

MINAMATA CONVENTION ON MERCURY

INTERSESSIONAL WORK ON WASTE CONTAMINATED WITH MERCURY OR MERCURY COMPOUNDS

INPUTS FROM THE EU AND ITS MEMBER STATES

In accordance with Article 11, paragraph 2, of the Minamata Convention on Mercury ('Convention'), the Conference of the Parties is called upon to set relevant quantitative thresholds on the basis of which wastes consisting of, containing or contaminated with mercury or mercury compounds qualify as 'mercury wastes' for the purpose of the Convention.

Parties decided at the third Conference of the Parties to the Convention (COP.3, Decision MC-3/5 *Mercury waste thresholds*) that no threshold needed to be established for wastes consisting of or containing mercury or mercury compounds. It implies that all waste falling under subparagraphs 2(a) and (b) of Article 11 of the Convention are to be regarded as 'mercury waste', hence be subject *inter alia* to environmental sound management in accordance with paragraph 3, paragraph (a) of this provision.

Parties have not yet been in position to reach agreement regarding a threshold for the third category of mercury waste, i.e. wastes contaminated with mercury or mercury compounds. Consequently and in accordance with Decision MC-4/6 (*Mercury waste thresholds*), Parties to the Convention agreed to extend the mandate of the group of technical experts to develop and consider new information and opportunities to present in a report to the Conference of the Parties for consideration at the fifth Conference of the Parties scheduled to take place on 30 October – 3 November 2023.

By a letter dated 28 October 2022, Ms M. STANKIEWICZ, Executive Secretary of the Convention, invited Parties and stakeholders to provide information on approaches other than the total mercury concentration approach, including risk-based considerations, to advance the intersessional work on mercury waste thresholds.

In this context, the European Union (EU) and its Member States would like to reiterate its view that 'total mercury concentration' should be the basis for defining a threshold for mercury contaminated waste, and provide the following suggestions regarding a two-steps working approach that may facilitate the progress of the work of the group of technical experts.

As a first step, the group of technical experts may wish to agree on a threshold, which would make it possible to decide when a specific waste is contaminated by mercury or mercury compounds for the purpose of the Convention. Hence, agreeing on a threshold would simply clarify which wastes contaminated with mercury or mercury compounds are to be managed in an environmental sound manner in accordance with Article 11 of the Convention.

In this respect, the EU and its Member States recall that they already put forward at COP4 a mercury threshold set at 25 ppm as a basis to start the discussions and that they are

ready to engage and display flexibility on this figure.

The EU and its Member States believe that, during this first step, priority should be given to establishing a threshold and lengthy discussions on waste management should be avoided.

As a second step, the group of technical experts could work on developing complementary guidance on the management of mercury wastes that would take into account the information regarding risk-based approaches. The *‘Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with mercury or mercury compounds’* adopted by the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal” approved at the 15th meeting of its Conference of the Parties (COP.15, Decision BC-15/9 and document UNEP/CHW.15/6/Add.6/Rev.1.) can be used as a starting point. Considering that the Basel Convention addresses hazardous wastes and other wastes requiring special consideration, the group of technical experts could complement these technical guidelines with information on waste management for mercury wastes not covered by the scope of Basel Convention. In doing so, various management approaches could be addressed, using inter alia the information that has already been made available to the expert group in the context of discussions on the threshold.