

**Meeting of the bureau of the intergovernmental negotiating committee on mercury and
preceding informal consultation with the INC2 office holders
Geneva, 28-30 March 2011**

Overview of documents requested for the third session of the intergovernmental negotiating committee

I. Requests from the second session of the intergovernmental negotiating committee

1. One of the outcomes of the second session of the committee was a request to the secretariat to prepare, for consideration by the committee at its next session, a new draft text of the comprehensive and suitable approach to mercury called for by UNEP GC decision 25/5. This new text would be based on the draft elements paper (document UNEP(DTIE)/Hg/INC.2/3) and would reflect views on the possible content of the mercury instrument as expressed by the parties at the second session and as submitted by parties to the secretariat in writing by 25 March 2011.
2. The secretariat was also requested to provide several other documents for consideration at its next session. These documents include:
 - A document setting out the human health aspects of mercury, including further information on mercury use as a medical preservative, in particular in vaccines
 - Information on emissions and releases of mercury from the oil and gas industry;
 - A further comparative analysis of options for a financial mechanism;
 - A revision of document UNEP(DTIE)/Hg/INC.2/16 - Relationship between the future mercury instrument and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.
3. In addition, there will of course also be the usual “organizational” meeting documents at the next session, including the agenda, annotated agenda and scenario note for the session.

II. Process for document preparation

4. In follow-up to the second session of the committee, the secretariat has written to all Governments calling for submissions on the new draft text and information on specific topics, including releases of mercury from the oil and gas sector and information on the use of mercury as a medical preservative. The letter has been sent electronically to all Government participants at the second session, as well as to the SAICM focal points, and requests information be submitted by no later than 25 March 2011. All submitted information will be made available on the mercury negotiations webpage.
5. In the schedule for document preparation, a number of key dates should be noted. Meeting documents are expected to be available six weeks prior to the meeting (19 September 2011). Given the extremely busy UNEP meeting schedule in the second half of 2011, meeting documents need to be submitted by the secretariat to UNON conference services for processing (including editing and translation) at least six weeks before this date (by 8 August 2011). As documents are reviewed internally within the Chemicals Branch prior to submission, the internal deadline for completion of drafts has been set as 15 July 2011 for all the documents.
6. It is, however, the intention of the secretariat to produce the new draft text ahead of this schedule, to allow Governments additional time for reviewing it.

III. Preparation of individual meeting documents

a) Draft text of the comprehensive and suitable approach to mercury

7. Please see separate note.

b) Human health aspects of mercury, including further information on mercury use as a medical preservative, in particular in vaccines

8. At the committee's second session, there was a request from the African Group for "information on mercury use in pharmaceuticals, particularly vaccines." In addition, the Latin America and Caribbean Group requested that the secretariat prepare a document, for consideration by the committee at its next session, on human health aspects of mercury. In response to these requests, the secretariats aim is to provide a document that covers the following issues:

- A general overview of information available on human health aspects of mercury, to be developed by World Health Organization (WHO);
- Overview of mercury use in pharmaceuticals, particularly vaccines, and any WHO recommendations in this regard, to be developed by WHO, together with a compilation of any information submitted by Governments on the issue of mercury use in pharmaceuticals;
- A brief analysis of how health aspects have been incorporated into the draft text and the most relevant multilateral environmental agreements (such as the Rotterdam, Stockholm and Basel conventions, WHO Framework Convention on Tobacco Control).

9. In addition, the International Labour Organization (ILO) will be encouraged to provide an overview of its involvement/ongoing activities in relation to health and worker's safety issues associated with the use and release of mercury, to be presented separately to the committee.

c) Information on emissions and releases of mercury from the oil and gas industry

10. The oil and gas industry has been recognised as a source of mercury emissions and releases for some time. However, new information suggests that the scale of the issue may have been underestimated. The paper will set out information on a number of key points including:

- Information on the scale of the problem such as the geographical locations of oil and gas reserves which contain mercury, estimated releases from oil and gas extraction and processing, any diffuse source emissions from the use of oil or gas (domestically, in small power/boiler use, in vehicles);
- Information on measures to address the problem: control technologies currently in use, any national/regional controls (including legislation or regulations), mitigation projects to clean up contaminated sites, any identified gaps;
- Information on current use/disposal of mercury collected from facilities/extraction plants or drills;
- Possible recommendations as to the types of measures which may be needed in the instrument to ensure the issue is covered in a comparable way to other sources of mercury emissions or releases.

11. Sources of information would include public domain/research information as well as submissions received from Governments following the call for information. Given the timeframe for preparation of the document, it is envisaged that the document will provide an overview of the topic, rather than a very detailed scientific review.

d) Further comparative analysis of options for a financial mechanism

12. At the committee's second session, two co-facilitators were identified and requested to facilitate further informal discussions on financial resources and technical and implementation assistance. The co-facilitators, during their reporting back to plenary on the last day, put forward a list of possible criteria for a financial mechanism that had been suggested by Governments during the plenary discussions. The co-facilitators suggested that the criteria identified during the discussions could form the basis of a comparative analysis to inform the committee of the different forms of a financial mechanism for a legally binding instrument on mercury and to what types of activities support might be channelled. The analysis would be undertaken by the secretariat taking into account the work by the consultative process on financing options for chemicals and waste.

13. In order to ensure that the document is fully consistent with the ongoing discussions within the consultative process on financing options for chemicals and waste, the secretariat aims to make use of the external expertise currently involved in this process, when developing the comparative analysis for the third session of the committee. The meeting document will discuss how the four major options under consideration within the consultative process would be responsive to each of the criteria listed in the co-facilitator's report and contain an analysis of what types of activities/measures each of the paths might be able to support. In order to include specific considerations relating to the possible obligations and options under discussion in the committee, work on this analysis can only be finalized once the draft text of the comprehensive and suitable approach to mercury is available.

e) **Revision of document UNEP(DTIE)/Hg/INC.2/16 - Relationship between the future mercury instrument and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal**

14. At its second session, the Committee requested the secretariat to provide a revised version of document UNEP(DTIE)/Hg/INC.2/16 on "Relationship between the future mercury instrument and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal".

15. This document was prepared following an initial request at the committee's first session, which was for the secretariat to prepare an analysis of possible gaps and overlaps in relation to the future mercury instrument and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, including additional information on and clarification as to the applicability of the Basel Convention for the sound management of mercury waste.

16. While retaining the same objective and overall structure of the initial document UNEP(DTIE)/Hg/INC.2/16, the secretariat will, in consultation with the Secretariat of the Basel Convention:

- Modify the document, where necessary, to highlight further which additional control measures, building on existing ones under the Basel Convention, the Committee may wish to include in the mercury instrument.
- Where necessary, capture the views of the Secretariat of the Basel Convention in a more precise and comprehensive way. This will include further precisions regarding the text of the Basel Convention itself, for example on the definition of disposal and hazardous waste. Other issues, such as the different types of mercury and the distinction made between them (e.g. mercury as a commodity, as a waste or as a by-product, mercury in products), the reference to thresholds/concentration limits, etc., will also be further clarified.