

ZMWG PROPOSED PARTIAL CONCEPTUAL TEXT FOR A GLOBAL MERCURY TREATY

March 2010 Working Draft

INTRODUCTION

The Zero Mercury Working Group (ZMWG) presents the attached partial conceptual text for consideration of governments and others as part of their preparations and participation for the first Intergovernmental Negotiating Committee (INC1) on Mercury, 7-11 June 2010, Sweden. This conceptual text is a working draft, reflecting the potential for modifications as INC deliberations unfold and new information is presented. It is a “partial” draft insofar as it primarily addresses mercury supply and demand; financial/technical assistance; and associated issues related to trade, monitoring and reporting. Proposals in other areas such as waste, and BAT/BEP for industrial processes (including air emission controls), will be forthcoming.

The cornerstone of the draft conceptual text is the incremental restriction of both global mercury supply and demand through a series of specific mandatory obligations, including:

- A ban on new primary mercury mines in the short-term and the closure of existing mines by 2020;
- A ban on the export of elemental mercury and specified mercury compounds that can profitably be converted to elemental mercury, except for the purpose of storage or sequestration of the mercury;
- The scheduled phase out of the manufacturing of certain mercury products, and an associated export ban so these specified products can no longer be dumped on the developing world;
- A licensing system for the export of mercury or mercury-added products when still allowed under the Convention;
- The phase out of using mercury in certain manufacturing processes such as chlor-alkali production; and
- Trade restrictions with Non-Parties to discourage governments from attempting to seek an economic advantage by not becoming a Party to the Convention.

Emphasis is placed on the export control of mercury and mercury products because there are far fewer manufacturing and mercury supply sources than potential users or importers, thus export controls may be potentially more effective and efficient than

import controls. Moreover, import controls have had limited success in many locations where small-scale gold mining is already an illegal activity.

Many of the control measures are included in the Annexes to the concept draft. The concept draft proposes a streamlined but considered process for Annex modifications by the Conference of the Parties (COP), thereby allowing the COP to revise the Annexes as needed to adapt to changing conditions and new information.

Annex A of this concept draft lists mercury compounds subject to the elemental mercury export ban because they can profitably be converted to elemental mercury and thus present a potential loophole if their export is not controlled.

Annex B contains various control measures applicable to mercury products. Paragraph 1 specifies the mercury containing products, and Paragraph 2 products made with but not containing mercury, that are subject to trade bans with non-Parties to the Convention. These provisions ensure non-Parties do not gain an economic advantage over Parties to the Convention. Paragraph 3 of Annex B lists those mercury products subject to manufacture reporting and export licensing/reporting requirements. Paragraph 4 provides a timetable for the phase out of the manufacture and export of the specified products.

Products not subject to manufacturing and export restrictions at the outset of the Convention will be subject to a periodic review process, where the availability of non-mercury alternatives is evaluated and new control measures in Annex B may be recommended to the Conference of the Parties.

Annex C contains the control measures applicable to industrial processes using mercury, specifically chlor-alkali and vinyl chloride monomer production.

The draft conceptual text also contains exemption, licensing, and reporting elements. These elements recognize the importance of certain principles to ensure treaty efficiency and effectiveness, including:

- Consistent and timely data gathering and reporting to track the remaining global movement of mercury and mercury products, facilitated by the use of standard reporting formats and the maintenance of relevant data bases;
- Transparency in all aspects of treaty implementation and opportunities for meaningful involvement by NGOs; and
- Time and quantity limited exemption opportunities to meet demonstrated needs.

Also proposed is an aquatic food source monitoring network to serve the dual functions of monitoring the effectiveness of the treaty and facilitating food consumption guidance to currently uninformed populations, particularly those in the

developing world. While details of the monitoring network would become an implementation matter, we anticipate the network will incorporate already existing

fish and marine mammal monitoring programs and add new locations as needed to provide reasonable geographic coverage (as illustrated by GIS mapping). Once the initial monitoring program is established, it is anticipated that periodic re-sampling will be conducted in the future to determine if Convention activities are reducing mercury levels in aquatic food sources locally, regionally, and globally.

The section of the draft concept text on financial and technical assistance is intended to establish assistance and accountability as twin pillars for Convention implementation. Toward that end, the proposed adoption of a dedicated fund financed by mandatory assessments on developed nations is expressly linked to INC agreement of a mechanism and procedures for addressing Convention non-compliance, with the expectation that the fund will be operated in a way that encourages compliance and discourages non-compliance with the Convention. The dedicated fund as proposed also provides opportunities for targeting resources to Convention priorities, designing effective assistance delivery systems, and including broader representation in decision-making. Other related provisions promote information exchange, technology transfer, and capacity building for countries needing such assistance, and research and development to expedite the transition to non-mercury products and processes, and to improve emission controls.

The **Zero Mercury Working Group** (ZMWG) is an international coalition of more than 90 public interest environmental and health non-governmental organizations from 45 countries from around the world formed in 2005 by the European Environmental Bureau and the Mercury Policy Project. *ZMWG strives for zero supply, demand, and emissions of mercury from all anthropogenic sources, with the goal of reducing mercury in the global environment to a minimum. Our mission is to advocate and support the adoption and implementation of a legally binding instrument which contains mandatory obligations to eliminate where feasible, and otherwise minimize, the global supply and trade of mercury, the global demand for mercury, anthropogenic releases of mercury to the environment, and human and wildlife exposure to mercury. (www.zeromercury.org)*

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I. Proposed Concepts to Control of Mercury Production from Primary Mercury Mining

Purpose: This set of proposals will prohibit new primary mercury mining, and phase out existing primary mercury mining.

1. Parties will ban the export of elemental mercury produced from primary mercury mining, effective one year after the entry into force of this Convention.
2. Parties will not authorize construction or operation of any new primary mine once the Convention enters into force.
3. Parties will require the termination of operating activities at primary mercury mines in existence before the Convention enters into force no later than January 1, 2020, except for activities related to the environmentally sound closure of the mines.
4. Parties may obtain a time and quantity limited exemption from Paragraph 3 to meet extraordinary domestic needs not prohibited under this Convention. There will be no exemptions available from the export ban for mercury produced from primary mining or from the ban on new primary mercury mines.

Explanation of Proposed Concepts: Primary mercury mining is the worst source of mercury because it adds new mercury to the global supply and the process itself releases significant amounts of mercury to the environment. Paragraph 1 would prevent the export of mercury produced from primary mining, thereby removing the economic incentive for constructing most new mines. The Kyrgyz Republic is the only known country where a large primary mercury mine operates for the purpose of exporting elemental mercury, and there are substantial ongoing activities to assist this country in closing the mine and finding alternative economic activities for the region affected. Paragraph 2 would prohibit “new” primary mercury mines, with “new” defined as a mine authorized or constructed after the Convention comes into forces. Under Paragraphs 3, existing primary mercury mining for domestic purposes would be phased out by 2020.

II. Proposed Concepts to Control Trade of Elemental Mercury and Mercury Compounds Between Parties

Purpose: This set of proposals will restrict the export of elemental mercury and certain mercury compounds as a means of reducing the global mercury supply.

1. Parties will ban the export of elemental mercury and mercury compounds specified in Annex A beginning one year after the Convention enters into force,

except for the purpose of long-term sequestration and storage of such mercury or compounds.

2. Parties will adopt a licensing system for the export of elemental mercury and mercury compounds specified in Annex A within one year of the entry into force of this Convention to ensure compliance with Paragraph 1, which will include periodic inspections of producers and traders of elemental mercury and the specified mercury compounds.

3. The Conference of the Parties will establish minimum licensing and reporting requirements to ensure valid and consistent trade data are provided.

4. The Conference of the Parties will cooperate to facilitate the development and coordination of global long-term capacity for the sequestration and storage of elemental mercury and specified mercury compounds.

5. Parties may obtain a time and quantity limited exemption from Paragraph 1, but only if the mercury or mercury compounds are not used for either small-scale gold mining or uses prohibited under this Convention at the time. Parties importing mercury or mercury compounds through this exemption process must develop a licensing system for ensuring the mercury will be used for its intended purpose and will be safely managed, and must report trade and use data requested by the Secretariat to track the international movement of elemental mercury and specified mercury compounds.

Explanation of Proposed Concepts: Restricting the export of elemental (or liquid) mercury, and thereby reducing the global mercury supply, will reduce global mercury demand, particularly for uses like small-scale gold mining where legal restrictions are difficult to enforce. Making mercury more difficult and expensive to obtain encourages the use of alternative mining methods and better mercury management, as documented by UNIDO and others. The mercury compounds subject to export restrictions specified in Annex A are those compounds capable of being converted back to elemental mercury profitably, as identified by either the EU in its export ban regulations, or by the U.S. Environmental Protection Agency in a recent report. Some of these compounds (such as calomel) are produced in significant quantities. See <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:304:0075:0079:EN:PDF>; <http://www.epa.gov/hg/pdfs/mercury-rpt-to-congress.pdf>.

The export of elemental mercury and the specified compounds is prohibited one year after the Convention comes into force, unless the export is for (1) mercury storage or sequestration in another country; or (2) the mercury is for a use not prohibited under the Convention at the time and an exemption is obtained for the transaction under Paragraph 5. No export for small-scale gold mining is permitted. Paragraphs 2, 3, and 5 enable the creation of a licensing and trade tracking system for elemental mercury, so that global supplies can be transparently monitored and restricted to allowable uses. Paragraph 4 will facilitate the sequestration and safe management of mercury not destined for reuse in commerce.

III. Proposed Concepts to Control the Manufacture and Trade of Mercury Added Products Between Parties

Purpose: This set of proposals will phase out the manufacture of certain products containing mercury, and simultaneously restrict the trade of those products to prevent dumping to countries where safe use or end of life management is unlikely.

1. Parties will ban the manufacture of certain mercury products as specified in Annex B, Paragraph 4.
2. Parties will ban the export of mercury products that can no longer be produced under the Convention, except for the purpose of facilitating the long-term sequestration or storage of the mercury content of such products.
3. Parties will adopt an export licensing system governing the export of mercury products listed in Paragraph 3 of Annex B for storage or sequestration, and for the export of those products where manufacturing is not prohibited.
4. Parties will report annually to the Secretariat on the manufacture and export of mercury products.
5. Parties will promote the manufacture and sale of safe non-mercury alternatives to mercury products identified in Annex B.
6. Parties shall minimize or restrict mercury use and exposure in dental care generally, and particularly for dental workers, pregnant women and young children.
7. Parties may obtain a time and quantity limited exemption from Paragraph 1 to meet domestic needs where non-mercury alternatives are not available.
8. Exporting Parties may obtain a time and quantity limited exemption from Paragraphs 1 and 2 to satisfy the domestic needs of an importing Party which demonstrates that functional non-mercury alternatives are not available and the mercury product will be managed in an environmentally responsible manner at the end of its useful life.
9. The [Implementation Committee] will periodically review the availability of non-mercury alternatives to mercury products not yet subject to manufacturing and export restrictions under the Convention, and make recommendations to the Conference of the Parties on appropriate control measures to be included in Annex B for such products. At a minimum, the review process and recommendation process will be undertaken every five years beginning five years after the Convention comes into force, or if new and substantial information is brought to the attention of the [Implementation Committee] on one or more products warranting an expedited review.

Explanation of Proposed Concepts: Paragraph 1 phases out the manufacture of certain mercury products according to the schedule contained in Annex B, Paragraph 4. In the first phase, the

manufacturing of products largely phased out already in many parts of the world is prohibited one year after the Convention comes into force (paints, pesticides, cylinder batteries, switches/relays, measuring devices other than fever thermometers/blood pressure cuffs). Cosmetics such as skin lightening creams are also included in the first phase because mercury use in these products poses unnecessary and significant health risks. Other products are subject to later deadlines to facilitate expanded production capacity for the known non-mercury alternatives. Button cell batteries would be subject to a 2018 manufacturing phase out date, fever thermometers/blood pressure cuffs a 2019 manufacturing phase out date, and plasticizers a 2020 phase out date.

For mercury products not subject to a phase out date at this time, a review mechanism is proposed in Paragraph 9 whereby the [Implementation Committee] will periodically conduct an assessment of non-mercury products available, and recommend control measures to the Conference of the Parties. In the case of dental amalgam, three years are provided after a determination that alternatives are available for the restriction against production to become effective. In the meantime, measures to minimize or restrict amalgam use and exposure are required, particularly for dental workers, pregnant women and young children. For lamps, mercury content standards and other control measures will be developed after the Convention comes into force.

Paragraph 2 prohibits the export of products for which the manufacturing bans are in effect. Before the manufacturing bans are in effect, and for products not subject to any bans at this time (i.e., lamps), annual reporting and export licensing are required under Paragraphs 3 and 4, and Annex B, Paragraph 3. Time and quantity limited exemptions are available from the manufacturing ban under Paragraph 7, and from the export ban under Paragraph 8.

IV. Proposed Concepts to Control Trade of Mercury, Mercury Compounds, and Mercury-Added Products with Non-Parties

Purpose: This set of proposals prohibits the trade of elemental mercury, and certain mercury compounds and products with non-Parties to the Convention, and beginning in 2020, the import of certain products made using mercury from non-Parties to this Convention.

1. Parties will ban the export of elemental mercury, mercury compounds identified in Annex A, and mercury products identified in Paragraph 1 of Annex B to Convention non-parties beginning one year from the date the Convention enters into force, unless otherwise specified.
2. Parties will ban the import of elemental mercury, mercury compounds identified in Annex A, and mercury products identified in Paragraph 1 of Annex B from any Convention non-parties beginning one year from the date the Convention enters into force, unless otherwise specified.
3. As of January 1, 2020, Parties will ban the import from Convention non-parties those products produced with but not containing elemental mercury or mercury compounds which are identified in Paragraph 2 of Annex B.

4. Parties will ban the export of technology for producing mercury, mercury compounds specified in Annex A, or mercury-added products identified in Paragraph 4 of Annex B; or export of technology for mercury-based manufacturing processes identified in Annex C, to Convention non-parties. Technologies identified as BAT/BEP under the Convention are not subject to this export ban.

5. Parties will not provide subsidies, aid, credits, guarantees, or insurance programs benefiting Convention non-parties for equipment, plants, or technology that produces mercury, mercury compounds specified in Annex A, mercury-added products identified in Paragraph 4 of Annex B; or uses mercury in manufacturing processes identified in Annex C. This restriction does not apply to equipment or technology identified as BAT/BEP under the Convention.

Explanation of Proposed Concepts: Paragraphs 1 and 2 prohibit trade in elemental mercury, the mercury compounds identified in Annex A, and the mercury products identified in Paragraph 1 of Annex B with non-Parties to the Convention, to ensure non-Parties do not gain an economic advantage over Convention Parties. Beginning in 2020, the economic pressure to become a Party will increase as non-Parties cannot export certain products made using mercury, as identified in Paragraph 2 of Annex B, to Parties of this Convention. Parties cannot subsidize or export technologies for producing mercury or mercury products, or for mercury based processes, to non-Parties under Paragraphs 4 and 5.

V. Proposed Concepts to Control Mercury Use in Certain Manufacturing Processes

Purpose: This set of proposals will phase out the use of mercury in specified manufacturing processes according to the schedule provided in Annex C.

1. Parties will report annually on the use of mercury in specified manufacturing processes in accordance with Annex C.

2. Parties will ban the use of mercury in specified manufacturing processes in accordance with Annex C.

3. Parties may obtain a time and quantity limited exemption from Paragraph 2 in extraordinary circumstances to meet domestic needs. Exemptions will be accompanied by enhanced reporting requirements.

Explanation of Proposed Concepts: Mercury use in chlor-alkali production will be phased out according to the schedule in Annex C. Paragraphs 1 and 2 of Annex C prohibit the construction of new mercury cell chlor-alkali plants, and require existing facilities to close or convert to non-mercury processes by 2020. Under Paragraph 5 of Annex C, Parties with existing mercury cell chlor-alkali plants must submit to the Secretariat plans for meeting this phase out date within one year of when the Convention comes into force.

For vinyl chloride monomer (VCM) production, a mechanism is created under Paragraph 3 of Annex C to evaluate whether a non-mercury catalyst for the acetylene-based VCM production process has been proven economically and functionally viable, and when that determination is made, three years are provided to employ the non-mercury catalyst. Again, under Annex C Paragraph 5, Parties with existing facilities using the mercury catalyst must submit a plan for developing and deploying a non-mercury catalyst to the Secretariat within one year of the Convention coming into force.

For both chlor-alkali and VCM plants undergoing closure or conversion, Paragraph 5 of Annex C requires the identification of measures to ensure mercury or mercury compounds at these facilities will not be exported in violation of the Convention.

VI. Proposed Concepts for the Review and Register of Specific Exemptions

Purpose: This set of proposals contains some minimum elements of the treaty exemption application and review process.

1. At its first meeting, the Conference of the Parties shall decide upon a process for applying for, evaluating, and approving exemptions submitted under Articles _____. The process shall provide for consultations with appropriate experts, non-governmental organizations, and other interested parties, and shall be administered by the [Implementation Committee], with assistance from the Secretariat.
2. Applications for an exemption will contain information justifying the need for the exemption, estimating mercury uses and releases associated with the exemption request, and describing the activities underway or anticipated which will obviate the need for future exemptions at the earliest possible opportunity. The applications shall be circulated by the Secretariat to all Parties, who may present their views to the [Implementation Committee] in accordance with the established review procedures.
3. There will be a register of all exemption applications and their associated documents maintained by the Secretariat and available to the public on the Convention website.
4. Exemptions will typically expire in two years unless an earlier date is specified in the approval of an exemption. Exemption approvals may establish conditions which ensure the exemption will be implemented for its intended purpose.

Explanation of Proposed Concepts: Paragraph 1 anticipates that the first meeting of the COP will approve the exemption application and review process. However, Paragraphs 1-4 make clear that the procedures should include opportunities for consultations with experts, Parties, and other stakeholders; the process will be transparent and the documentation will be publicly available; and the exemptions will typically expire after two years unless renewed by filing a new application.

VII. Proposed Concepts for Amending Annexes

Purpose: Recognizing that the Annexes need to adapt to changing global conditions as the Convention is implemented, this proposal provides for a streamlined but still considered process for Annex amendments.

1. The Conference of the Parties will adopt streamlined procedures for proposing and evaluating potential revisions to the Annexes. The procedures shall provide for consultations with appropriate experts, non-governmental organizations, and other interested parties. Amendments to the Annex will be adopted by the Conference of the Parties.

Explanation of Proposed Concept: Annex amendments can be made by the COP directly under procedures to be developed by the COP which provide for prior consultations with experts and other stakeholders. It is anticipated that additional products and processes may become subject to restrictions through the Annex revision process.

VIII. Proposed Concepts for Obtaining and Reporting Data

Purpose: This set of proposals contains various data gathering and reporting provisions aimed at ensuring Convention implementation produces relevant, valid, and consistent data in a manner which minimizes the burden to the Parties.

1. Reporting obligations referenced elsewhere and any additional data as may be requested by the Conference of the Parties will be governed by this set of proposals.

2. Information gathered or reported under this Convention will be publicly available and accessible through the Convention website. The Secretariat will create and maintain data bases as needed to implement the Convention, and provide summaries and analyses of the data provided as necessary to monitor the progress of the Convention, or as directed by the [Implementation Committee] or the Conference of the Parties.

3. Suitable inter-governmental or non-governmental organizations may assist in data gathering activities.

4. The [Implementation Committee] will recommend to the Conference of the Parties additional data gathering activities as may be needed to measure the effectiveness and otherwise implement this Convention.

5. Where possible, the Secretariat, in consultation with the [Implementation Committee], shall consolidate and coordinate the various reporting obligations to minimize the burden on the Parties to this Convention. Annual reporting will be coordinated with meeting cycles of the Conference of the Parties.

6. The [Implementation Committee] or its designees may undertake fact-finding missions as may be required to obtain or verify data regarding the implementation of this Convention.

7. There will be a biotic (i.e., fish, marine mammal food sources) and associated abiotic monitoring network for the purposes of enabling Parties to provide advice to populations regarding the consumption of fish and marine mammals, and to measure the effectiveness of this Convention over time.

Explanation of Proposed Concepts: These proposals emphasize the importance of establishing at the outset a program for collecting and maintaining the data needed to determine the effectiveness of the Convention. Key elements of the program include reports by Parties in a specified format, a transparent process for the collection and analysis of the data, and the utilization of all available data sources that could assist the COP in evaluating treaty performance.

Paragraph 7 establishes a global aquatic food source and related abiotic monitoring network which serves the dual functions of monitoring the effectiveness of the treaty and facilitating Parties to provide food consumption guidance to their populations. It is anticipated the network will incorporate already existing monitoring programs, and add new locations as needed to provide reasonable coverage (illustrated through GIS mapping). The Secretariat is expected to seek guidance from experts in the field, and under Paragraph 3, may rely upon other suitable organizations to conduct or administer the program as appropriate. Once the initial monitoring program is established, it is anticipated that periodic re-sampling will be conducted in the future to determine if Convention activities are reducing mercury levels in aquatic food sources locally, regionally, and globally. Details of the monitoring program are left for the COP or other implementing organ to decide.

IX. Proposed Concepts for Technical and Financial Assistance

Purpose: This set of proposals provides a cornerstone set of principles for establishing technical and financial assistance mechanisms under the Convention, recognizing that additional details will be developed through the INC deliberations.

1. To facilitate compliance with the Convention, the Parties agree to develop mechanisms for providing information exchange, capacity building, technical assistance, and financial support to Parties in need of such help.

2. The primary consideration for designing and implementing assistance delivery systems shall be their effectiveness in achieving the objectives of the Convention. Opportunities for synergies with other Conventions and programs shall be evaluated in this context of maximizing this effectiveness.

3. The Parties will cooperate to promote information exchange, research and development, and technology transfer on non-mercury products and processes, mercury storage, mercury waste management and remediation, and mercury emission controls.

4. The Parties will cooperate to promote capacity building to further implementation of the Convention.

5. The Parties will establish one or more mechanisms for the purpose of providing financial and technical assistance in implementing the Convention. The mechanisms will include the creation of a dedicated fund financed by mandatory assessed contributions from developed nations to help support the incremental costs to developing nations of achieving compliance with the control measures in the Convention. The dedicated fund shall be governed by a committee established by the Parties for this purpose. The committee membership shall include strong representation of developing nations, and shall operate in a transparent manner to maximize the effectiveness of the Convention.

6. Financial support mechanisms shall be designed and operated in a manner which facilitates compliance and discourages non-compliance with Convention obligations. Accordingly, the dedicated fund and the Convention's non-compliance mechanism and procedures must be adopted together during these INC deliberations, as part of a complementary assistance and accountability package.

7. To encourage financial support from development organizations, the Parties will pursue appropriate opportunities to align the programs of such organizations with the activities involved in the implementation of the Convention.

Explanation of proposed concepts: These proposals provide a conceptual architecture for constructing the financial and technical mechanisms under the Convention. The underpinnings of the architecture are: (1) reliance on mechanisms governed by the Convention to ensure consistency with Convention priorities and maximum effectiveness in assistance delivery systems;(2) the provision of new and additional resources in a dedicated fund under the Convention to ensure such consistency and governance; and (3) the creation of a mechanism for identifying and responding to non-compliance which can be coordinated with the financial mechanism in a way that promotes compliance and discourages recalcitrance. Through these proposals, NGO's seek to establish adequate financial support and accountability as the twin pillars of promoting Convention effectiveness.

Annex A – Mercury Compounds

Mercury Compounds Subject to Export Prohibitions Between Parties and Subject to Export/Import Prohibitions with Non-Parties

- a. Mercury(I) chloride or calomel;
- b. Mercury(II) oxide;
- c. Mercury(II) sulfate;
- d. Mercury(II) nitrate;
- e. Cinnabar ore;
- f. Mixtures of metallic mercury with other substances, including alloys of mercury, with a mercury concentration of at least 95 percent by weight;
- g. [reserved]

Annex B – Products

1. Mercury-Added Products Subject to Import/Export Prohibitions with Non-Parties to this Convention

- a. Switches and relays
- b. Measuring devices, except for medical devices¹
- c. Batteries
- d. Cosmetics, including skin creams and soaps
- e. Pesticides/Fungicides
- f. Paints
- g. Medical devices as of January 1, 2019
- h. Plasticizers as of January 1, 2020

2. Products Derived from the Use of Mercury Subject to Import Prohibitions from Non-Parties to this Convention

- a. Chlorine and/or caustic soda produced from the mercury cell chlor-alkali process
- b. PVC produced from the use of a mercury catalyst

3. Mercury-Added Products Subject to Manufacture and Export Licensing/Reporting Requirements

- a. Switches and relays
- b. Measuring devices, including medical devices
- c. Batteries

¹ As used in Annex B, measuring devices is a category of products which measure ambient conditions in the environment, body, or machinery, such as temperature or pressure. This category includes thermometers, barometers, pyrometers, and manometers. Medical devices comprise a subset of measuring devices, and principally include fever thermometers and blood pressure cuffs.

- d. Dental amalgam
- e. Lamps
- f. Plasticizers
- g. Pesticides/Fungicides
- h. Paints
- i. Vaccines and other pharmaceutical products
- j. Cosmetics, including skin creams and soaps
- k. Preservatives
- l. Any other product for which the manufacture consumes more than 1 ton of mercury in any calendar year.

4. Mercury Added Products Subject to Manufacture and Export to Party Prohibitions

- a. Switches and relays as of one year of when the Convention enters into force
- b. Batteries other than button cells as of one year of when the Convention enters into force
- c. Paints as of one year of when the Convention enters into force
- d. Pesticides/Fungicides as of one year of when the Convention enters into force
- e. Cosmetics, including skin creams and soaps, as of one year of when the Convention comes into force
- f. Button cell batteries as of January 1, 2018
- g. Measuring devices other than medical devices, as of one year of when the Convention enters into force
- h. Medical devices as of January 1, 2019
- i. Plasticizers as of January 1, 2020
- j. Dental amalgam as of three years after a determination by the [Implementation Committee] that safe, functional non-mercury alternatives substitutes are available at reasonable cost. If the determination(s) provide for



limited applications of mercury dental amalgam for certain procedures or populations, the prohibition shall not apply to those procedures for which mercury amalgam is deemed appropriate.

k. The [Implementation Committee] shall propose to the Conference of the Parties control measures to prohibit or restrict the mercury content of lamps. The control measures may vary by lamp type or function, and the availability of non-mercury alternatives.

Annex C – Manufacturing Processes

1. Parties will ban the authorization or construction of a new facility, or the expansion of an existing facility, to manufacture chlorine or caustic soda using mercury effective one year after the date of the entry into force of this Convention.
2. Parties will ban the use of mercury to manufacture chlorine and/or caustic soda effective January 1, 2020.
3. Parties will ban the use of mercury or mercury containing catalysts to manufacture vinyl chloride monomer within three years of a determination by [insert expert or implementation committee or body created by this Convention] that functional non-mercury alternative process substitutes are available for the acetylene-based process.
4. Parties will report to the Secretariat on an annual basis regarding the number of facilities and amount of mercury consumed for manufacturing vinyl chloride monomer, chlorine, or caustic soda in the previous calendar year, beginning one year after the date of the entry into force of this Convention.
5. If a Party has one or more facilities using mercury for the production of vinyl chloride monomer, chlorine, or caustic soda, it will submit a plan for transitioning to non-mercury production processes for manufacturing vinyl chloride monomer, chlorine or caustic soda; and specify the measures to be taken upon closure or conversion to ensure the mercury or mercury compounds at these facilities will be managed in compliance with the export restrictions of this Convention. This plan will be required within one year after the date of the entry into force of this Convention, and will be updated as part of each application for an exemption from Paragraph 2 or 3.