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

Dead Sea, Jordan, 10–15 March 2016
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 to the Convention: 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. Article 8 of the Minamata Convention on Mercury concerns controlling and, where feasible, reducing emissions of mercury and mercury compounds to the atmosphere through measures to control emissions from the point sources falling within the source categories listed in annex D to the Convention.
2. Paragraph 8 of article 8 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 and the need to minimize cross-media effects;
 - (b) Support for parties in implementing the measures set out in paragraph 5 of article 8, in particular in determining goals and in setting emission limit values.
3. 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);
 - (b) The methodology for preparing inventories of emissions.
4. In its resolution on arrangements in the interim period, the Conference of Plenipotentiaries on the Minamata Convention on Mercury 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. The group was required to be mindful of the need to minimize cross-media effects, and address other issues relevant to emissions, taking into account experience gained through, inter alia, the United Nations Environment Programme (UNEP) Global Mercury Partnership. In the same resolution, the Conference

* UNEP(DTIE)/Hg/INC.7/1.

agreed on the composition of the group and requested the Executive Director of the United Nations Environment Programme to convene the group of technical experts at the earliest opportunity.

5. The group reported on its activities to the intergovernmental negotiating committee at its sixth session. Since then, it has met twice more.

6. At its third meeting, held in Pretoria from 2 to 6 March 2015, the group agreed on an approach to finalize the draft guidance required under Article 8, including the process for seeking public comment on the guidance on best available techniques and best environmental practices. It agreed to hold an informal meeting between the Co-Chairs and the co-leads for each sector within the expert group in June 2015, at which the documents on best available techniques and best environmental practices would be prepared as a co-chairs' draft and circulated for public comment. The public comment phase ran from 18 June to 1 August 2015 and comments were received from 11 Governments and 18 organizations, including from industry, industry bodies and non-governmental organizations.

7. At its fourth meeting, held in Stockholm from 7 to 11 September 2015, the group considered the comments received from the public consultation phase on the guidance on best available techniques and best environmental practices. The comments received on the guidance documents on best available techniques and best environmental practices, along with information on the ways in which the expert group addressed those comments, is set out in information document UNEP(DTIE)/Hg/INC.7/INF.1. The group also discussed the other guidance documents required under article 8 of the Convention. Following discussions, the fourth meeting reached agreement on the draft guidance to be forwarded to the intergovernmental negotiating committee at its seventh meeting. That draft guidance is set out in additional documents as follows:

(a) Draft guidance on best available techniques and best environmental practices is set out in document UNEP(DTIE)/Hg/INC.7/6/Add.1;

(b) Draft guidance on support for parties in implementing the measures set out in paragraph 5 of the same article is set out in document UNEP(DTIE)/Hg/INC.7/6/Add.2;

(c) Draft guidance on criteria that parties may develop pursuant to paragraph 2 (b) of the article is set out in document UNEP(DTIE)/Hg/INC.7/6/Add.3;

(d) Draft guidance on the methodology for preparing inventories of emissions is set out in document UNEP(DTIE)/Hg/INC.7/6/Add.4.

8. In considering the guidance required under paragraph 8 (b) of article 8, the expert group limited its considerations to the technical aspects of that guidance. It recognized that the committee may wish to consider the development of additional guidance on other aspects of support for parties in implementing measures relating to existing sources under article 8; however, it did not feel that that additional guidance was within the scope of expertise of the group. Therefore, the guidance set out in document UNEP(DTIE)/Hg/INC.7/6/Add.2 includes only guidance of a technical nature.

9. The committee may wish to welcome the draft guidance on best available techniques and best environmental practices, as well as the other guidance documents, to adopt them on a provisional basis and to submit them to the Conference of the Parties for adoption at its first session. Such consideration and provisional adoption would allow the guidance to be used by parties and countries in the interim period as they undertake implementation activities related to article 8 of the Convention.