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Department of Agriculture, Water and the Environment



MINAMATA CONVENTION ON MERCURY – FOURTH CONFERENCE OF THE PARTIES (COP4) REPORT FOR STAKEHOLDERS

Dates: 21-25 March 2022.

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Summary

The Australian Government sent a small delegation of officials from the Department of Agriculture, Water and the Environment to the in-person meeting of the Fourth Conference of the Parties to the Minamata Convention on Mercury (COP4). The delegation was led by Australia's National Focal Point to the Minamata Convention, Ms Nicola Powell.

COP4, which was held in Bali, Indonesia on 21-25 March, was the first such conference held outside of Geneva, Switzerland. It was preceded by online sessions in November 2021.

This was the first meeting at which Australia was able to participate as a member of the Minamata Convention after having ratified the treaty on 7 December 2021.

Australia actively engaged in all agenda items throughout the meeting. Some items of particular interest, as identified by stakeholders prior to the meeting, were: Annex A and B amendment proposals, effectiveness evaluation of the Convention, mercury waste definitions, and mercury releases to land and water. Further information on these items is provided below.

Most items were resolved fairly quickly and with a high degree of agreement between Parties. Discussion was dominated by a handful of contentious issues, but Parties worked together to reach a compromise in most cases. A number of matters that could not be resolved have been deferred for consideration at the next meeting of the Conference of the Parties (COP5) in 2023.

At the opening of the meeting, Australia and a number of likeminded countries, including the USA, UK, Canada, Japan and New Zealand, made a strong joint statement condemning the war in Ukraine.

Australia also took on an important leadership role during the meeting by co-chairing negotiating sessions in a contact group on Annex A and B amendment proposals.

The Indonesian Government, as the host country and President of COP4, presented the *Bali Declaration on Combatting Illegal Trade of Mercury*.

Key points on selected items

1. **Annex A and B amendment proposals** – There were a range of additional mercury-added products proposed for listing on Annex A Part I of the Convention, multiple amendments proposed to Annex A Part II (relating to dental amalgam), and one new listing proposed for Annex B Part I (manufacturing processes).

Parties had disparate views on several proposals under this item. Parties worked constructively to resolve most of the issues, agreeing to:

- Phase-out by 2025:
 - compact fluorescent lamps with an integrated ballast for general lighting purposes that are ≤ 30 watts with a mercury content not exceeding 5 mg per lamp burner;
 - cold cathode fluorescent lamps and external electrode fluorescent lamps of all lengths for electronic displays not already phased out;
 - strain gauges used in plethysmographs;
 - melt pressure transducers, melt pressure transmitters and melt pressure sensors, except those installed in large-scale equipment or those used for high precision measurement, where no suitable mercury-free alternative is available;



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- mercury vacuum pumps;
- tyre balancers and wheel weights;
- photographic film and paper; and
- propellant for satellites and spacecraft.
- Additional phase-down actions for dental amalgam:
 - exclude or not allow, by taking measures as appropriate, the use of mercury in bulk form by dental practitioners; and
 - exclude or not allow, by taking measures as appropriate, or recommend against the use of dental amalgam for the dental treatment of deciduous teeth, of patients under 15 years, and of pregnant and breastfeeding women, except when considered necessary by the dental practitioner based on the needs of the patient.

These new phase-down actions for dental amalgam are in addition to existing requirements under Annex A, Part II which requires Parties to undertake two or more measures to phase-down the use of dental amalgam (of a possible nine measures).

The COP also agreed to task the Minamata Convention Secretariat with compiling information on the technical and economic feasibility of mercury-free alternatives for polyurethane, vinyl chloride monomer and sodium methylate manufacturing processes. This information will be provided to Parties for consideration at COP5.

2. **Effectiveness evaluation** – this issue dominated discussions during the COP. Parties worked hard to reach a compromise on the first steps for evaluating the effectiveness of the Convention. The COP, by consensus, decided that an Open-ended Scientific Group would be established and tasked with drawing up the objectives and science-based parameters needed to assess progress.

COP5 will be presented with the recommendations of the Scientific Group.

3. **Mercury waste definitions** – the key issue that remains unresolved is the operational definition for wastes contaminated with mercury or mercury compounds. Parties agreed the technical expert group would continue working on this matter through to COP5, and that the group would seek detailed information from Parties about their domestic regulatory practices intersessionally.

The COP adopted a decision on a two-tier threshold for defining mercury waste from mining (other than primary mercury mining):

- Tier-1 threshold to be applied first: 25 mg/kg total mercury content; and
- Tier-2 threshold to be applied to tailings above the tier-1 threshold: 0.15 mg/L in the leachate using an appropriate test method simulating the leaching of mercury at the site where the tailings are deposited. The COP tasked the technical expert group with drafting a guidance document on test methods to be used for the tier-2 threshold. The guidance will be considered at COP5.

4. **Mercury releases** – The COP adopted voluntary guidance to assist countries in preparing inventories of releases and agreed to a list of ‘potentially relevant’ point sources. Importantly, the COP also tasked the group of technical experts with developing draft guidance on Best Available Techniques and Best Environmental Practices (BAT/BEP) for sources of mercury releases to land and water.

Anticipated consultation for COP5

The new COP Presidency and meeting hosts were decided during COP4. COP5 will be held in Geneva, Switzerland from 28 October – 4 November 2023. Romania has been elected as the President of COP5.

COP5 will consider draft decisions, based on directions from COP4, and recommendations from intersessional working groups. The COP will produce a set of final decisions, which will be binding on Parties.

We intend to commence formal consultation on the meeting papers in mid-September 2023, which is approximately 6-8 weeks prior to the COP. We will work with you to identify the items of most interest to your



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area and then provide relevant papers. Any input or submissions provided in advance of the formal consultation process are welcomed.

We look forward engaging with you further and encourage you to forward any questions or comments to Minamata@awe.gov.au.

Background to the Minamata Convention on Mercury

- The Minamata Convention on Mercury was adopted in October 2013 and has the objective of protecting human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds.
- Mercury is a highly toxic heavy metal that can have dangerous effects on people and animals. It can irreversibly harm the immune system, brain, heart, kidneys, and lungs. Mercury is a chemical of global concern because it:
 - can cause significant harm to people and the environment;
 - is persistent in the environment once released;
 - can travel large distances in our oceans and the atmosphere, posing risks to human health and the environment even in remote locations; and
 - can become concentrated in ecosystems and up the food chain.
- The Convention addresses the lifecycle of mercury from its entry into the economy (via mining or international trade); to its uses in products; its releases and emissions from industrial processes; through to waste management and storage.
- The Conference of the Parties (COP) is the governing body of the Convention, with decisions made by consensus at COP meetings, which occur every two years. There are currently 137 Parties to the Convention.
- Australia ratified the Minamata Convention on 7 December 2021 and is legally bound to both the treaty obligations and decisions of the COP. The Convention entered into force for Australia on 7 March 2022.