



**PROPOSED GOVERNING COUNCIL DECISION SUBMITTED BY NGOs
Natural Resources Defense Council (NRDC),
European Environmental Bureau (EEB),
and Greenpeace¹**

B. MERCURY PROGRAMME

Mercury programme

The Governing Council,

Recalling its decisions 21/5 of 9 February 2001 on mercury assessment initiating an expeditious, open, transparent and inclusive process to undertake a global assessment of mercury and its compounds to be presented to the Governing Council at its session in 2003 and 22/4 V of 7 February 2003 establishing a mercury programme to facilitate and conduct technical assistance and capacity-building activities to support the efforts of countries to take action regarding mercury pollution;

Also recalling paragraph 22 (g) of the Plan of Implementation of the World Summit on Sustainable Development², in which it was agreed that the risks posed by heavy metals that are harmful to human health and the environment should be reduced and that, to this end, a review should be made of the relevant studies such as the United Nations Environment Programme global assessment of mercury and its compounds,

Taking note of the progress made by Governments in addressing the global adverse impacts of mercury and mercury compounds since the last regular session of the Governing Council,

Still concerned by the deleterious impacts on human health and the environment attributed to mercury and its capacity for global transport/cycling,

1. Reiterates the conclusion of the UNEP Global Mercury Assessment that releases of mercury and mercury compounds constitute a global threat that warrants action at an international level;

¹ The proposal is also submitted on behalf of the Ban Mercury Working Group.

² Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002 (United Nations publications, Sales no. E.03.II.A1) chap. I, resolution 2, annex.

2. Reiterates its decision that national, regional and global actions, both immediate and long-term, should be initiated as soon as possible to protect human health and the environment through measures that will reduce or eliminate releases of mercury and its compounds to the environment;
3. Concludes that immediate and longer-term actions should be developed and implemented on simultaneous parallel tracks, that the longer-term actions should be incorporated into a binding international instrument, and that the immediate actions should be initiated in advance of this instrument as contained in the present decision;
4. Urges all countries to adopt goals and accelerate national, bilateral, and multi-lateral actions, as appropriate, consistent with this decision and the global goals of achieving a 50% reduction in mercury consumption by 2010 and 80% reduction by 2015 versus 2000 levels;
5. Requests the Executive Director to consolidate, evaluate, and reconcile information reported to international organizations on mercury production and trade, and supplement that data as necessary and appropriate to prepare and make public an annual report beginning in 2005 summarizing global mercury production and trade that includes trends in global production and consumption by sector and geographic regions; and calls upon countries to assist the Executive Director in carrying out this initiative as needed;
6. Requests the Executive Director to develop a global mercury cell chlor-alkali sector strategy in 2005 and begin implementing the strategy in 2006 that includes standardized guidelines for reliably calculating replenishment mercury and outcome indicators thereby enabling comparisons of performance among plants, the annual reporting of such consumption and outcome indicators from each plant, opportunities for the exchange of information and technical assistance, measures that will result in substantial reductions in mercury consumption and releases from this sector over the next five years, mechanisms to decommission the worst environmental performers as soon as possible and phase-out the remaining plants by 2015 at the latest, and the initiation of measures by 2007 that will prevent the introduction into commerce of excess mercury supplies from decommissioning mercury cell facilities and potentially other sources;
7. Urges the immediate termination of subsidies to operating primary mercury mines, and the phase-out of primary mercury mining by 2010 at the latest, to prevent the introduction into commerce of excess mercury supplies and minimize further environmental releases from this activity;
8. Requests the Executive Director to promote the phase-out of the use of mercury in batteries, paints, switches, relays, and measuring devices by 2010 in developed nations and 2015 globally, and to promote the use of other non-mercury product and process alternatives where they exist or become available, through such activities as the development of country-specific production or use

- inventories in key countries or regions; the sharing of information regarding alternative manufacturing methods and products, and relevant laws and standards governing such methods and products in other jurisdictions; encouragement of appropriate exchange and other mercury product collection programs taking into account a country's capacity to engage in such activities; and recommended approaches countries or regions should take to achieve the desired objectives;
9. Calls upon all Governments who have not yet done so to prohibit the manufacture, sale, and export of soaps, dermatological and topical applications, and other cosmetics containing mercury; and requests the Executive Director to identify the manufacturers and countries of origin of such soaps and cosmetics, and promote policies and activities aimed at terminating the manufacture, sale, and export of such products, and the education of health professionals and populations at risk about the adverse human health effects attributable to use of these products;
 10. Requests the Executive Director to determine the extent of mercury use in vaccines on a product and regional basis, and the current and future availability of non-mercury alternatives for these vaccines, and report its findings to the Governing Council for consideration at its 2007 meeting;
 11. Requests the Executive Director to promote the development of mercury consumption and release inventories, and associated action plans, in key countries or regions, including the product inventories in paragraph 8, by providing technical and financial assistance that includes guidance for the development of such inventories and action plans, and maintaining an electronic clearinghouse containing a compilation of completed national or regional inventories or action plans;
 12. Urges governments to require the installation of best available technology for controlling mercury emissions from major (50 MW or larger) coal-fired power plants by 2012 and for other coal-fired power plants by 2017, and requests the Executive Director to develop guidance for defining best available technology by June 2006.
 13. Requests the Executive Director, after consultation with UNIDO, governments, experts in the field, and other relevant stakeholders, to develop by 2007 and then implement a global strategy for reducing mercury use in small-scale gold mining that provides for an evaluation of the viability and applicability of alternative technologies currently available; measures to encourage the further development of alternative technologies where none exist or improvement is warranted; the demonstration and introduction of non-mercury and lower mercury use technologies; community outreach programs to educate mining communities about the risks of mercury use and the availability of alternatives; improved information sharing among countries, expert groups, and mining communities through the creation of a virtual mining forum and other mechanisms; capacity building and training in developing countries; and other measures that will lead to substantial reductions in mercury consumption by this sector;

14. Requests the Executive Director to identify locations where large amounts of mercury, mercury products, mercury compounds or wastes containing high concentrations of mercury have been abandoned in countries that may require assistance to address these sites, and estimate the cost of measures that should be taken to ensure this mercury will be managed in a manner minimizing future mercury releases;
15. Expresses appreciation to those countries that have made financial contributions to the mercury programme, and urges all countries to make voluntary contributions sufficient to support the creation of a mercury unit within UNEP chemicals and to undertake the actions necessary to implement this decision;
16. Requests the Executive Director to undertake assessments of other heavy metals of possible global concern, such as lead and cadmium, and to seek funding for these assessments;
17. Recognizes that further international action should incorporate the expeditious development of a global, legally binding instrument on mercury and other heavy metals of global concern, beginning with mercury as a priority pollutant. The instrument should be developed in such a manner as to recognize other related activities to reduce releases of mercury and other heavy metals, as well as differing regional and national conditions, taking into account the special concerns of developing countries and countries with economies in transition.
18. Requests the Executive Director to prepare and convene, together with relevant international organizations, an intergovernmental negotiating committee with a mandate to prepare and present to the Council at its twenty-fourth meeting an international legally binding instrument for implementing international action to reduce releases of mercury and other heavy metals of global concern to the environment;
19. Recommends that during the development of a global legally binding instrument, due consideration be given to the work currently under way within the United Nations Economic Commission for Europe to revise the regional protocol on heavy metals under the Convention on Long-range Transboundary Air Pollution;
20. Calls upon Governments and other actors to provide the United Nations Environment Programme with the necessary financial and technical resources for the functioning of the intergovernmental negotiating committee, in particular with regard to the participation of developing countries and of countries with economies in transition;
21. Requests the Executive Director to present a report on the progress of the implementation of the present decision to the Council at its twenty-fourth session.