



# Update on UNEP proposed global legally binding instrument on mercury

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# Mercury Convention - Background

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- At its 25th session, the Governing Council of UNEP agreed to elaborate a legally binding instrument on mercury. It asked UNEP to convene an intergovernmental negotiating committee (INC) with the mandate to prepare the legally binding instrument, commencing its work in 2010.
- The goal is to complete the negotiations before the twenty-seventh regular session of the Governing Council/Global Ministerial Environment Forum in 2013.
- Four sessions of the INC have already been held with session five (and last) scheduled for January 2013.

# Mercury Convention - Background

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- The fourth session of the INC to prepare a global legally binding instrument on Mercury (INC4) was held in Uruguay, from 27 June to 2 July 2012.
- In relation to mercury-added products (including lamps/CFLs) and processes, discussions focused on options for the overall model of addressing products and processes in the mercury treaty, rather than discussing individual products and processes.
- Status of lamps/CFLs within the treaty remains unresolved and will be one of the outstanding issues to be addressed at the fifth and final session of negotiations (INC 5) (Switzerland January 2013).

# Mercury Convention - Lamps

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- Previously debate on mercury containing products has centred around the positive or negative list model:
  - Positive – products to be subject to the convention are listed
  - Negative – products exempted from the convention are listed (all others subject to the convention)
- Hybrid model submitted by Governments of Japan, Jamaica and the Russian Federation now being considered.
- Provides a list of products for which non-mercury alternatives are globally accessible as well as economically and technically feasible.

# Hybrid Proposal for Annex C: Part I: Prohibited: products for which non-mercury alternatives are globally accessible as well as economically and technically feasible

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Mercury-added Products	[Allowable-use] [Exemptions]
Batteries [except those listed in Part III]	[Button batteries with a mercury content less than 2%wt]
Switches and Relays [except those listed in Part III]	[Electric switches exclusively for maintenance purposes]
Compact fluorescent lamps below 30 watt with a mercury content exceeding [X] mg	
Linear fluorescent lamps - Triband phosphor - T2, T5, T8, T12 & long life > 25.000 hours with a mercury content exceeding [X] mg	
General purpose high pressure sodium (vapor) lamps with a mercury content exceeding [X] mg	
Soaps and cosmetics	
Pesticides and biocides	

# Mercury Convention – Proposed Hybrid Model Annex C

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- If hybrid model is agreed:
  - Agreement is required on appropriate mercury levels for products listed in Part 1 – will need to be decided before or during January meeting.
  - *Consider whether mercury vapour lamps should also be listed under Part 1?*
- Annex C Hybrid Model Part 2 Lists products requiring a transition period to allow a phase-out of their use based on social and economic circumstances – no lamps are listed in category

# Mercury Convention – Proposed Hybrid Model Annex C

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- Annex C Hybrid Model Part 3 Lists products remaining under review, including products for which economically and technically feasible non-mercury alternatives are currently unavailable.
  - All other mercury containing lamps listed here.
- A process/mechanism for adding products to, or for changing Annex C will need to be developed.
- *Along with the economic and technical feasibility of alternatives, we suggest consideration also be given to other important environmental impacts of the alternatives (e.g. Incandescent lamps are significantly less energy efficient than CFLs).*

# Article 6 – Mercury Added Products

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Draft Text:

- ‘3. Each Party [shall not allow] [should take measures to discourage] the manufacture or production of any [new] variety, type or category of mercury-added product that was not manufactured or produced in the territory of the Party at the date of entry into force of this Convention for it [, except where the product is intended to replace an existing mercury-added product that contains more mercury per unit than does the new product] [or where the mercury-added product that is newly manufactured or produced has other compensating environmental or human-health benefits].



## Article 6 – Mercury Added Products

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- 4. Each Party shall not allow the export of equipment for producing mercury-added products listed in Annex C, or provide subsidies, aid, credits, guarantees or insurance programmes for equipment to produce mercury-added products listed in Annex C, to any State not a Party to this Convention, except in the case of equipment identified as a best available technique under this Convention.]’
- *Consider implications of these draft provisions for countries that may wish to make a transition from manufacturing incandescent lamps to CFLs?*

# Next Steps?

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- Whilst there is no planned inter-sessional work on products and processes ahead of INC 5, the INC Chair will consolidate a Chair's text which would draw upon discussions at INC 4 and seek to provide an advanced basis for commencing negotiations at INC 5. This Chair's text will become available closer to INC 5 on the UNEP website.
- Negotiations at INC 5.
- Conference of the Plenipotentiaries ("Diplomatic Conference") will be held in Minamata, Japan by mid 2013 (making it the Minamata Convention).

# Further information

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- Visit the UNEP mercury website for all documentation on the INC process:
  - [www.unep.org/hazardoussubstances/Mercury/Negotiations/tabid/3320/Default.aspx](http://www.unep.org/hazardoussubstances/Mercury/Negotiations/tabid/3320/Default.aspx)
- Previous lites.asia presentation:
  - [http://www.lites.asia/files/otherfiles/0000/0119/UNEP\\_Negotiations\\_on\\_Legally\\_Binding\\_Instrument\\_on\\_Mercury.pdf](http://www.lites.asia/files/otherfiles/0000/0119/UNEP_Negotiations_on_Legally_Binding_Instrument_on_Mercury.pdf)



Thank you!

