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**United Nations  
Environment  
Programme**

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

Geneva, 24–29 September 2017

Item 5 (a) (i) of the provisional agenda\*

**Matters for action by the Conference of the Parties at its  
first meeting: matters stipulated under the Convention:  
the guidance in relation to article 3, particularly in regard  
to paragraphs 5 (a), 6 and 8 of article 3**

**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)**

**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 that article, particularly in regard to paragraphs 5 (a), 6 and 8. Paragraph 5 (a) of article 3 states that each party shall endeavour to identify individual stocks of mercury or mercury compounds exceeding 50 metric tons, as well as sources of mercury supply generating stocks exceeding 10 metric tons per year, that are located within its territory. Paragraphs 6 and 8 of article 3 provides for the control of the movement of mercury between parties, and between parties and non-parties.
2. At its sixth session, the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury developed forms for the provision of consent to import in line with paragraphs 6 and 8 of article 3 and adopted those forms on a provisional basis, pending formal adoption by the Conference of the Parties at its first meeting. The committee requested the interim secretariat to prepare guidance on the use of those forms, on the identification of individual stocks of mercury or mercury compounds and on sources of mercury supply.
3. At its seventh session, the committee considered the draft guidance prepared by the interim secretariat. Following discussions, the guidance on the use of the forms and the guidance on the identification of stocks of mercury and mercury compounds and sources of mercury supply were adopted on a provisional basis. It was agreed that the guidance and the forms would be forwarded to the Conference of the Parties for adoption at its first meeting. A draft decision for the adoption of the forms and the guidance is set out in annex I to the present note. The forms adopted on a provisional basis by the committee at its sixth session are set out in annex II, while the guidance on the use of the forms is set out in annex III. The guidance on the identification of individual stocks of mercury or mercury compounds exceeding 50 metric tons and sources of mercury supply generating stocks exceeding 10 metric tons per year is set out in annex IV.

\* UNEP/MC/COP.1/1.

**Suggested action by the Conference of the Parties**

4. The Conference may wish to formally adopt the guidance in regard to article 3 as put forward by the intergovernmental negotiating committee.

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## Annex I

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

*The Conference of the Parties,*

*Recognizing* the importance of the informed consent procedures set out in article 3 of the Minamata Convention,

*Recognizing also* the importance of information on stocks of mercury and mercury compounds and sources of supply of mercury,

*Decides* to adopt the guidance in regard to article 3, particularly in regard to paragraphs 5 (a), 6 and 8 on stocks of mercury and mercury compounds, sources of supply of mercury, and the export of mercury from parties and non-parties, as put forward by the intergovernmental negotiating committee.

**Annex II**

**FORM A**

**Form for the provision of written consent by a Party to the import of mercury**

*(This form is not required by the Convention in cases where the importing Party has provided a general notification of consent in accordance with Article 3, paragraph 7)*

**Section A: Contact information to be provided by the importing Party**

Party:

Name of designated national focal point:

Address:

Tel:

Fax:

Email:

**Section B: Contact information to be provided by the exporting Party or non-Party**

Party or non-Party:

Name of designated national focal point or responsible government official:

Address:

Tel:

Fax:

Email:

**Section C: Shipment information to be provided by the exporting country:**

*Please indicate approximate total quantity of mercury to be shipped:*

*Please indicate approximate date of shipment:*

*Please indicate if the mercury is from primary mercury mining:*

*Please indicate if the mercury has been determined by the exporting Party to be excess mercury from the decommissioning of chlor-alkali facilities:*

(If the exporting country is a non-Party, the importing Party shall also request that Form C be completed)

**Section D: Information to be provided by the importing Party**

*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.*

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

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

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**Section E: Shipping information, as appropriate**

Importer

Name of business:

Address:

Tel:

Fax:

Email:

*Exporter*

*Name of business:*

*Address:*

*Tel:*

*Fax:*

*Email:*

***Section F: Indication of consent by the importing Party***

*Nature of consent, please circle:*

*GRANTED*

*DENIED*

*Please use the space below to indicate any conditions, additional details or relevant information.*

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*Signature of importing Party designated national focal point and date*

*Name:*

*Title:*

*Signature:*

*Date:*

**FORM B****Form for the provision of written consent by a non-Party to the import of mercury**

*(This form is not required by the Convention in cases where the importing non-Party has provided a general notification of consent in accordance with Article 3, paragraph 7)*

**Section A: Contact information to be provided by the Party to the Convention**

Party:

Name of designated national focal point:

Address:

Tel:

Fax:

Email:

**Section B: Contact information to be provided by the non-Party**

Country:

Name and agency of government official:

Address:

Tel:

Fax:

Email:

**Section C: Shipment information to be provided by the exporting Party**

Please indicate approximate total quantity of mercury to be shipped:

Please indicate approximate date of shipment:

Please indicate if the mercury is from primary mercury mining:

Please indicate if the mercury has been determined by the exporting Party to be excess mercury from the decommissioning of chlor-alkali facilities:

**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.

**Section E: Shipping information, as appropriate**

Importer

Name of business:

Address:

Fax:

Email:

*Exporter*

*Name of business:*

*Address:*

*Tel:*

*Fax:*

*Email:*

***Section F: Indication of consent by the importing non-Party***

*Nature of consent, please circle:*

*GRANTED*

*DENIED*

*Please use the space below to indicate any conditions, additional details or relevant information.*

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*Signature of importing non-Party responsible government official and date*

*Name:*

*Title:*

*Signature:*

*Date:*

**FORM C*****Form for non-Party certification of the source of mercury to be exported to a Party  
To be used in conjunction with form A or form D, when required***

Article 3, paragraph 8, of the Convention 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), i.e., that it is not from primary mercury mining or mercury determined by the exporting non-Party to be excess mercury from the decommissioning of chlor-alkali facilities.

**Section A: Shipment information to be provided by the exporting non-Party**

Please indicate the approximate total quantity of mercury to be shipped:

Please indicate the approximate date of shipment:

**Section B: Shipping information, as appropriate**

Importer

Name of business:

Address:

Tel:

Fax:

Email:

Exporter

Name of business:

Address:

Tel:

Fax:

Email:

**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:



**FORM D****Form for general notification of consent to Import Mercury**

Article 3, paragraph 7, of the Convention provides that an exporting Party may rely on a general notification to the Secretariat by the importing Party or non-Party as the written consent required by paragraph 6 of Article 3. Such general notification shall set out any terms and conditions under which the importing Party or non-Party provides its consent. The Secretariat shall keep a public register of all such notifications.

The notification may be revoked at any time by that Party or non-Party. A Party or non-Party that revokes its notification should provide a written request to the Secretariat to be removed from the public register of general notifications and indicate the effective date of the revocation.

Parties are reminded that provision or acceptance of a general notification according to Paragraph 7 of Article 3 addresses only the requirement for written consent for each shipment of mercury. It does not absolve Parties of other obligations under the Convention, in particular under paragraphs 6 and 8 of Article 3 (see form C).

**Section A: Contact information for general notifications of consent**

Name of Party or non-Party:

Designated national focal point or name of government agency and official:

Address:

Tel:

Fax:

Email:

**Section B: General notification of consent**

My Government hereby provides a general notification of consent to imports of mercury. An exporting Party may rely on this general notification as the written consent required by Article 3, paragraph 6, of the Convention.

**Section C: Terms and conditions of general notifications**

Please use the space below to specify any terms and conditions:

**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.*

Signature of responsible government official and date

Name:

Title:

Signature:

Date:

*Registry of general notifications of consent*

<i>Country</i>	<i>Notification documentation</i>
	<i>As provided (this would be a hyperlink to the completed form as provided by the Party or non-Party)</i>

**Notification for the register of information supplied by parties choosing not to apply paragraph 8 of article 3 of the Minamata Convention on Mercury**

Party: \_\_\_\_\_

Comprehensive export restrictions in place:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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Domestic measures in place to ensure environmentally sound management of imported mercury:

\_\_\_\_\_

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\_\_\_\_\_

Mercury imports from non-parties:

Country of origin	Quantity imported

*Note:* if additional space is needed for any answer, please use additional pages.

## Annex III

### Guidance on the use of forms presented in Annex II

#### Part I: Guidance on the use of forms A–D

##### A. Background

1. The present guidance has been developed to assist Parties with regard to the forms required under article 3 of the Minamata Convention and the registers to be maintained by the secretariat in accordance with paragraphs 7 and 9 of article 3. It seeks to clarify the following matters:
  - (a) Scope of article 3, i.e., what is not covered, namely, mercury wastes (article 11) and products (article 4);
  - (b) Which forms should be used in which circumstances and what considerations should be taken into account before issuing a consent;
  - (c) Information to be provided in each section of the forms;
  - (d) Role of the registers and how to use them;
  - (e) Where to obtain the forms;
  - (f) How to transmit the forms.
2. The forms are to be used for trade in mercury, which includes mixtures of mercury with other substances, including alloys of mercury, with a mercury concentration of at least 95 per cent by weight.
3. The forms are not to be used for trade in:
  - (a) Quantities of mercury to be used for laboratory-scale research or as a reference standard; or
  - (b) Naturally occurring trace quantities of mercury present in such products as non-mercury metals, ores or mineral products, including coal, or products derived from these materials, and unintentional trace quantities in chemical products; or
  - (c) Mercury-added products; or
  - (d) Mercury wastes.
4. Parties should consider the obligations under the Convention before giving consent for, or providing a general consent to, the import of mercury. Once the mercury has entered the territory of a Party, the Party has responsibilities under the Convention. In particular, Parties should undertake measures so that any import is used only for an allowed use, and is stored in an environmentally sound manner, or disposed of in accordance with article 11.

##### B. Which forms should be used in which circumstances?

5. This guidance addresses the following forms:
  - (a) Form for the provision of written consent by a Party to the import of mercury (Form A);
  - (b) Form for the provision of written consent by a non-Party to the import of mercury (Form B);
  - (c) Form for non-Party certification of the source of mercury to be exported to a Party (Form C) (to be used in conjunction with form A or form D, when required);
  - (d) Form for general notification of consent to the import of mercury (Form D).
6. Form A is to be completed by a Party that consents to the import of mercury either from a Party or from a non-Party as set out in paragraphs 6 (a) and 8 of article 3. Under paragraph 6 (a) of article 3, each Party “shall not allow the export of mercury except” to an importing Party that has provided its written consent and only for a use allowed to the importing Party under the Convention or for environmentally sound interim storage as set out in article 10. Under paragraph 8 of article 3, each 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. In both of these circumstances,

form A may be used to provide the written consent for the importation of mercury. Form A is not necessary in cases where the importing Party has provided a general notification of consent in accordance with paragraph 7 of article 3.

7. Form B is to be used by a non-Party to provide to the exporting Party its written consent to the import of mercury, as set out in paragraph 6 (b) of article 3. The form must be accompanied by a certification demonstrating that the non-Party 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; and that such mercury will be used only for a use allowed<sup>1</sup> to a Party under the Convention or for environmentally sound storage as set out in article 10 of the Convention. Form B is not needed when a non-party has submitted a general consent notification.

8. Form C is to be used by a non-Party from which mercury is exported to a Party to certify that the mercury is not from sources identified as not allowed under paragraph 3 or paragraph 5 (b) of article 3 of the Convention. Paragraph 3 refers to mercury sourced from primary mercury mining and paragraph 5 (b) refers to measures to be taken by a Party when it determines that excess mercury from the decommissioning of chlor-alkali facilities is available to ensure that such mercury is disposed of in accordance with the guidelines for environmentally sound management referred to in paragraph 3 (a) of article 11, using operations that do not lead to recovery, recycling, reclamation, direct reuse or alternative uses. This form does not need to be used if the importing party has chosen to apply paragraph 9 of article 3.

9. Form D is to be used by importing Parties or non-Parties who prefer, in accordance with paragraph 7 of article 3, to provide a general notification to the secretariat in lieu of the written consent to the exporting Party required under paragraph 6 of article 3. The general notification must set out any terms and conditions under which the importing Party or non-Party provides its consent and may be revoked at any time by the Party or non-Party submitting it. The secretariat is to keep a public register of all such notifications.

### **C. What information is to be provided in each section?**

10. The forms have been laid out to be, as far as possible, self-explanatory in terms of the information to be supplied in each section; they also provide guidance regarding the information to be provided. The forms are set out in appendices A–D of the present guidance. The guidance is presented in a format that is intended to facilitate the completion of electronic and online versions of forms A–D.

### **D. Role of the registers and how to use them**

11. Two registers are established under article 3. The first is the public register of all general notifications submitted to the secretariat by importing Parties or non-Parties as the written consent required by paragraph 6 of article 3. The second is the public register of notifications provided by Parties who, having submitted general notifications of consent under paragraph 7 of article 3, have decided not to apply paragraph 8 of the article.

12. The register of general notifications is made publically available by the secretariat to allow exporting Parties to consult it prior to initiating exports of mercury. It will also allow an exporting Party to determine any terms and conditions that an importing Party or non-Party applies in granting its consent to import. As the notification serves as the written consent required by paragraph 6 of article 3, the inclusion of a Party or non-Party on the register means that the exporting Party need not seek separate written consent for a specific import and may instead rely on the general consent indicated in the register, subject to any terms and conditions set by the importing country.

13. The register of notifications by Parties that have decided not to apply paragraph 8 may be consulted by a non-Party. The use of Form C is not required for export from a non-Party to Parties listed in this register.

### **E. Where to obtain the forms**

14. The forms are available on the Minamata Convention website ([www.mercuryconvention.org](http://www.mercuryconvention.org)). In addition, copies of the forms will be sent electronically to all Parties through the national focal points designated under article 17 of the Convention. Should the forms be amended or updated, the new forms will also be provided to the national focal points. They will also be available upon request to the secretariat.

<sup>1</sup> Paragraph (k) of article 2 of the Convention defines “use allowed” as “any use by a Party of mercury or mercury compounds consistent with this Convention, including, but not limited to, uses consistent with Articles 3, 4, 5, 6 and 7.”

**F. How to transmit the forms**

15. The forms providing consent to import (Forms A and B), and the form providing non-Party certification of the sources of mercury to be exported to a Party (Form C), are to be transmitted directly between Parties, using the contact information of the concerned Parties' national focal points. It is recommended that the Parties concerned provide the secretariat with copies of these forms.

16. In accordance with paragraph 7 of article 3, the form for providing general notification of consent to the import of mercury (Form D) is to be provided to the secretariat.

**FORM A*****Form for the provision of written consent by a Party to the import of mercury***

*(This form is not required by the Convention in cases where the importing Party has provided a general notification of consent in accordance with article 3, paragraph 7)*

***Section A: Contact information to be provided by the importing Party***

*Name of Party:*

*Name of designated national focal point:*

*Address:*

*Tel:*

*Fax:*

*E-mail:*

***Section B: Contact information to be provided by the exporting Party or non-Party***

*Name of Party or non-Party:*

*Name of designated national focal point or responsible government official:*

*Address:*

*Tel:*

*Fax:*

*E-mail:*

**Guidance for sections A and B**

For a Party, the contact is the national focal point designated in accordance with article 17. A Party may in some cases have a specific contact for purposes of trade in mercury. In both of these cases the contact information would be made publicly available by the Secretariat. If neither of the above is in place, communication will be effected through the Party's ministry of foreign affairs, for instance through its permanent mission in Geneva.

In the case of non-Parties, it is their responsibility to determine who their responsible government officials will be.

***Section C: Shipment information to be provided by the exporting country***

*Please indicate the approximate total quantity of mercury to be shipped:*

*Please indicate the approximate date of shipment:*

*Please indicate if the mercury is from primary mercury mining:*

*Please indicate if the mercury has been determined by the exporting Party to be excess mercury from the decommissioning of chlor-alkali facilities:*

(If the exporting country is a non-Party, the importing Party shall also request that Form C be completed.)

**Guidance**

Information regarding the approximate total quantity of mercury to be shipped allows the importing country to make an informed decision about any shipment to which it is consenting, while the approximate date of shipping assists in any effort to track the shipment that the country may wish to undertake.

If the mercury is sourced from primary mercury mining it may not be used for artisanal and small-scale gold mining but it may be used, for a limited time as set out in paragraph 4 of article 3, for the manufacturing of mercury-added products in accordance with article 4 or in manufacturing

processes in accordance with article 5. It may also be disposed of in accordance with article 11 using operations that do not lead to recovery, recycling, reclamation, direct reuse or alternative uses.

If the mercury has been determined by the exporting Party to be excess mercury from the decommissioning of chlor-alkali facilities the Party is to take measures to ensure that it is disposed of in accordance with the guidelines for environmentally sound management referred to in paragraph 3 (a) of article 11, using operations that do not lead to recovery, recycling, reclamation, direct reuse or alternative uses.

If the mercury is to be disposed of, the procedures for transboundary movements of waste set out in article 11 (3) (c) of the Convention shall be followed. In such cases this form cannot be used.

When the exporting country is a non-Party, the importing Party shall not allow shipment where the mercury originates from one of these two sources, unless it has applied paragraph 9 of article 3.

**Section D: Information to be provided by the importing Party**

*What is the purpose of the import of the mercury? Please select YES or NO:*

- i. *Environmentally sound interim storage in accordance with article 10:*  

YES	NO
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*If yes, please specify the intended use if known.*

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

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

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**Guidance**

This information is to state the purpose of the import of mercury, in accordance with paragraph 6 (a) of article 3. An indication is to be given as to whether the imported mercury is intended for environmentally sound interim storage in accordance with article 10 or whether it is intended for a use allowed to a Party under the convention. If the mercury is intended for interim storage, information on the intended use, if known, is to be provided. If the response to these questions is 'yes', then the importing Party is asked to provide further details on the intended use. Please note that the source of the mercury may restrict the use allowed for the mercury under paragraph 4 and paragraph 5 (b) of article 3 (see guidance box under Section C).

Before issuing consent, Parties are to determine whether appropriate arrangements are in place in accordance with the Convention.

**Section E: Shipping information, as appropriate**

*Importer*

*Name of business:*

*Address:*

*Tel:*

*Fax:*



*E-mail:*

*Exporter*

*Name of business:*

*Address:*

*Tel:*

*Fax:*

*E-mail:*

### **Guidance**

Shipping information should include details of both the importer and the exporter, including for each the name of the business and address, telephone, fax and e-mail contact information. This provides information to the focal point or responsible government official as to who may be contacted should there be any queries in relation to any shipment and also allows follow-up at the national level with regard to the shipment.

### ***Section F: Indication of consent by the importing Party***

*Has consent been granted? Please select GRANTED or DENIED:*

*GRANTED*

*DENIED*

*Please use the space below to indicate any conditions, additional details or relevant information.*

---

*Signature of importing party designated national focal point and date*

*Name:*

*Title:*

*Signature:*

*Date:*

### **Guidance**

This should be the contact point as indicated in section A of this form.

## Appendix B

### FORM B

#### *Form for the provision of written consent by a non-party to the import of mercury*

*(This form is not required by the Convention in cases where the importing non-party has provided a general notification of consent in accordance with article 3, paragraph 7)*

#### **Section A: Contact information to be provided by the party to the Convention**

Name of party:

Name of designated  
national focal point:

Address:

Tel:

Fax:

E-mail:

#### **Guidance**

For a party, the contact is the national focal point designated as per article 17. A party may in some cases have a specific contact for purposes of trade in mercury. In both of these cases the contact information would be made publicly available by the secretariat. If neither of the above is in place, communication will be effected through the Ministry of Foreign Affairs, for instance through its Permanent Mission in Geneva.

#### **Section B: Contact information to be provided by the non-party**

Name of country:

Name and agency of government official:

Address:

Tel:

Fax:

Email:

#### **Guidance**

In the case of non-parties, it is their responsibility to determine who their responsible government officials will be.

#### **Section C: Shipment information to be provided by the exporting party**

*Please indicate the approximate total quantity of mercury to be shipped:*

*Please indicate the approximate date of shipment:*

*Please indicate if the mercury is from primary mercury mining:*

*Please indicate if the mercury has been determined by the exporting party to be excess mercury from the decommissioning of chlor-alkali facilities:*

**Guidance**

Information regarding the approximate total quantity of mercury to be shipped allows the importing country to make an informed decision about any shipment to which it is consenting, while the approximate date of shipping assists in any effort to track the shipment that the country may wish to undertake.

If the mercury is sourced from primary mercury mining it may not be used for artisanal and small-scale gold mining but it may be used, for a limited time as set out in paragraph 4 of article 3, for the manufacturing of mercury-added products in accordance with article 4 or in manufacturing processes in accordance with article 5. It may also be disposed of in accordance with article 11 using operations that do not lead to recovery, recycling, reclamation, direct reuse or alternative uses.

If the mercury has been determined by the exporting Party to be excess mercury from the decommissioning of chlor-alkali facilities the Party is to take measures to ensure that it is disposed of in accordance with the guidelines for environmentally sound management referred to in paragraph 3 (a) of article 11, using operations that do not lead to recovery, recycling, reclamation, direct reuse or alternative uses.

If the mercury is to be disposed of, the procedures for transboundary movements of waste set out in article 11 (3) (c) of the Convention shall be followed. In such cases this form cannot be used.

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

Article 3, paragraph 6 (b) (i), requires certification by an importing 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.

*Does your country have such measures in place? Please select YES or NO.*

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 interim storage, as set out in article 10 of the Convention.*

*What is the purpose of the import of the mercury? Please select YES or NO:*

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

*If yes, please specify the intended use if known.*

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

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

**Guidance**

The information to be provided by the importing non-Party on the use of the mercury to be imported is specified in paragraph 6 (b) of article 3. The first question above relates to paragraph 6 (b) (i), which requires an importing non-Party to provide certification 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. If such measures, including legislation, regulations or other measures, are in place, the non-Party is required to provide appropriate documentation demonstrating that such is the case. The documentation should provide sufficient details to demonstrate the effectiveness of the measures.

The second question above seeks information as to the purpose of the import of mercury, in accordance with paragraph 6 (b) (ii) of article 3, i.e., whether it is intended for environmentally sound interim storage in accordance with article 10 or whether it is intended for a use allowed to a Party under the convention. If the response is yes then the importing Party is asked to provide further details on the intended use. Please note that the source of the mercury may restrict the use allowed for the mercury under paragraph 4 and paragraph 5 (b) of article 3 (see guidance box for section C).

***Section E: Shipping information, as appropriate***

*Importer*

*Name of business:*  
*Address:*  
*Tel:*  
*Fax:*  
*E-mail:*

*Exporter*

*Name of business:*  
*Address:*  
*Tel:*  
*Fax:*  
*E-mail:*

**Guidance**

Shipping information should include details of both the importer and the exporter, including the name of the business and address, telephone, fax and e-mail contact information. This provides information to the focal point or responsible government official as to who may be contacted should there be any queries in relation to the shipment and allows follow-up at the national level with regard to the shipment.

**Section F: Indication of consent by the importing non-Party**

Has consent been granted? Please select GRANTED or DENIED:

GRANTED

DENIED

Please use the space below to indicate any conditions, additional details or relevant information:

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Signature of importing non-Party responsible government official and date:

Name:

Title:

Signature:

Date:

**Guidance**

It is the responsibility of each country to determine who will serve as its responsible government official. This should be the same contact point as indicated in section B of this form.

## Appendix C

### FORM C

#### **Form for non-Party certification of the source of mercury to be exported to a Party To be used in conjunction with form A or form D, when required**

Article 3, paragraph 8, of the Convention 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), i.e., that it is not from primary mercury mining or mercury determined by the exporting non-Party to be excess mercury from the decommissioning of chlor-alkali facilities.

#### **Section A: Shipment information to be provided by the exporting non-Party**

Please indicate the approximate total quantity of mercury to be shipped:

Please indicate the approximate date of shipment:

#### **Guidance**

Information regarding the approximate total quantity of mercury to be shipped allows the importing country to make an informed decision about any shipments to which it is consenting, while the approximate date of shipping assists in any effort to track the shipment that the country may wish to undertake.

#### **Section B: Shipping information, as appropriate**

##### *Importer*

*Name of business:*

*Address:*

*Tel:*

*Fax:*

*E-mail:*

##### *Exporter*

*Name of business:*

*Address:*

*Tel:*

*Fax:*

*E-mail:*

#### **Guidance**

Shipping information should include details of both the importer and the exporter, including the name of the business and address, telephone, fax and e-mail contact information. This provides information to the focal point or responsible government official as to who may be contacted should there be any queries in relation to the shipment, and also allows follow-up at the national level with regard to the shipment.

#### **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*

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*Signature of responsible government official and date*

*Name:*

*Title:*

*Signature:*

*Date:*

### **Guidance**

This section sets out the requirement for the Government of the exporting non-Party to provide certification that the mercury included in the shipment is not from sources identified as not allowed under paragraph 3 or paragraph 5 (b) of article 3, namely, primary mercury mining or mercury determined by the exporting non-Party to be excess mercury from the decommissioning of chlor-alkali facilities. It allows the exporting non-Party to provide supporting information in relation to the certification. The responsible government official must also sign and date the form. The form should be signed and certified by the same official who was identified in section B of Form A (contact information to be provided by the exporting non-Party).

**Appendix D**

**FORM D**

**Form for general notification of consent to import mercury**

Article 3, paragraph 7, of the Convention provides that an exporting Party may rely on a general notification to the secretariat by the importing Party or non-Party as the written consent required by paragraph 6 of article 3. Such general notification shall set out any terms and conditions under which the importing Party or non-Party provides its consent. The secretariat maintains a public register of all such notifications.

A notification may be revoked at any time by the Party or non-Party. A Party or non-Party that revokes its notification should provide a written request to the secretariat to be removed from the public register of general notifications and indicate the effective date of the revocation.

Parties are reminded that provision or acceptance of a general notification according to paragraph 7 of article 3 addresses only the requirement for written consent for each shipment of mercury. It does not absolve Parties of other obligations under the Convention, in particular under paragraphs 6 and 8 of article 3 (see form C).

**Section A: Contact information for general notifications of consent**

Name of Party or non-Party:

Name of designated national focal point  
or name of government agency and official:

Address:

Tel:

Fax:

E-mail:

**Guidance**

For a Party, the contact is usually the national focal point designated in accordance with article 17. In some cases, however, a Party may have a specific contact for purposes of trade in mercury. In both of these cases the contact information would be made publicly available by the Secretariat. If neither of the above is in place, communication will be effected through the Party's ministry of foreign affairs, for instance through its permanent mission in Geneva.

In the case of non-Parties, it is their responsibility to determine who their responsible government officials will be.

**Section B: General notification of consent**

My Government hereby provides a general notification of consent to imports of mercury. An exporting Party may rely on this general notification as the written consent required by article 3, paragraph 6, of the Convention.

**Section C: Terms and conditions of general notification**

Please use the space below to specify any terms and conditions:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Guidance**

This section provides an opportunity to specify any terms and conditions that an importing Party may wish to specify in connection with a general notification. It is not intended that a Party would specify a requirement for consent prior to import as a condition of a general notification, as a Party could give consent using form A without submitting a general notification.



**Section D: Certification by 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.*

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**Guidance**

This section provides a certification by a non-Party in relation to measures in place with regard to the protection of human health and the environment. Certification is required to demonstrate the existence of such measures, which may take the form of relevant procedures, legislation or regulations or other measures at the national level that have been put in place. The certification must provide sufficient detail to demonstrate the effectiveness of such measures. A statement that the mercury covered by the general notification of consent will only be used for a use allowed under the Convention is required, and additional information about the intended use of the mercury is also requested.

*Signature of responsible government official and date*

*Name:*

*Title:*

*Signature:*

*Date:*

**Guidance**

It is the responsibility of each non-Party to determine who will serve as its responsible government official. This should be the same contact point as indicated in section A of this form.

**Part II: Guidance on the use of form E**

**Guidance on completing the notification for the register of information supplied by Parties choosing not to apply paragraph 8 of article 3 of the Minamata Convention on Mercury**

**Form E is to be used in the case where a Party chooses to apply paragraph 9 of article 3.**

***FORM E***

**Notification for the register of information supplied by Parties choosing not to apply paragraph 8 of article 3 of the Minamata Convention on Mercury**

Name of Party:

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Comprehensive export restrictions in place:

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Domestic measures in place to ensure environmentally sound management of imported mercury:

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Mercury imports from non-Parties:

Country of origin	Quantity imported

*Note:* if additional space is needed for any answer, please use additional pages.

**Guidance**

The notification for the register of information supplied by Parties choosing not to apply paragraph 8 of article 3 of the Minamata Convention on Mercury requires that any such Party, in accordance with paragraph 9 of article 3, provide details of the comprehensive restrictions on the export of mercury that it has in place, as well as the measures that it has in place to ensure the environmentally sound management of imported mercury. The form also provides for the Party to provide information regarding mercury imported from non-Parties, including the country of origin and the quantity imported. This information is maintained on a public register and is therefore accessible. All measures in place should be described in sufficient detail.

## Annex IV

### **Draft guidance on the identification of individual stocks of mercury or mercury compounds exceeding 50 metric tons and sources of mercury supply generating stocks exceeding 10 metric tons per year**

#### **Background**

1. Paragraph 5 (a) of article 3 of the Minamata Convention on Mercury provides that each Party “shall ... endeavour to identify individual stocks of mercury or mercury compounds exceeding 50 metric tons, as well as sources of mercury supply generating stocks exceeding 10 metric tons per year, that are located within its territory”. Paragraph 12 of article 3 requires the Conference of the Parties to provide further guidance in regard to that issue at its first meeting. The present guidance is intended to assist Parties in fulfilling their obligation under paragraph 5 (a) of article 3.

2. In the development of the guidance, emphasis has been placed on the need for each Party to “endeavour to identify” individual stocks of mercury as well as sources of mercury supply. It is recognized that for some Parties the resources available to undertake these activities may be limited, and the guidance therefore includes an initial focus on desk studies. Information may also be collected through the development of mercury inventories, which is being facilitated in many countries through Minamata Convention initial assessment projects funded by the Global Environment Facility.

3. It should also be recognized that Parties have an obligation to take measures to ensure that the stocks are stored in an environmentally sound manner as provided for under article 10 of the Convention.

#### **Definitions**

4. In article 3 of the Minamata Convention, “mercury” is defined to include mixtures of mercury with other substances, including alloys of mercury with a mercury concentration of at least 95 per cent by weight, and “mercury compounds” is defined as “mercury (I) chloride (known also as calomel), mercury (II) oxide, mercury (II) sulphate, mercury (II) nitrate, cinnabar and mercury sulphide”. The article does not cover “quantities of mercury or mercury compounds to be used for laboratory-scale research or as a reference standard”, “naturally occurring trace quantities of mercury or mercury compounds present in such products as non-mercury metals, ores, or mineral products, including coal, or products derived from these materials, and unintentional trace quantities in chemical products”, or “mercury-added products.”

#### **Individual stocks of mercury or mercury compounds exceeding 50 metric tons**

5. The obligations set out in paragraph 5 (a) of article 3 relate to “individual stocks” of mercury or mercury compounds in the amounts specified. The term “individual stocks”, however, is not defined in the Convention. In the absence of a definition of “stocks” in the convention text, a “stock”, in this context, could be considered to be a quantity of mercury or mercury compounds accumulated or available for future use, but would not include quantities of mercury disposed of and managed as waste, nor mercury at a contaminated site, nor geologic reserves of mercury. In identifying stocks, it is important to consider both mercury and mercury compounds held at active premises and mercury and mercury compounds (that is not waste mercury) stored in decommissioned facilities. An individual stock would be identified when the aggregate weight of mercury or mercury compounds exceeded 50 metric tons. Parties may express the aggregate weight as a sum of the contribution of the various amounts of mercury within the compounds aggregated.

6. Where mercury or mercury compounds are not intended for a use allowed under the Convention, they fall under the definition of mercury wastes set out in Article 11, namely, “substances or objects ... that are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law or this Convention”. Thus, they should be managed as mercury waste and should therefore be excluded from the requirements of article 3. The particular requirements of paragraph 5 (b) of article 3 in relation to mercury that a Party determines to be excess mercury from the decommissioning of chlor-alkali facilities should be taken into consideration.

7. An “individual stock (not defined in the Convention) of mercury or mercury compounds” could be considered to be the total quantity of mercury or mercury compounds under the control of a

Party, or an economic or legal entity, to be determined as the Party deems appropriate. An entity storing mercury in different locations will consider them combined as an individual stock.

8. The obligation in paragraph 5 (a) regarding identifying stocks exceeding 50 tons is an ongoing obligation, not limited to stocks in existence at the time of entry into force of the Convention for a Party. As stocks may be of a dynamic nature, depleted by the use of mercury for allowed uses and replenished by the generation of mercury from sources of mercury supply, it will be useful for a Party to keep track of the movement of mercury through commerce, perhaps by tracking the demand for or sale of mercury by the concerned entities, although ongoing tracking is not required by the Convention.

9. In determining the levels of mercury stocks at any given time, initial actions will rely on the identification of entities that may store or use mercury and related facilities. Such entities and facilities might include:

- (a) Mercury traders that buy and sell, including through imports and exports, mercury or mercury compounds and may have varying amounts on hand at any time;
- (b) Primary mercury mines, which may have stocks of mercury awaiting sale and therefore may have large quantities on hand at certain times, depending on demand;
- (c) Other facilities or activities – for instance recycling – that produce mercury or mercury compounds, including mercury waste treatment facilities, which may also have large stocks on hand, depending on the overall mercury demand or on whether mercury is held pending a final decision on whether it is destined for disposal;
- (d) National Governments, which may have stocks of mercury on hand resulting from the seizure of mercury and from authorized uses such as military storage;
- (e) Production facilities for mercury-added products or facilities that use processes that use mercury or mercury compounds, which may also maintain significant stocks of mercury depending on the supply chain and current demand.

10. The assessment of such facilities may be assisted by considering any registered exemptions under the Convention, as well as data presented under tools such as the global chlor-alkali inventory published by UNEP.<sup>2</sup> As is discussed above, information gathered through a national mercury inventory developed, for instance, under a Minamata Convention initial assessment may also assist in the identification of stocks, as well as in the consideration of permits issued to store mercury or mercury compounds if a system for issuing such permits is in place.

11. Following the identification of relevant facilities it may be useful to undertake a desk evaluation to determine whether the facilities hold stocks of more than 50 metric tons. This determination could be based on a mass balance approach by considering inputs, outputs, material generated and material consumed, e.g.:

- (a) Quantities and makeup of mercury or mercury compounds used;
- (b) Quantities of mercury or mercury compounds purchased;
- (c) Quantities of mercury waste disposed of or managed;
- (d) Quantities of mercury or mercury compounds sold;
- (e) Estimated quantities of mercury or mercury compounds lost to the environment or recovered from processes.

12. Information may be available from national processes for managing imports of mercury, from information on marketing mercury nationally and from registries of facilities subject to environmental permits. Reporting by facilities and the keeping of detailed records may facilitate such assessments. A detailed assessment of records relating to a facility may be useful, along with direct communication and on-site inspection.

13. In assessing the level of stocks actually held at facilities, visual inspection may be useful to verify the quantities of mercury held in storage. As a guide, a 35 kg flask of mercury would have approximate dimensions of 30 cm height and 12.5 cm diameter. A container for 1 metric ton of mercury would have the dimensions of approximately 50 cm height and 50 cm diameter. Based on

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<sup>2</sup> Available from [www.unep.org/chemicalsandwaste/Mercury/GlobalMercuryPartnership/ChloralkaliSector/Reports/tabid/4495/language/en-US/Default.aspx](http://www.unep.org/chemicalsandwaste/Mercury/GlobalMercuryPartnership/ChloralkaliSector/Reports/tabid/4495/language/en-US/Default.aspx).

this, 50 metric tons of mercury would fill at least 50 containers, which would occupy approximately 12.5 square metres of floor space.

### **Sources of mercury supply generating stocks exceeding 10 metric tons per year**

14. There are a number of possible sources of mercury supply within the territory of a Party that may generate stocks exceeding an aggregate weight of 10 metric tons per year pursuant to Article 3. Such sources could be included in a Party's effort to identify sources of mercury supply. These sources do not include imports of mercury or mercury compounds as such imports are not sources located within the territory of the Party.

15. The identification of possible sources of mercury supply may be undertaken initially as a desk exercise, including an examination of records such as transaction records, evidence of the distribution of mercury or mercury compounds and import or export records that could be compared with estimated quantities used. The intention of such a comparison is to identify any significant discrepancies that may highlight previously unknown uses of mercury or indicate the existence of other sources of supply.

### **Guiding questions to aid in the identification of stocks of mercury or mercury compounds or sources of mercury supply**

16. Taking into account the elements set out above, the following questions may assist in determining whether a country has stocks of mercury or mercury compounds exceeding 50 metric tons or sources of mercury supply that generate more than 10 metric tons per year:

- (a) Is primary mining occurring within the country's territory?
  - (b) Are there identified sites where mercury is stored prior to use within the territory?
  - (c) Are recycling or recovery activities that may produce mercury undertaken within the territory? If so, what quantity of mercury is produced by those activities?
  - (d) Is there any proposed decommissioning of chlor-alkali plants, vinyl chloride monomer plants or other facilities with manufacturing processes in which mercury or mercury compounds are used?
  - (e) Are there facilities that may result in the production of by-product mercury within the territory? If so, what quantity of mercury is generated by those facilities?
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