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# Update on UNEP Inter-Governmental Negotiations on a Global Legally Binding Instrument (LBI) on Mercury

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## Background to Negotiations

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- Discussions on possible global action on mercury, lead and cadmium were held at the UNEP Governing Council's meetings in 2003, 2005 and 2007 without resolution.
- In February 2009, the UNEP Governing Council agreed to initiate negotiations on a mercury-only LBI.



## Timetable for Negotiations

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- An open-ended working group was held in October 2009 to prepare for the work of the intergovernmental negotiating committee (INC).
  
- Five sessions of the INC have been scheduled:
  - INC 1: Stockholm, Sweden, 7 – 11 June 2010
  - INC 2: Chiba, Japan, 24 – 28 January 2011
  - INC 3: Nairobi, Kenya, 31 Oct – 4 November 2011
  - INC 4: Punta del Este, Uruguay, June 2012 (?)
  - INC 5: Geneva, Switzerland, January 2013 (?)



## Subsequent Timeframe for LBI

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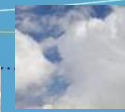
- UNEP Governing Council will welcome the outcome in February 2013.
- Conference of the Plenipotentiaries (“Diplomatic Conference”) will be held in Minamata, Japan by mid 2013 (making it the Minamata Convention).
- Entry into force after X number of countries ratify (X to be negotiated).
- First Conference of the Parties no later than one year after entry into force – 2015?



## Scope of the LBI

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- The LBI will be comprehensive and address all aspects of the mercury lifecycle:
  - Production of mercury;
  - Trade in mercury;
  - Unintentional atmospheric emissions and emissions to land and water;
  - Intentional use in products (such as lamps) and processes;
  - Management of mercury waste and waste containing mercury;
  - Long term storage of retired mercury;
  - Site remediation



## Possible Approaches to Products Containing

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- Debate between a positive list approach (ie. LBI addresses only product categories specified in an Annex, with provision for allowable use exemptions) and a negative list approach (ie. everything is banned unless specified).
- Australia supports a positive list approach.
- Negotiations to date have largely revolved around a positive list approach.



## Product Categories Under Consideration

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■ INC 2 considered a “draft elements” paper, which suggested a positive list approach with the following categories in the appropriate Annex; these are considered the largest product uses globally:

- Batteries
- Measuring devices
- Electric switches and relays
- Mercury-containing lamps
- Dental amalgam

Other categories could be included through the balance of the negotiations.



## Implications for Mercury-Containing Lamps – 1

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■ If a positive list approach with allowable-use exemptions is adopted, with mercury-containing lamps a product category listed in the Annex, several questions are raised:

- Design of exemptions – use of mercury content standards? Other approaches?
- Duration of exemptions – 5 years? 10 years?





## Implications for Mercury-Containing Lamps – 2

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- The “draft elements” paper considered at INC 2 included a proposed provision that production of a mercury-added product by a Party that was not produced by that Party at the date of entry into force for that Party is not allowed:
  - Potential impact on establishing manufacturing facilities for mercury-containing lamps after entry into force of the Convention.



## Further Information

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- Visit the UNEP mercury website for all documentation on the INC process:

<http://www.unep.org/hazardoussubstances/Mercury/tabid/434/language/en-US/Default.aspx>