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**NOTE**

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From: General Secretariat of the Council  
To: Delegations

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Subject: Third meeting of the Conference of the Parties to the Minamata Convention  
on Mercury (COP 3)  
(Geneva, 25-29 November 2019)  
- Information from the Presidency and the Commission

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Delegations will find in the Annex an information note from the Presidency and the Commission on the above subject, to be dealt with under "Any other business" at the Council (Environment) meeting on 19 December 2019.

**Third meeting of the Conference of the Party to the Minamata Convention  
on Mercury (COP3)  
(Geneva, 25-29 November 2019)**

**- Information from the Presidency and the Commission -**

The third Conference of the Parties (COP3) to the Minamata Convention on Mercury was a successful meeting where the EU and its Member States took a leading role and met our major objectives. Good cooperation among most Parties made up for some difficulties during the plenary sessions, caused by political and procedural issues. Date and venue of the next COP (COP4) were agreed for November 2021 in Bali (Indonesia).

The major successes of COP3 are (1) the adoption of the first international document outlining a risk-based approach to contaminated sites management, which constitutes the first authoritative international document on the matter and has relevance beyond mercury, and (2) the agreement on a process that will lead to possible additions by COP4 to the list of prohibited uses of mercury in products and industry.

The most complicated issue at COP3 was effectiveness evaluation and monitoring. China, supported by Iran, requested that environmental data from countries shall be officially endorsed. This was strongly opposed by USA and Canada. Such language is also inconsistent with standing EU policy and obligations under the Aarhus Convention regarding access to environmental information and the overriding public interest in information on emissions of pollutants. As a result, COP3 adopted a minimalistic decision mandating the Secretariat to advance work with the exception of reports on emissions and releases, monitoring and modelling.

Other COP3 decisions on technical matters concern:

- (i) The confirmation of a wide scope of the Minamata Convention regarding wastes constituted of mercury or mercury compounds and end-of-life mercury-added products. Further work will now take place to define the Convention's scope regarding wastes contaminated by mercury, including from mining activities, to be concluded at COP4;
- (ii) The mandate to the Secretariat to prepare in collaboration with the Mercury Partnership and in consultation with relevant organisations (i.e. WCO), proposals for voluntary customs codes for mercury-added products for use by Parties when implementing the Minamata trade restriction provisions;
- (iii) The encouragement of Parties to step-up their actions to phase down the use of dental amalgam and setting-up an information exchange process between Parties and others on phase down and phase out of the use of dental amalgam. This will allow the EU to provide information, in particular the outcome of the feasibility assessment the Commission is conducting in accordance with Art. 18 (1)(b) of Regulation (EU) 2017/852;
- (iv) Further work to establish a list of significant point sources of releases of mercury and mercury compounds for water, which will form the basis for COP4 to launch work on drafting guidance on Best Available Techniques and Best Environmental Practices (BAT/BEP).

Several decisions were adopted that concern horizontal and institutional issues, including:

- (i) Endorsement of the terms of reference of the implementation and compliance committee;
- (ii) Further steps towards a stable framework for cooperation and sharing of services between the Minamata Secretariat and the Secretariat of the Basel, Rotterdam and Stockholm Conventions;

- (iii) The first review of the financial mechanism on the Convention, including the Global Environment Facility and the Specific International Programme. COP3 also discussed enhancing the Specific International Programme and its operations, and further consideration on this matter will take place at COP4;
  - (iv) The programme of work and budget for the biennium 2020-2021, with a small budget decrease and reinforced human resources to undertake the tasks entrusted upon the Secretariat.
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