See last page for measures on dental amalgam

Minamata Convention on Mercury

The Parties to this Convention, Australia is a signatory to the Minamata Convention

Recognizing that mercury is a chemical of global concern owing to its long-range atmospheric transport, its persistence in the environment once anthropogenically introduced, its ability to bioaccumulate in ecosystems and its significant negative effects on human health and the environment,

Recalling decision 25/5 of 20 February 2009 of the Governing Council of the United Nations Environment Programme to initiate international action to manage mercury in an efficient, effective and coherent manner,

Recalling paragraph 221 of the outcome document of the United Nations Conference on Sustainable Development "The future we want**",** which called for a successful outcome of the negotiations on a global legally binding instrument on mercury to address the risks to human health and the environment,

Recalling the United Nations Conference on Sustainable Development's reaffirmation of the principles of the Rio Declaration on Environment and Development, including, inter alia, common but differentiated responsibilities, and acknowledging States' respective circumstances and capabilities and the need for global action,

Aware of the health concerns, especially in developing countries, resulting from exposure to mercury of vulnerable populations, especially women, children, and, through them, future generations,

Noting the particular vulnerabilities of Arctic ecosystems and indigenous communities because of the biomagnification of mercury and contamination of traditional foods, and concerned about indigenous communities more generally with respect to the effects of mercury,

Recognizing the substantial lessons of Minamata Disease, in particular the serious health and environmental effects resulting from the mercury pollution, and the need to ensure proper management of mercury and the prevention of such events in the future,

Stressing the importance of financial, technical, technological, and capacity-building support, particularly for developing countries, and countries with economies in transition, in order to strengthen national capabilities for the management of mercury and to promote the effective implementation of the Convention,

Recognizing also the activities of the World Health Organization in the protection of human health related to mercury and the roles of relevant multilateral environmental agreements, especially the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade,

Recognizing that this Convention and other international agreements in the field of the environment and trade are mutually supportive,

Emphasizing that nothing in this Convention is intended to affect the rights and obligations of any Party deriving from any existing international agreement,

Understanding that the above recital is not intended to create a hierarchy between this Convention and other international instruments,

Noting that nothing in this Convention prevents a Party from taking additional domestic measures consistent with the provisions of this Convention in an effort to protect human health and the environment from exposure to mercury in accordance with that Party's other obligations under applicable international law,

Have agreed as follows:

Article 1

Objective

The objective of this Convention is to protect the human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds.

10. The procedure set out in paragraph 9 shall be available until the conclusion of the second meeting of the Conference of the Parties. After that time, it shall cease to be available, unless the Conference of the Parties decides otherwise by simple majority of the Parties present and voting, except with respect to a Party that has provided a notification under paragraph 9 before the end of the second meeting of the Conference of the Parties.

11. Each Party shall include in its reports submitted pursuant to Article 21 information showing that the requirements of this Article have been met.

12. The Conference of the Parties shall at its first meeting provide further guidance in regard to this Article, particularly in regard to paragraphs 5 (a), 6 and 8, and shall develop and adopt the required content of the certification referred to in paragraphs 6 (b) and 8.

13. The Conference of the Parties shall evaluate whether the trade in specific mercury compounds compromises the objective of this Convention and consider whether specific mercury compounds should, by their listing in an additional annex adopted in accordance with Article 27, be made subject to paragraphs 6 and 8.

Article 4

Mercury-added products

1. Each Party shall not allow, by taking appropriate measures, the manufacture, import or export of mercury-added products listed in Part I of Annex A after the phase-out date specified for those products, except where an exclusion is specified in Annex A or the Party has a registered exemption pursuant to Article 6.

2. A Party may, as an alternative to paragraph 1, indicate at the time of ratification or upon entry into force of an amendment to Annex A for it, that it will implement different measures or strategies to address products listed in Part I of Annex A. A Party may only choose this alternative if it can demonstrate that it has already reduced to a de minimis level the manufacture, import, and export of the large majority of the products listed in Part I of Annex A and that it has implemented measures or strategies to reduce the use of mercury in additional products not listed in Part I of Annex A at the time it notifies the Secretariat of its decision to use this alternative. In addition, a Party choosing this alternative shall:

(a) Report at the first opportunity to the Conference of the Parties a description of the measures or strategies implemented, including a quantification of the reductions achieved;

(b) Implement measures or strategies to reduce the use of mercury in any products listed in Part I of Annex A for which a de minimis value has not yet been obtained;

(c) Consider additional measures to achieve further reductions; and

(d) Not be eligible to claim exemptions pursuant to Article 6 for any product category for which this alternative is chosen.

No later than five years after the date of entry into force of the Convention, the Conference of the Parties shall, as part of the review process under paragraph 8, review the progress and the effectiveness of the measures taken under this paragraph.

3. Each Party shall take measures for the mercury-added products listed in Part II of Annex A in accordance with the provisions set out therein.

4. The Secretariat shall, on the basis of information provided by Parties, collect and maintain information on mercury-added products and their alternatives, and shall make such information publicly available. The Secretariat shall also make publicly available any other relevant information submitted by Parties.

5. Each Party shall take measures to prevent the incorporation into assembled products of mercury-added products the manufacture, import and export of which are not allowed for it under this Article.

6. Each Party shall discourage the manufacture and the distribution in commerce of mercury-added products not covered by any known use of mercury-added products prior to the date of entry into force of the Convention for it, unless an assessment of the risks and benefits of the product demonstrates environmental or human health benefits. A Party shall provide to the Secretariat, as

appropriate, information on any such product, including any information on the environmental and human health risks and benefits of the product. The Secretariat shall make such information publicly available.

7. Any Party may submit a proposal to the Secretariat for listing a mercury-added product in Annex A, which shall include information related to the availability, technical and economic feasibility and environmental and health risks and benefits of the non-mercury alternatives to the product, taking into account information pursuant to paragraph 4.

8. No later than five years after the date of entry into force of the Convention, the Conference of the Parties shall review Annex A and may consider amendments to that Annex in accordance with Article 27.

9. In reviewing Annex A pursuant to paragraph 8, the Conference of the Parties shall take into account at least:

(a) Any proposal submitted under paragraph 7;

(b) The information made available pursuant to paragraph 4; and

(c) The availability to the Parties of mercury-free alternatives that are technically and economically feasible, taking into account the environmental and human health risks and benefits.

Article 5

Manufacturing processes in which mercury or mercury compounds are used

1. For the purposes of this Article and Annex B, manufacturing processes in which mercury or mercury compounds are used shall not include processes using mercury-added products, processes for manufacturing mercury-added products or processes that process mercury-containing waste.

2. Each Party shall not allow, by taking appropriate measures, the use of mercury or mercury compounds in the manufacturing processes listed in Part I of Annex B after the phase-out date specified in that Annex for the individual processes, except where the Party has a registered exemption pursuant to Article 6.

3. Each Party shall take measures to restrict the use of mercury or mercury compounds in the processes listed in Part II of Annex B in accordance with the provisions set out therein.

4. The Secretariat shall, on the basis of information provided by Parties, collect and maintain information on processes that use mercury or mercury compounds and their alternatives, and shall make such information publicly available. Other relevant information may also be submitted by Parties and shall be made publicly available by the Secretariat.

5. Each Party with one or more facilities that use mercury or mercury compounds in the manufacturing processes listed in Annex B shall:

(a) Take measures to address emissions and releases of mercury or mercury compounds from those facilities;

(b) Include in its reports submitted pursuant to Article 21 information on the measures taken pursuant to this paragraph; and

(c) Endeavour to identify facilities within its territory that use mercury or mercury compounds for processes listed in Annex B and submit to the Secretariat, no later than three years after the date of entry into force of the Convention for it, information on the number and types of such facilities and the estimated annual amount of mercury or mercury compounds used in those facilities. The Secretariat shall make such information publicly available.

6. Each Party shall not allow the use of mercury or mercury compounds in a facility that did not exist prior to the date of entry into force of the Convention for it using the manufacturing processes listed in Annex B. No exemptions shall apply to such facilities.

7. Each Party shall discourage the development of any facility using any other manufacturing process in which mercury or mercury compounds are intentionally used that did not exist prior to the date of entry into force of the Convention, except where the Party can demonstrate to the satisfaction of the Conference of the Parties that the manufacturing process provides significant environmental and

Annex A

Mercury-added products

The following products are excluded from this Annex:

(a) Products essential for civil protection and military uses;

(b) Products for research, calibration of instrumentation, for use as reference standard;

(c) Where no feasible mercury-free alternative for replacement is available, switches and relays, cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for electronic displays, and measuring devices;

(d) Products used in traditional or religious practices; and

(e) Vaccines containing thiomersal as preservatives.

Part I: Products subject to Article 4, paragraph 1

Mercury-added products	Date after which the manufacture, import or export of the product shall not be allowed (phase-out date)
Batteries, except for button zinc silver oxide batteries with a mercury content < 2% and button zinc air batteries with a mercury content < 2%	2020
Switches and relays, except very high accuracy capacitance and loss measurement bridges and high frequency radio frequency switches and relays in monitoring and control instruments with a maximum mercury content of 20 mg per bridge, switch or relay	2020
Compact fluorescent lamps (CFLs) for general lighting purposes that are ≤ 30 watts with a mercury content exceeding 5 mg per lamp burner	2020
Linear fluorescent lamps (LFLs) for general lighting purposes: (a) Triband phosphor < 60 watts with a mercury content exceeding 5 mg per lamp; (b) Halophosphate phosphor ≤ 40 watts with a mercury content exceeding 10 mg per lamp	2020
High pressure mercury vapour lamps (HPMV) for general lighting purposes	2020
Mercury in cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for electronic displays: (a) short length (≤ 500 mm) with mercury content exceeding 3.5 mg per lamp (b) medium length (> 500 mm and ≤ 1 500 mm) with mercury content exceeding 5 mg per lamp (c) long length (> 1 500 mm) with mercury content exceeding 13 mg per lamp	2020
Cosmetics (with mercury content above 1ppm), including skin lightening soaps and creams, and not including eye area cosmetics where mercury is used as a preservative and no effective and safe substitute preservatives are available[1/]	2020
Pesticides, biocides and topical antiseptics	2020
The following non-electronic measuring devices except non-electronic measuring devices installed in large-scale equipment or those used for high precision measurement, where no suitable mercury-free alternative is available: (a) barometers; (b) hygrometers; (c) manometers; (d) thermometers; (e) sphygmomanometers.	2020

[1/] The intention is not to cover cosmetics, soaps or creams with trace contaminants of mercury.

Part II: Products subject to Article 4, paragraph 3

Mercury-added products	Provisions
Dental amalgam	Measures to be taken by a Party to phase down the use of dental amalgam shall take into account the Party's domestic circumstances and relevant international guidance and shall include two or more of the measures from the following list: (i) Setting national objectives aiming at dental caries prevention and health promotion, thereby minimizing the need for dental restoration; (ii) Setting national objectives aiming at minimizing its use; (iii) Promoting the use of cost-effective and clinically effective mercury-free alternatives for dental restoration; (iv) Promoting research and development of quality mercury-free materials for dental restoration; (v) Encouraging representative professional organizations and dental schools to educate and train dental professionals and students on the use of mercury-free dental restoration alternatives and on promoting best management practices; (vi) Discouraging insurance policies and programmes that favour dental amalgam use over mercury-free dental restoration; (vii) Encouraging insurance policies and programmes that favour the use of quality alternatives to dental amalgam for dental restoration; (viii) Restricting the use of dental amalgam to its encapsulated form; (ix) Promoting the use of best environmental practices in dental facilities to reduce releases of mercury and mercury compounds to water and land.

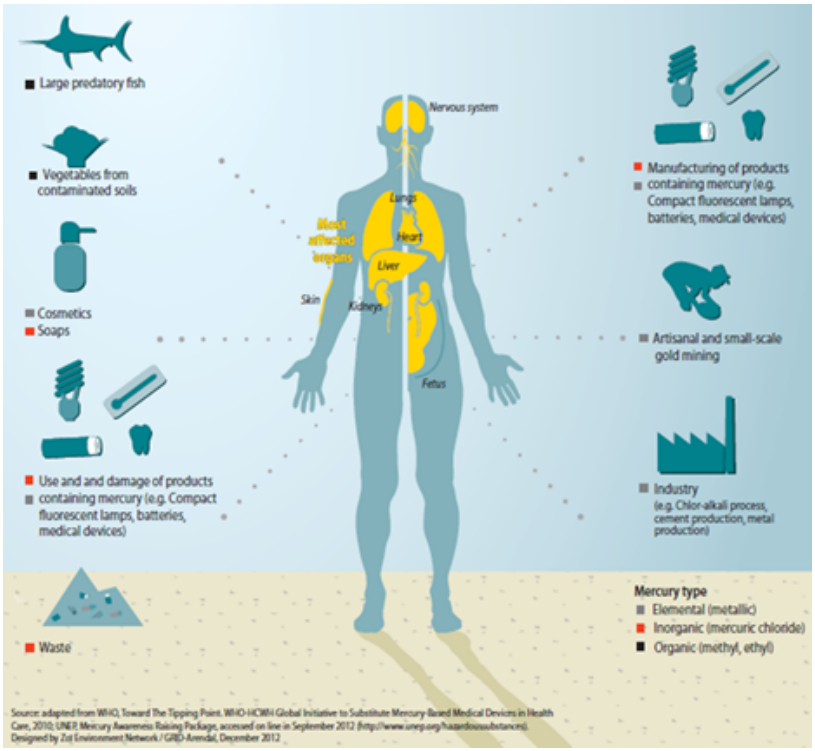
Questions and answers: EU mercury policy and the ratification of the Minamata Convention

Brussels, 18 May 2017

Questions and answers: EU mercury policy and the ratification of the Minamata Convention

Why is mercury a problem?

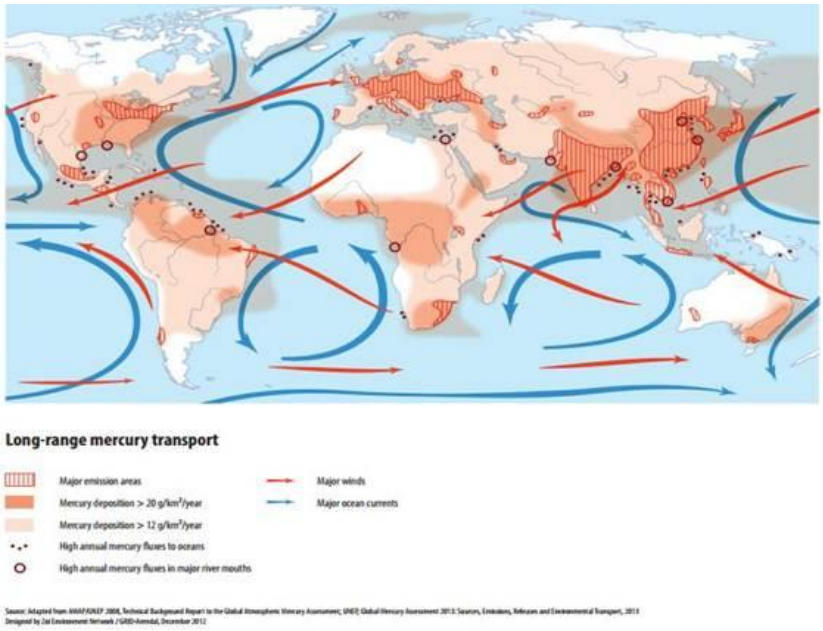
Mercury and most of its compounds are highly toxic to humans and the environment. Large amounts can be fatal, and even relatively low doses can have serious health effects, affecting the nervous system in particular. Mercury can change in the environment into a more complex and harmful compound called methylmercury. Methylmercury passes both the placental barrier and the blood-brain barrier, and can inhibit children's mental development even before birth. Methylmercury accumulates in fish and seafood, above all in large predatory fish, which may form part of people's diet.



What is the global situation regarding mercury?

Mercury is a global pollutant and is therefore a matter of international concern. Whereas EU mercury emissions have already dramatically fallen and are continuing to fall, global emissions continue to rise. This is largely a result of increased coal combustion for electricity in countries such as China and India. Global use of mercury remains high, at about 3,600 tonnes per year, though somewhat reduced compared to former decades.

A particularly problematic activity at the moment involves the use of mercury in artisanal small-scale gold mining, mostly in Africa, Asia and South America. It is estimated that between 10 and 15 million people (including 3 million women and children) are involved worldwide in artisanal mining and that this activity accounts for annual use of 1,400 tonnes of mercury, most of which ends up in the environment.



Where and to what extent is mercury still produced and used in the EU?

Production of mercury stopped in 2003 and the exports of mercury and of certain mercury compounds from the EU has been banned since 15 March 2011.

The intentional use of mercury in the EU has been steadily decreasing over the past 15 years, thanks to the adoption and implementation of a comprehensive set of EU rules restricting use in products, such as batteries, lamps and non-electronic measuring devices and in manufacturing processes, such as chlor-alkali production for which use of mercury is being phased out.

Apart from these intentional uses, there are unintentional emissions of mercury into the air from a number of activities using mercury containing fuels or raw materials. The most important are coal burning (for heating, cooking, power and steam generation and in industrial process plants), cement clinker production, non-ferrous metals production and waste incineration.

How does the Minamata Convention on Mercury address the problem?

The Convention's main objective is "to protect human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds".

The Convention covers the whole mercury life-cycle, from primary mining to waste disposal, and contains specific legally binding control measures, not just declarations of intent. Many of the provisions are directly inspired by EU legislation, including the ban on primary mining, the list of mercury-added products and mercury-using industrial processes that will be phased-out, as well as the use of best available techniques (BAT) to prevent and control unintentional industrial emissions of mercury into the air. It addresses also Artisanal and Small-scale Gold Mining (ASGM), as one of the most important mercury uses globally (national action plan required, less mercury use) threatening directly the health of the estimated 10-15 million people in such activity.

The sum of the measures set out in the Minamata Convention will be able to reverse the current increasing trend of mercury contamination in the environment and the food chain. The phase-out of primary mercury mining as well as the reduction of atmospheric mercury emissions will significantly reduce the addition of mercury to the quantity of mercury already present in the environment, and particularly in the food chain.

In what areas has EU legislation been updated to fulfil the requirements of the Minamata Convention?

Six areas were identified where EU legislation was currently not adapted to the Minamata Convention, and which concerned (1) import of metallic mercury, (2) exports of mercury-added products (3) existing use of mercury in industrial processes, (4) new mercury uses in products and processes (5) artisanal small-scale gold mining and (6) use of dental amalgam.

What are the new rules relating to the use of mercury in dental amalgam?

The EU Mercury Regulation addresses the issue of dental amalgam which is the largest remaining use of mercury in the EU. In particular, it sets both short and longer term measures to reduce use of dental amalgam and associated pollution. This includes:

- the prohibition to use amalgam for vulnerable populations (pregnant or breastfeeding women, children under 15 years old)

- the obligation to use pre-dosed encapsulated amalgam to reduce emissions and exposure in dental facilities and
- the duty to equip dental clinics with amalgam separators to prevent amalgam waste to be released into sewage systems and water bodies.

The Commission will have to report by June 2020 to the European Parliament and to the Council on the feasibility of ending dental amalgam use by 2030.

What has existing EU policy and legislation on mercury achieved so far?

The Community Strategy concerning Mercurycontributed to the development and strengthening of a comprehensive body of Union legislation addressing the various aspects of the mercury problem, while highlighting the need to give priority to the international negotiation process on a mercury treaty.

- ***Mercury supply and trade***: Regulation (EC) No 1102/2008 banned mercury exports from the EU as of 15 March 2011 and requires metallic mercury extracted from cinnabarto be disposed of as waste. Those requirements are taken over by the new Mercury Regulation.
- ***Storage of mercury and mercury compounds***: Both the SEVESO Directive and Industrial Emissions Directive (IED) lay down requirements aiming at ensuring the environmentally-sound storage of metallic mercury and of mercury compounds.
- ***Mercury-added products***: The mercury content, the placing on the market and the import into the EU of a wide range of mercury-added products (e.g. batteries, electrical and electronic equipment, thermometers,) is regulated in the Battery and the RoHS (switches, relays, lamps) Directives as well as the REACH and cosmetic products Regulations.
- ***Manufacturing processes:*** Whilst the production of chlor-alkali has been the most important manufacturing process using mercury, Commission Implementing Decision 2013/732 prohibits such use as from 11 December 2017. Emissions of mercury from major industrial sources are regulated under the Industrial Emissions Directive (IED) which requires all installations to operate on the basis of a permit and to apply the best available techniques (BAT) including for the production of cement, lime and magnesium oxide.
- ***Mercury emissions and releases to air, water and soil:*** These are regulated by the Industrial Emissions Directive (IED) read in combination with the Water Framework Directive and with the Surface Water Directive that establishes maximum concentration levels of mercury into surface water bodies, sediment and biota.
- ***Mercury waste management:*** Metallic mercury as waste and waste containing or contaminated with mercury qualify in most cases as 'hazardous waste' under the Waste Framework Directive. The Landfill Directive sets in parallel specific requirements for the storage for more than one year of mercury waste to ensure that it stored in an environmentally sound manner.

Next steps

The first meeting of the Conference of the Parties to the Minamata Convention on Mercury is scheduled to take place on 24-29 September 2017 in Geneva, Switzerland. It will culminate in a High-Level Segment on 28 and 29 September 2017 whereby the commitment of the international community to the Minamata Convention will be celebrated.

A series of implementing Decisions will be adopted at this meeting, including guidance documents in relation to mercury supply sources and trade and to the use of the best available techniques as a way to reduce mercury air emissions.

For more information

Press release: EU protects citizens against toxic mercury, paves the way for global action

MEMO/17/1344

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Photos & Videos

Graph 1
Graph 2