



PRELIMINARY ZMWG VIEWS ON SELECTED INC6 PROPOSALS

Introduction

In this briefing paper, the Zero Mercury Working Group (ZMWG) summarizes its views on some of the proposals before INC6 for consideration or adoption. We highlight only the priority issues, and the key points on these issues. We encourage INC 6 delegates to consult with ZMWG representatives for more details or positions on documents not covered below. The information is presented according to our view of their relative importance.

Import Consent Form (INC 6/3)

1. Consistent with the Rotterdam and Basel Conventions, there should be an accompanying form for exporters. Only exporters can provide the information on mercury sources, the identity of the export company, proposed allowed use(s), and the quantity of mercury in the shipment necessary for the importing government to ensure Convention compliance and determine whether the import is appropriate for its domestic circumstances. Without a standardized form, developing world importing governments will need to create individualized forms, resulting in an avoidable burden on both governments and exporters.
2. There is no space on the form for the denial of consent, in whole or in part.
3. Greater clarity is needed regarding whether and when copies of the form (including any attached exporter form) must be provided to the Secretariat. Certainly, if general consent is provided here for the first time, the form should be sent to the Secretariat since the Secretariat is required to maintain a public register of such consents under Article 3, par. 7 of the Convention. In other cases, the need for timely reporting on mercury production and trade should require an appropriate combination of form submittals and/or timely reporting under Article 21 (see immediately below).

Reporting Form (INC 6/11)

1. Some information should be collected before COP3, and more frequently than every four years, because more timely information is essential for Convention effectiveness. For example, timely mercury production and trade data are necessary to quantify mercury supply reductions, and global trends.¹ These data can change radically over four years,² and without timely reporting, the COP will be ill equipped to address issues as they arise. We note the Montreal Protocol requires annual CFC production and trade reporting, and Basel requires annual reporting of waste shipments for this reason. We also note ASGM progress reports are required by the Convention every three years.
2. Important Convention obligations and reporting obligations are not covered by the proposed reporting form.³ They include:
 - The fate of mercury from decommissioned chlor-alkali plants, a restricted mercury source under Article 3.
 - Measures to discourage new mercury product types under Article 4, paragraph 6.
 - The required measures to phase out or down mercury use in industrial processes listed in Part I or Part II of Annex B.⁴
 - Measures to discourage new mercury uses in industrial processes under Article 5, paragraph 7.
 - The emissions and release inventory data that should be included in Article 21 reporting, as specified in Article 8, paragraph 11, and Article 9, paragraph 8.
3. The reporting form sometimes asks for data, but does not specify the relevant time period for the data requested, which is highly problematic if the reporting frequency is every four years.
4. Information is requested on primary mercury mining, but no information is requested on other forms of mercury production, such as recycling (treatment) or byproduct recovery. Without this information, and the information on decommissioned chlor-alkali mercury mentioned above, the COP cannot quantify

¹ Since few countries produce mercury from mining or treatment facilities, the production reporting requirement would not be burdensome. Standardization of export and import consent forms would streamline trade reporting.

² See the ZMWG Action Challenge Interim Report for examples of disturbing trends on global mercury supply and trade in the last three years. Some of these data just became available in the last year.

³ We recognize the possibility that other mechanisms may be created to collect this information, but since none are proposed at the present time, we use the reporting form as the place for identifying the issue.

⁴ The processes in Part II of Annex B collectively account for about 1,000 MT of annual mercury demand.

the global mercury supply. Similarly, regarding mercury trade, no information is requested on export or destination countries, and the allowed uses for such trade. This information will be crucial for tracking mercury demand and trade, and evaluating Convention effectiveness.

5. Information is requested on the amount of mercury in large mercury stocks and stockpiles, but not on the types of facilities involved, the expected disposition of the mercury in these stocks, and in the case of mercury supply generating stocks, the anticipated period of time in which those stocks will no longer be generated.
6. The reporting form would greatly benefit by the sequencing of questions intended to solicit more specific responses. For example, progress reporting on ASGM would benefit by tracking Annex C, and requesting sequenced information on each of the obligations in the Annex. Similar sequencing could be constructed for data related to compliance with Articles 8-11 (i.e., sequence emission questions for each source category listed in Annex D). The INC may consider reporting thresholds so that more information is sought where the Party has a significant number of regulated emission sources.

Umbrella Consent Notifications (INC 6/4)

1. There should be information in the register on measures taken to ensure only mercury from allowed sources will be imported for the allowed uses specified.

Article 6 Exemption Registration Information (INC 6/7)

1. In the case of products, the importing non-party should be required to provide a statement of need to the exporting party, similar to the statement required from parties. Otherwise, non-parties are regulated in a less stringent manner than parties, and can bypass Convention phase-out requirements without justification.
2. The language proposed for the statement of need includes unnecessary language about the “technical and economic feasibility of alternatives” when Article 6 contains no such language, potentially encouraging debates about alternatives already resolved in the Convention text.

Interim Storage Guidance (INC 6/17)

1. Since storage of commodity mercury is outside of Basel jurisdiction, the path forward for development of the guidance should be similar to paragraph 5 of INC 6/18, calling upon the Secretariat to assist in the development of the interim storage guidelines, taking into account information from a variety of sources such as governments, other Conventions, and other stakeholders.

Request for Update of Mercury Supply, Demand, and Trade Report

1. The previously mentioned recent international developments in the area of global supply and trade, which include increases in mercury production and shifts in trading for ASGM, demonstrate the need for timely information on global supply, demand, and trade. We urge governments to request the Interim Secretariat to update the global supply, demand and trade report in advance of INC 7.