therefrom and so on, until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. If no amendments are adopted, the proposal shall be put to the vote in its original form.
2. A motion is considered an amendment to a proposal if it adds to, deletes from or revises part of that proposal.

Voting on proposals

Rule 34

1. If two or more proposals are related to the same question, the group of technical experts shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The group of technical experts may, after each vote on a proposal, decide whether to vote on the next proposal.
2. Any proposals or motions requiring that no decision be taken on the substance of such proposals shall, however, be considered as previous questions and shall be put to the vote before them.

Elections

Rule 35

All elections shall be held by secret ballot unless, in the absence of any objection, the group of technical experts decides to proceed without taking a ballot when there is an agreed candidate.

Rule 36

1. If, when only one person is to be elected, no candidate obtains, in the first ballot, the majority required, a second ballot shall be taken, restricted to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the Co-Chairs shall decide between the candidates by drawing lots.
2. In the case of a tie in the first ballot among the candidates obtaining the second largest number of votes, a special ballot shall be held for the purpose of reducing the number of candidates to two. In the case of a tie among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the preceding paragraph.

Equally divided votes

Rule 37

If a vote is divided equally on matters other than elections, the proposal shall be regarded as rejected.

VIII. Subsidiary organs

Subsidiary organs of the meetings, such as working groups and expert groups

Rule 38

1. The group of technical experts may establish such subsidiary organs as may be necessary for the effective discharge of its functions.
2. Each subsidiary organ shall elect its own officers, having due regard for the principle of equitable geographical representation. The number of such officers shall be no more than five.

3. The rules of procedure of subsidiary organs shall be those of the group of technical experts, as appropriate, subject to such modifications as the intergovernmental negotiating committee may decide upon in the light of proposals made by the subsidiary organs concerned and agreed by the group of technical experts.

IX. Languages and records

Rule 39

The working language of the group of technical experts shall be English.

Annex III

Informal summary of the outcomes of the first meeting of the group of technical experts

First meeting of the group of technical experts on guidance required under Article 8 of the Minamata Convention on Mercury

Summary of outcomes

1. The group agreed to the amendments to the rules of procedure proposed by the secretariat in document UNEP(DTIE)/Hg/EG.1/2. The secretariat will prepare a formal submission on the proposed amendments for submission to the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury at its sixth session.
2. The group elected Mr. John Roberts (United Kingdom of Great Britain and Northern Ireland) and Mr. Adel Shafei Osman (Egypt) as its Co-Chairs and agreed that no other officers were required. The participation of the observers invited by the Executive Director of the United Nations Environment Programme (UNEP) was endorsed.
3. The group requested the secretariat to prepare additional material on guidance on the criteria required under paragraph 2 (b) of article 8 and to present that material to the group at its second meeting.
4. The group requested the secretariat to provide further information on methodologies for the preparation of inventories for the group's consideration at its second meeting. That information would cover key areas relevant to the preparation of inventories and would draw on the UNEP toolkit for identification and quantification of mercury releases and other methodologies as working examples. The focus would be on the identification of methodologies and the development of guidance.
5. The group agreed that guidance on best available techniques (BAT) and best environmental practices (BEP) should be understandable by a broad audience, including policymakers, regulators and industry. The language should be simple, clear and easily translatable, with a structure that includes a high-level summary as well as detailed information. The extent to which the detailed information would be presented in the body of the document or in annexes was discussed, but not decided upon. The need to present information in different ways was acknowledged; decision trees could be helpful. It was further agreed that existing relevant guidance should be taken into account. The guidance needs to take account of the definition of BAT and of cross-media effects. The guidance is aimed at assisting users in determining BAT/BEP. It will be up to countries, on the basis of the guidance, to take decisions on appropriate techniques. It was noted that the level of detail included in the guidance on BAT/BEP under the Stockholm Convention on Persistent Organic Pollutants could serve as guidance for the detail required in the guidance document for mercury. The group also highlighted the importance of making use of the technical guidelines on mercury waste of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.
6. It was agreed that there was a need for information to be supplied on the cost-effectiveness of measures and technologies. The challenges of providing such information were recognized, and the option of using case studies for detailed information was recognized. The importance of case studies from different regions was underlined and it was agreed that case studies could provide useful background and supportive material. The need to avoid endorsing particular commercial processes was noted, and it was agreed that case studies might be provided (but not formally adopted by the Conference of the Parties to the Minamata Convention) as separate reference documents or by reference to other source documents, provided that they were considered by the experts to meet an adequate standard.
7. The group also requested the secretariat to provide input, as far as practicable, on the guidance required under paragraph 8 (b) of article 8 in relation to support for parties in implementing the measures set out in paragraph 5, in particular in determining goals and in setting emission limit values.

8. Leads for the source categories were agreed as follows:
 - (a) Coal combustion (including consideration of coal-fired power plants and industrial boilers): Shuxiao Wang;
 - (b) Smelting and roasting processes used in the production of non-ferrous metals: Peter Nelson;
 - (c) Waste incineration facilities: Jonathan Okonkwo;
 - (d) Cement clinker production facilities: Zaigham Abbas and Paul Almodovar.
 9. Agreement was reached on the programme for intersessional work and the next meeting, including the circulation of documents, with the following timeline;
 10. Timeline:
 - (a) Work as agreed within the subgroup by individuals: now until 1 May;
 - (b) Submission of initial texts to lead by 1 May;
 - (c) Circulation of first compiled document to subgroup experts: 1 June;
 - (d) Comments on document to lead expert: 5 July;
 - (e) Submission from lead experts to secretariat: 5 August;
 - (f) Documents circulation: 12 August (4 weeks before);
 - (g) Next meeting: 9–12 September 2014.
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