



Council of the
European Union

Brussels, 9 November 2023
(OR. en)

15145/23

ENV 1253
COMER 131
IND 591
ONU 91
SAN 641
MI 945

INFORMATION NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Fifth meeting of the Conference of the Parties to the Minamata Convention
on Mercury (COP 5)
(Geneva, 30 October - 3 November 2023)
- Compilation of statements from the European Union and its
Member States

Delegations will find, for information, in the Annex a compilation of statements from the European Union and its Member States as delivered during COP 5.

Fifth Conference of the Parties to the Minamata Convention on Mercury (COP 5)

(Geneva, 30 October - 3 November 2023)

- Statements from the EU and its Member States -

Item 1: Opening statement

Madam President of the Fifth Conference of the Parties to the Minamata Convention, Madam Executive Secretary, Excellencies, Distinguished Delegates,

I have the honor of addressing the Fifth Conference of the Parties to the Minamata Convention on Mercury on behalf of the European Union and its Member States, representing our unwavering dedication to approaching the pressing issue of mercury pollution and its severe implications for both human health and the environment.

Before proceeding, I would like to express our sincere gratitude to Switzerland, our generous host country, for their warm welcome and hospitality. We commend the relentless efforts of the Executive Secretary, the Secretariat team, and the dedicated Bureau members who have brought us together in this global endeavor.

The Minamata Convention stands as a testament to the power of international cooperation in the face of an issue that knows no borders. It is a powerful instrument to fight against mercury pollution, that imperils human health and our environment. We are driven by the realization that the protection of human health and the environment is not merely a duty but a shared responsibility. It is a collective commitment that transcends political boundaries and vested interests.

We have made significant strides on this journey, from the Convention's entry into force to the establishment of a robust governance structure. As we deliberate on critical issues during this conference, we do so with a sense of purpose and a commitment to tangible, meaningful resolutions.

In the spirit of collaboration, we are enthusiastic about exploring opportunities for synergies with other international environmental agreements, recognizing the interconnected nature of mercury pollution with the other two aspects of the triple planetary crisis, namely biodiversity loss and climate change. We are also heartened by the recent success of the Fifth International Conference on Chemicals Management (ICCM5), which concluded with the adoption of the new Global Framework for Chemicals – For a planet free of harm from chemicals and waste. This accomplishment demonstrates the power of international collaboration and the will to address pressing global issues.

In conclusion, we wish to reiterate our commitment to ensuring a successful outcome for this Fifth Conference of the Parties. We are here to work collectively, deliberate constructively, and translate our discussions into action. The well-being of our people and the health of our planet depend on our shared dedication.

Thank you, Madam President.

Item 4(a): Mercury supply sources and trade

Madam President, the European Union and its Member States would like to thank the Secretariat for preparing a draft decision on mercury supply sources and trade. We acknowledge and appreciate the work that has been done by the Secretariat in analyzing Parties' full national reports with respect to Article 3.

We stand ready to strengthen the implementation of Article 3 of the Convention by starting a process to develop additional measures supporting activities to effectively reduce supply and control trade in mercury.

The European Union and its Member States would like to thank Canada, Australia, USA, UK and GRULAC for their Conference Room Paper requesting the Minamata Secretariat to initiate a study of the global supply, trade and use of mercury compounds and for such a study to be presented to the Conference of the Parties at its sixth meeting.

Thank you.

Item 4(b): Mercury-added products and manufacturing processes in which mercury or mercury compounds are used: amendment to Annexes A and B, and consideration of the feasibility of mercury-free alternatives for manufacturing processes listed in Annex B

Madam President, the European Union and its Member States thank the Secretariat for preparing the meeting documents. The EU has actively engaged in the Review of Annexes A and B and provided detailed information on a number of products and processes, specifically concerning the availability of technically and economically feasible mercury-free alternatives and taking into account the environmental and health risks and benefits.

As the EU and its Member States have already phased-out or set phase-out dates for all major uses of mercury in products and industrial processes, we stand ready to finalise discussions on mercury-added products which were included in Annex A at COP4 in Bali by agreeing on ambitious phase-out dates.

Furthermore, the EU and its Member States thank the African Region for the proposed amendments to Annexes A and B. We note the increasing global drive to phase-out the use of dental amalgam, cosmetics, and mercury-containing lamps. We can support a majority of the proposals made and strongly hope that the scope of Annex A can be further broadened.

The EU and its Member States recognize the importance of an ambitious international mercury policy and in that respect, we look forward to engaging with all Parties to discuss all three tabled proposals for the amendment of Annexes A and B.

Thank you.

Item 4(c): Artisanal and small-scale gold mining

Madam President, the European Union and its Member States would like to thank the Minamata Secretariat for preparing this draft decision on artisanal and small-scale gold mining. We would like to highlight our recognition of the importance to address this critical issue, that directly impacts human health, ecosystems, and biodiversity, and is a key area to fully implement the Minamata Convention.

We acknowledge the undeniable importance of taking substantive actions to reduce and, where feasible eliminate, the use of mercury in artisanal and small-scale gold mining. This endeavor is not only pivotal for safeguarding human health but also for preserving the integrity of our lands and the diverse ecosystems they host, including our cherished biodiversity.

We express our gratitude to the Minamata Secretariat for their unwavering efforts to raise awareness about the harmfulness of mercury use in artisanal small-scale gold mining. Their support in assisting Parties with the development of national action plans is instrumental, and we commend their dedication.

Collectively, we must embrace a resolute commitment to advancing the implementation of Article 7, which pertains to artisanal and small-scale gold mining. We pledge our full support to the call for intensifying our efforts, urging Parties and the Global Environment Facility to explore innovative avenues for executing projects that encapsulate biodiversity, land conservation, international waters, and trade. Our resolve is steadfast, as we endeavor to press onward, ensuring that national action plans are effectively executed through the collaborative pursuit of projects and programs.

We are cognizant of the importance of ensuring the involvement and informed consent of indigenous peoples and local communities in addressing artisanal and small-scale gold mining occurring within their territories. Simultaneously, we are devoted to promoting the development of alternative, sustainable economic activities. Multilateral cooperative efforts to support the enforcement of national laws represent the cornerstone of the approach we envisage.

In line with our dedication to these principles, we are in agreement and fully prepared to adopt the Draft Decision presented in document UNEP/MC/COP.5/6 with small amendments, which we will submit in writing. This decision is emblematic of our collective commitment to addressing the pressing concerns surrounding mercury use in artisanal and small-scale gold mining.

Thank you.

Conference Room Paper proposed by GRULAC, Australia and Canada on the effects of mercury pollution on Indigenous Peoples and on local communities

Good morning. Thank you very much Madame Chair,

We would like to acknowledge the Proposal made by GRULAC, Australia and Canada.

The EU and its Member States consider of vital importance the formation and dissemination of the mercury impacts among indigenous people and local communities while promoting the implication and participation of indigenous peoples in Minamata's Convention.

Thus, the EU and its Member States support the proposal. However, we would like to propose some changes we will send in writing to the Secretariat.

Thank you very much.

Item 4(d): Emissions of mercury

Madam President, the EU and its Member States would like to thank the Minamata Secretariat for the analysis of Parties' national reports with respect to the implementation of Article 8 on emissions of mercury.

We welcome the proposal by the Minamata Secretariat and encourage Parties to advance their efforts in the implementation of Article 8 and updating COP6 on Parties' experiences.

Thank you.

Item 4(e): Releases of mercury

Madam President, the EU and its Member States would like to thank the group of technical experts in developing draft guidance in relation to mercury releases.

We welcome the proposal by the Minamata Secretariat to adopt the guidance on best available techniques and best environmental practices to control releases of mercury from relevant sources.

It is our understanding that each Party that has not established a pollutant release and transfer register, should follow the steps outlined in the guidance on the methodology for preparing inventory of releases.

We believe that such guidance will effectively allow Parties to implement their obligations under Article 9, by identifying, with the help of the list of potentially relevant sources, sources relevant within their territory.

We would agree to the adoption of the decision before us.

Thank you.

Item 4(f): Mercury waste: consideration of the relevant thresholds

Madam President, the EU and its Member States would like to thank all experts who contributed to the work undertaken during the intersessional period, as well as the Secretariat, for supporting this process and preparing the draft decision.

We strongly hope that this COP will adopt a decision agreeing a single value for defining a threshold for mercury contaminated waste based on the ‘total mercury content’ as proposed by the expert group.

With regard to the three proposed values, the EU would have a preference for 25 mg/kg of total concentration, in line with the position taken at COP4 and following the “hazard-based” approach, but we are also ready to accept any of the other two proposed values in order to find an agreement.

The EU and its Member States have doubts about the need to review the agreed threshold again at COP7 and to continue the mandate of the expert group to that end.

We support tasking the Secretariat to begin the process of developing, on the basis of the Basel Convention technical guidelines, requirements for the environmentally sound management of wastes consisting of, containing or contaminated with mercury or mercury compounds according to paragraph 3(a) of Art. 11.

Thank you.

Item 4(g)(i) Global Environment Facility

The European Union and its Member States would like to thank the Secretariat for document UNEP/MC/COP.5/10 and the Global Environment Facility Council for its report to the Fifth Conference of the Parties to the Minamata Convention. The EU and its Member States take note of the information provided in this document.

We believe that the Global Environment Facility occupies a key position within the financial mechanism of the Convention. It plays an essential role, under the guidance of the Conference of the Parties, in assisting developing country Parties and Parties with economies in transition to meet their obligations.

Thank you.

Item 4(g)(ii): Specific international program

The EU and its Member States take note of the information provided in the document UNEP/MC/COP.5/11. It provides in a transparent manner the progress which has been made with the SIP since its inception.

The EU and its Member States encourage Parties and other relevant stakeholders in a position to do so to increase efforts to augment the funding available in the specific trust fund to support Parties in undertaking critical implementation efforts in the second half of the initial period of the Specific International Programme.

Thank you.

Item 4(g)(iii): Review of the financial mechanism

The EU and its Member States would like to thank the work undertaken for the second review of the financial mechanism. This review provides a strong signal of the commitment to continuously improve the efforts to reduce the adverse impacts of mercury on our environment and on human health.

In light of the conclusions and recommendations of the second review, the EU and its Member States encourage and promote increased funding. The purpose of this increased funding is to strengthen support to the Parties in undertaking critical implementation efforts during the later stages of the initial period of the Specific International Programme.

We encourage the secretariat to communicate the outcome of the second review of the financial mechanism to the Global Environment Facility Council. Moreover, we are pleased to see this process continue with the development of draft terms of reference for the third review of the financial mechanism for consideration by the Conference of the Parties at its sixth meeting.

The European Union and its Member States thank the secretariat for preparing a draft decision related to this agenda item. Although we largely support the proposal, there are some points in the draft decision that would need to be modified. Specifically, in Paragraphs 2, 4 and 6, it would be necessary to soften the language on guidance to the next replenishment of GEF. The detailed list may indicate certain inclusions are more valued and prioritized over others. Furthermore, it would be important to make more references to promoting synergies with other GEF focal areas.

The EU and its Member States are ready to become actively involved in discussions on this agenda item together with other Parties.

Thank you.

Item 4(h): Capacity building, technical assistance and technology transfer

The European Union and its Member States would like to thank the Secretariat for the document MC/COP.5/13 on Capacity-building, technical assistance and technology transfer, and the additional information provided by the documents UNEP/MC/COP.5/INF/15 and UNEP/MC/COP.5/INF/16.

We feel that the documentation forms a good basis for discussion. The EU and its Member States would like to avoid duplication with the review of the financial mechanism. As stated by its name, the Specific International Programme to support Capacity Building and Technical Assistance provides support for capacity building and technical assistance which are also covered by the review of the financial mechanism.

The European Union and its Member States thank the secretariat for preparing a draft decision under this agenda item. Although we largely support the draft decision, we will seek some clarifications on Paragraph 1 of the Draft Decision, regarding the meaning of “desk study and to develop case studies” and the suggested areas for these, their consequences and budgetary implications. In Paragraph 9, we would like to insert amendments which we will submit in writing.

We are ready to become actively involved in discussions on this agenda item.

Thank you.

Item 4(i): Implementation and Compliance Committee

Madam President, the European Union and its Member States welcome the report from the Implementation and Compliance Committee, along with its valuable recommendations. We believe that the Committee’s recommendations give valuable guidance for the considerations of the COP under many agenda items, and we thank the Secretariat for incorporating the recommendations into various working documents.

Furthermore, we extend our appreciation for the observations made by the Implementation and Compliance Committee regarding the progress review of Artisanal and Small-scale Gold Mining in 2023.

The EU and its Members States highly appreciate the work of the Committee and consider it has a central role in the further development and implementation of the Convention.

Thank you.

Item 4(j): National Reporting

Madam President, the European Union and its Member States would like to thank the Minamata Secretariat for their effort assisting Parties in fulfilling their reporting obligations, particularly through the innovative use of online reporting platforms and the provision of reporting guidance and video tutorial which help Parties to submit their national reports.

We welcome the proposal by the Secretariat to amend the reporting format and to reflect the amendments in the reporting format and in the online reporting tool, in sections II, III and IV of document UNEP/MC/COP.5/15/Add.1.

In addition, we support the adoption of Draft guidance for completing the national reporting format as presented in document UNEP/MC/COP.5/15/Add.2. We also agree to reflect the amendments to the reporting format as adopted in the reporting guidance, in order to clarify the information searched. We are confident that these amendments will contribute significantly to the Convention's progress.

Thank you.

Item 4(k): Effectiveness evaluation

Madam President, the European Union and its Member States welcome the work developed by the Open-ended Scientific Group and their outputs prepared for the Conference of the Parties as well as the documents drafted by the Minamata Secretariat. We strongly believe that the Open-ended Scientific Group report and its outputs can serve as first stage of the monitoring data compilation and data analysis. In this regard, we encourage useful and ongoing collaboration with existing networks and databases to explore synergies and identify data gaps in the field of mercury monitoring and assessment.

We welcome the work done in developing effectiveness evaluation indicators. We can support the proposed indicators put forward. In that regard we find that the monitoring indicators are key as they address the levels and trends of mercury in the environment and humans, including vulnerable populations.

We support the draft decision included as Annex I in document UNEP/MC/COP.5/16 as well as the addendum documents UNEP/MC/COP.5/16/ Add1 and UNEP/ MC/COP.5/16/Add.2. Regarding the Terms of Reference for the Effectiveness Evaluation Group we regret that we were not able to conclude on the composition at the last COP. However, we are confident that we will succeed this time at this COP. We believe that the Effectiveness Evaluation Group needs to be both efficient and cost-effective and as such we strongly urge for not more than 3 members per UN Region in that group. We have good experience from three rounds of the Effectiveness Evaluation under the Stockholm Convention. There, the equivalent committee only consists of 2 members per UN Region. That Effectiveness Evaluation group covers not only one substance but over thirty diverse complex organic chemicals.

Finally, we understand the concern expressed by the Open-ended Scientific Group with respect to finalizing the first cycle at COP6. The EU&MS are flexible as to when the first cycle of effectiveness evaluation should end – either at COP6 or COP7.

Thank you.

Item 4(m): Gender

The European Union and its Member States underscore the importance of gender equality and empowerment. We prioritize the implementation of gender policies and action plans developed under the multilateral environmental agreements to which we are parties to. We are committed to ensuring the full and equal participation of men and women in decision-making processes and the formal economy.

Furthermore, we are dedicated to promoting an active and visible policy of mainstreaming a gender perspective in all our policies and programs. To advance these goals, we support the proposal to request the Secretariat to carry out activities during the biennium 2024–2025 to implement the gender action plan.

In this endeavor, we encourage the Secretariat to continue collaborating with the United Nations Environment Programme, the secretariats of other multilateral environmental agreements, the Global Environment Facility, and other relevant partners in the field of gender mainstreaming.

To ensure accountability and progress, we advocate for a comprehensive review of the implementation of the gender action plan. Furthermore, we support the proposal to consider possible activities to be carried out by the Secretariat, Parties, and other stakeholders during the biennium 2026–2027, as appropriate.

To reflect that such activities should be carried out subject to the availability of resources, we will submit small amendments regarding Paragraphs 6 and 7 of the Draft Decision in writing.

Thank you.

Item 4(n): Knowledge management

The European Union and its Member States would like to express their appreciation for the commendable efforts made by the Minamata Secretariat in advancing knowledge management and digitalization since the Convention came into force. These initiatives are instrumental in enhancing the effectiveness and implementation of the Convention.

Furthermore, we welcome the proposal presented by the Minamata Secretariat to guide their work in the years ahead, particularly focusing on leveraging technology and efficiently managing knowledge to support the Convention's implementation. We concur that the implementation of the digital strategy should commence in alignment with the programme of work and budget for the Convention during the biennium 2024–2025, but in Paragraph 2 we would like to request the Secretariat to prioritize relevant activities to implement the strategy in the programmes of work and budgets for the following bienniums, rather than just proposing new activities without prioritization.

We emphasize the importance of the Secretariat's continued collaboration with the secretariats of other multilateral environmental agreements and strategic partners, including the United Nations Information Portal on Multilateral Environmental Agreements (InforMEA) initiative. This collaborative approach is vital for effective knowledge management, digitalization, and information exchange.

The European Union and its Member States are committed to supporting these endeavors, as they are pivotal for the smooth functioning and advancement of the Convention.

Thank you.

Item 4(o): Mercury and the Kunming-Montreal Global Biodiversity Framework

The European Union and its Member States welcome the adoption of the Kunming-Montreal Global Biodiversity Framework, an important milestone in the fight against biodiversity loss and overall, the triple planetary crisis of pollution, biodiversity loss and climate change.

We would like to underscore the remarkable potential for co-benefits that can arise from the joint implementation of the Minamata Convention and the Kunming-Montreal Global Biodiversity Framework. The synergies between these two instruments are invaluable, allowing us to address environmental challenges in a more holistic and comprehensive manner.

In this context, we would like to commend the efforts of the Minamata Secretariat for their report on how the Minamata Convention and the Kunming-Montreal Global Biodiversity Framework can support and complement each other in a mutually reinforcing manner. Such collaboration is essential for achieving our shared goals and serves as an example for other multilateral environmental agreements.

Furthermore, we acknowledge the meticulous mapping of linkages between the Kunming-Montreal Global Biodiversity Framework and the implementation of the Minamata Convention, as presented in Annex II of the working document. This mapping serves as a valuable guide for our collective efforts.

The European Union and its Member States agree to adopt the Draft Decision with some small amendments:

First, we would like to include a paragraph after Paragraph 2, welcoming the so-called “Bern meetings” set up by Switzerland to support synergies between relevant MEAs, including Minamata.

Second, we would like to change Paragraph 5 in order to better reflect the mandate and priorities of the Ad-hoc technical expert group, short AHTEG, on indicators for the Kunming-Montreal Global Biodiversity Framework. The AHTEG’s main priority is to focus on those targets where no headline indicators are available. While there is currently no specific headline indicator on “highly hazardous chemicals”, there are two other indicators for target 7. Furthermore, the AHTEG can only look at proposals for indicators that already exist, so an indicator may need to be provided by the Minamata Convention and CBD COP 16 could then decide on this.

We will hand in these changes in writing.

Thank you.

Item 5: International cooperation and coordination

Spain, on behalf of The European Union and its Member States, would like to thank the Secretariat for the report on the activities carried out to cooperate and coordinate with other international entities, particularly in the chemicals and waste cluster.

The European Union and its Member States would like to highlight the cooperation and coordination with the Secretariat of the Global Framework on Chemicals recently established, hence it is important to develop a proposal for activities providing such mutual support.

We support both of the draft decisions prepared by the Secretariat under this agenda item. We will submit some minor editorial suggestions for both decisions.

Thank you.

Item 6: Programme of work and budget

The European Union and its Member States would like to thank the Secretariat for the document MC/COP.5/23 on the Programme of Work and Budget, and the document UNEP/MC/COP.5/INF/36 for providing a proposal of operational budgets for the two funding scenarios for the biennium 2024-2025 and their additional Budget activity fact sheets.

We believe that the documents provide a good basis for further consideration in a contact group formed to this respect. Some matters need further clarification and the European Union and its Member States will also suggest some amendments in the Draft Decision.

The EU and its Member States seek clarification from the Secretariat on specific choices in relation to the placement of core activities outside of the core budget and the exclusion of the new P3 position in both presented budget scenarios. We look forward to discussions on the Draft Decision.

We anticipate adopting a Programme of Work and Budget this week that will facilitate the implementation of core functions and enable optimal implementation of the activities agreed at this Conference of the Parties.

Thank you.

Closing statement

Madame President, distinguished Delegates,

The European Union and its Member States would like to thank the host country Switzerland for their warm hospitality and excellent organisation in hosting COP5.

We congratulate you, Madame President, as well as the members of the COP5 Bureau, for your efficient leadership and steering during this week.

We thank you, Madame Executive Secretary, together with your great team, for guiding the Minamata Convention so effectively in the recent years, and for preparing and supporting this 5th meeting of the Conference of the Parties. The Secretariat has been extremely helpful, and they have worked tirelessly throughout the week. Thank you all.

Madame President, distinguished Delegates,

The Minamata Convention on Mercury celebrated its 10th anniversary during this COP. It is fair to say that, also thanks to the decisions taken this week, this Convention is step-by-step reaching full maturity. The decision on effectiveness evaluation will set the grounds for looking into how this Convention can further improve its effectiveness.

Thanks to the efforts and the constructive spirit of all delegations, the COP managed to adopt a high number of very important decisions.

Most importantly, the COP managed to find an agreement on all of the remaining issues from COP4, notably by agreeing on a single threshold for mercury waste and on phase out dates for the Mercury Added Products.

On mercury contaminated waste, agreeing on a single value for a threshold based on total mercury content after 7 years of discussions is a major step forward which will allow all Parties to implement Article 11 of this Convention.

In addition, the COP made further amendments to Annex A and B to the Convention, which helps Parties to continuously reduce the use of mercury, protect the environment and safeguard human health. We are particularly impressed by the efforts everyone has made to ensure that the manufacture, import and export of mercury-containing lamps and the production of polyurethane using mercury will cease.

We sincerely regret that the COP did not reach agreement on phasing out the manufacture and trade of dental amalgam. We are of the view that this is unnecessarily delaying an urgently needed decision on the phase out in order to guarantee the health of dental practitioners and their patients and protect our environment. We truly hope that the Parties can find agreement on this matter at our next COP.

We congratulate the new Members of the Bureau, the Implementation and Compliance Committee and the Governing Board of the Specific International Programme for their nominations.

Madame President, distinguished Delegates,

The EU and its Member States stand ready to continue actively engaging over the next two years in intersessional work and we look forward to exchanging information and sharing views with Parties and others to prepare for our next meeting.

All who belong to the Minamata family can be proud of what has been achieved this week, and we are confident that this will contribute to sustain the spirit of Minamata – to make mercury history for the benefit of the planet and its people.

Thank you!
