



**REPUBLIC OF CROATIA
MINISTRY OF HEALTH
AND SOCIAL WELFARE**

Directorate for Sanitary Inspection

Class: 543-04/10-10/28

Number: 534-08-01-04/1-10-2

Zagreb, 23 July 2010.

Mr. Per. M. Bakken

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United Nations Environment Programme

11-13 Chemin des Anémones

CH 1219 Chatelaine, Geneva, Switzerland

Subject: The First Session of the Intergovernmental Negotiating Committee to prepare a legally binding instrument on mercury (Stockholm 07 to 11 June 2010)- view of the Republic of Croatia

Your excellency,

After participating on the INC1 in Stockholm in June, 2010., we can send you our view on developing a comprehensive and suitable approach to mercury, with included provisions (among others: reducing the supply of mercury, reducing the demand for mercury in products, reducing international trade in mercury, reducing atmospheric emissions of mercury, arrangements measures for capacity building and technical and financial assistance) that you had stated in your inviting letter to our SAICM NFP.

From different options for future Convention we have chosen Mercury Convention with control measures plus annexes option, because we think it would be the best to cover all aspects of the mercury control, bearing in mind that it is needed to be widely accepted.

Future Mercury convention would be stipulated with control measures plus annexes option and might have the following structure:

I. Convention body that would include:

Preamble;

Introductory provisions;

Control measures addressing mercury, including those contemplated by Governing Council decision 25/5, paragraph 27;

Provisions related to implementation, including technical and financial assistance and compliance;

Institutional provisions;

Other provisions (e.g., dispute settlement and liability);

Provisions related to further development of the instrument;

Final provisions;

II. Annexes that would elaborate on the requirements of the control measures specified in the convention body. For each mercury priority area, they might include annexes containing some or all of the following:

Technical specifications

Names of applicable products, processes, sources, etc.

Mandatory and discretionary guidelines for implementing the control measures, including schedules and flexibility measures, where appropriate.

An advantage of this option for mercury is that it could allow the control measures in the body of the convention to be written clearly and succinctly, with a focus on desired outcomes rather than on technical, implementation and procedural details. Such details, where needed, could appear in the annexes.

A convention using this approach could be adapted to changed circumstances or evolving needs through the following procedures, which would be set out in the convention:

(a) Amendments to the convention: adopted under a consensus or supermajority voting rule; as the amended convention becomes a new agreement, convention amendments typically apply only to parties that ratify, accept or accede to them;

(b) Amendments or adjustments to the annexes: adopted under a consensus or supermajority voting rule; when adopted under a consensus rule, they can apply automatically to all parties or there can be provision for a party either to opt in or opt out by notifying the depositary within a fixed period.¹

(c) New annexes: adopted under a consensus or supermajority voting rule; they can apply automatically to all parties or there can be provision for a party either to opt in or opt out by notifying the depositary within a fixed period.

We hope that this statement would contribute to develop the legally binding instrument for mercury.

Also, thank you very much for your financial assistance in our participating in INC1 and previous meetings on mercury.

Kind regards,



To:

1. Mr. Per. M. Bakken
2. Archive