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MEDITERRANEAN ACTION PLAN

MEDPOL

Meeting of MED POL Focal Points

Rhodes (Greece), 25 - 27 May 2011

DRAFT

**Regional Plan for the reduction of Mercury as part of the implementation
of Art. 15 of the LBS Protocol**

Delegates are kindly requested to bring their documents to the meeting

Table of Contents

A-	Regional Plan on the reduction of inputs of Mercury in the framework of the implementation of Article 15 of the LBS Protocol	1
1.	Rationale	1
1.1	The LBS Protocol	1
1.2	Outcomes of the Stockholm Convention Intergovernmental Negotiations Committee (INC-1) on Mercury	1
2.	Proposed Regional Plan	2

A- Regional Plan on the reduction of inputs of Mercury in the framework of the implementation of Article 15 of the LBS Protocol

1. Rationale

1.1 The LBS Protocol

The LBS Protocol stipulates that countries shall take the appropriate measures to prevent, abate, combat and eliminate to the fullest possible extent pollution of the Mediterranean sea Area caused by discharges from rivers, coastal establishments or outfalls, or emanating from any other land-based sources and activities within their territories, giving priorities to the phasing out of inputs of substances that are toxic, persistent and liable to bioaccumulate. Annex 1 of the Protocol describes the sectors (Annex 1a) on which the provisions are applied and Annex 1c lists the priority categories of substances where mercury is included (see Annex 1c, 5) among heavy metals and their compounds". In addition, the meeting of MED POL Focal Points held in Kalamata in 2009 (Document UNEP(DEPI)/MED WG. 334/8), decided to include Mercury in the action list of substances to be addressed as priority in the framework of Art 15 of the LBS Protocol.

1.2 Outcomes of the Stockholm Convention Intergovernmental Negotiations Committee (INC-1) on Mercury

As a result of the decision GC5/25 III of the Governing Council of UNEP, the first round of negotiations on the development of global legal instrument on Mercury was launched in July 2009 in Stockholm, Sweden.

The most relevant conclusions of INC-1 are summarized as follows:

- There was a general consensus that a robust and comprehensive legally binding instrument on mercury was needed, and many representatives said that their countries would fully support the negotiating process.
- The instrument should have strategic and realistic goals, with substantial reduction targets, with some adding that it should be developed and ratified as a package, that countries should not be allowed to pick and choose among its provisions and that it should have specific time frames for the reduction targets.
- There was considerable support among representatives of developing countries for the principle of common but differentiated responsibilities and for the provision of funding, technology transfer and capacity-building to enable developing countries to fulfill their obligations under the instrument without compromising poverty reduction in pursuit of the Millennium Development Goals.
- Many representatives expressed support for a ban on new and expanded mercury mining and the phase-out of existing mining operations.
- Many representatives advocated the development of a timeline for the progressive reduction of the mercury supply, with some saying that the pace and extent of reductions should take into account specific national circumstances and that exemptions should be allowed for specific, essential and acceptable uses, similarly to the exemptions available under the Stockholm Convention. The timeline should also feature a procedure for granting extensions for mercury use and should be linked to technical and financial assistance and capacity-building. One representative said that provisions to prohibit mercury use and trade should complement provisions to restrict the mercury supply.

- Many representatives supported a ban on the introduction of new types of products and processes containing or using mercury. Many also expressed broad support for phasing out, limiting or otherwise controlling existing products and processes containing mercury. A number of approaches were suggested for future consideration, including phase-out of all products and processes containing or using mercury, phase-out with time-limited exemptions for certain processes or in certain locations where economically feasible and cost-effective alternatives did not yet exist, banning specific products or processes, requiring the use of best available technologies and best environmental practices, employing public-private partnerships and voluntary approaches within particular sectors, and labeling products to assist consumers and regulators in making informed choices.
- There was consensus that there was an urgent need to provide for appropriate disposal of mercury wastes to protect human health and the environment and that waste issues were closely linked to issues of supply, demand and trade.
- There was a general consensus that environmentally safe storage of mercury was a complex cross-cutting issue and of particular importance for achieving the objectives of the instrument.
- Many representatives said that atmospheric emissions of mercury were a priority issue to be tackled under the mercury instrument because of the potential for long-range transport and because they were the largest source of global mercury pollution. Many said that the instrument should also pertain to emissions that occurred directly into soil or water, the national and international impact of various types of mercury emissions and the myriad sources of atmospheric emissions, including coal-fired power generation, cement production, metals processing and other industrial sources. Many representatives outlined efforts under way in their countries and regions to reduce such emissions, to gather relevant information and to support research.
- A number of representatives said that emissions from chlor-alkali manufacture or mining should be discussed separately from emissions from other sources.
- UNEP foresees 5 intergovernmental negotiations meeting before reaching a final agreement in 2013.

2. Proposed Regional Plan

The Secretariat proposal here below takes into full consideration the status of the global negotiations, the provisions of the LBS Protocol, the EU Water Frame Directive (WFD) and the EU Marine Strategy Directive, the common measures adopted by the Contracting Parties to the Barcelona Convention in 1985, the national regulations on Mercury of Mediterranean Countries (see Document UNEP(DEPI)/MED WG. 352/Inf. 3) and follows the provisions of Article 15 of the LBS Protocol.

The proposed text is providing hard measures to the reduction of pollution from Chlor Alkaline industry, other industrial sectors, releases to air from incineration and soft measures to new Chlor alkaline plants and use of mercury in agriculture, electronic equipment, dentistry, laboratories, decontamination and research, in addition to wastes containing Mercury and mining of Mercury.

The secretariat, taking into consideration the global negotiations on Mercury, did not consider the inclusion of any measures related to production, export and import, appropriate at this stage.

Regional Plan on the reduction of inputs of Mercury in the framework of the implementation of Article 15 of the LBS Protocol

ARTICLE I

Definitions of Terms

For the purpose of this Action Plan:

- (a) "Emission Limit Values (ELVs)" means the maximum allowable concentration measured as a "composite" sample, of a pollutant in an effluent discharged to the environment.
- (b) "Best Available Techniques (BAT)" means the latest stage of development (state of the art) of processes, of facilities, or of methods of operation which indicate the practical suitability of a particular measure for limiting discharges, emissions and waste (reference to Annex IV of the LBS Protocol).
- (c) "Organization" means the body referred to in article 17 of the Convention.
- (d) Reference to the new LBS protocol

ARTICLE II

Scope and Objective:

- 1. The area to which this Regional Plan applies is the area defined in accordance with Art. 3 of the LBS Protocol. This is intended for all the anthropogenic releases in accordance with the requirements of article 4 of the LBS Protocol.
- 2. The objective of this Regional Plan is to protect the coastal and marine environment and human health from the adverse effects of Mercury

ARTICLE II (Bis)

Preservation of Rights

The provisions of this Regional Plan shall be without prejudice to stricter provisions respecting the levels of mercury contained in other existing or future national, regional or international instruments or programmes.

ARTICLE III

Measures

A Chlor alkali industry

- 1- The parties shall prohibit the installation of new Chlor alkali plants using mercury cells with immediate effect.
- 2- The parties shall prohibit the installation of new vinyl chloride monomer production plants using mercury as a catalyst with immediate effect.
- 3- The parties shall ensure that the releases of mercury from Chlor alkali plants shall cease by 2020 at the latest and
 - i) that the environmentally sound management of metallic mercury from the decommissioned plants is achieved, including the prohibition of its re-entry into the market.
 - ii) that the total releases of mercury (to the air, the water and to the products) from existing Chlor alkali plants are progressively reduced until their final cessation, so as not to exceed [1.0g] per metric tonne of installed chlorine production capacity in each plant. In doing so, the

air emissions should not exceed [0.9] per metric tonne of installed chlorine production capacity in each plant.

B Non Chlor alkali industry

2- The Parties shall adopt National ELVs for Mercury emissions from other than Chlor Alkali industry as follows:

<u>Industrial sector (1)</u>		<u>Unit of Measurement</u>
A. Chemical industries using Mercury catalysts:		
a. in the production of vinyl chloride (no production in Med)	0,05	mg/l effluent
	0,1	g/t vinyl chloride production capacity
b. in other processes	0,05	mg/l effluent
	0,4	g/kg mercury processed
B. Manufacture of mercury catalysts used in the production of vinyl chloride	0,05	mg/l effluent
	0,6	g/kg mercury processed
C. Manufacture of organic and non-organic mercury compounds (except for products referred to in paragraph 2)	0,05	mg/l effluent
	0,05	g/kg mercury processed
D. Manufacture of primary batteries containing mercury	0,05	mg/l effluent
	0,03	g/kg mercury processed
E. Non-ferrous metal industry		
a-Mercury recovery plants	0,05	mg/l effluent
b-Extraction and refining of non-ferrous metals	0,05	mg/l effluent
F. Plants for the treatment of toxic wastes containing mercury	0,05	mg/l effluent
3- The Parties shall adopt National ELVs for Mercury emissions from incineration plants as follows:		
Waste gas	0.05	mg/m3
Hospital incinerators	0.1	mg/m3

- 4- The Parties shall take the necessary measures to reduce the inputs of Mercury emissions from other sectors and use alternatives as appropriate.
- 5- Mercury containing wastes
- The Parties shall take the necessary measures to isolate and contain the mercury containing wastes to avoid potential contamination of air, soil or water.
- 6- Decontamination
- The parties shall identify and act to decontaminate the existing sites which have been historically contaminated with mercury in particular old mines and decommissioned Chlor alkali plants. To this end,
- i. the parties shall carry out an inventory of the sites and report to the Secretariat, by January 2013,
 - ii. [The Secretariat will collect the information and prepare a paper on BEPs for discussion by the Contracting parties.]
 - iii. Following the preparation of the paper by the Secretariat, the parties shall report information on the measures envisaged for the decontamination of the sites.
- 7- The Parties shall neither open new mines nor re-open old mercury mining sites.
- 8- The Parties shall ensure that their competent authorities or appropriate bodies monitor releases of Mercury into water and air to verify compliance with the requirements of the above table taking into account the guidelines included in Appendix I.
- 9- The Parties shall take the necessary steps to enforce the above measures.

ARTICLE IV

Timetable for Implementation

The Parties shall implement the above measures, by [2013] [2015] unless otherwise provided in the regional plan. A national programme of action, including the adopted deadlines, shall be prepared and communicated to the Secretariat within 180 days after the adoption of the regional plan by the Contracting Parties. The Secretariat shall inform the Parties accordingly.

ARTICLE V

Reporting

In conformity with Article 26 of the Convention and Article 13, paragraph 2(d), of the LBS Protocol, the Parties shall report on a biennial basis on the implementation of the above measures and on their effectiveness. The Contracting Parties should review the status of implementation of these measures in [2015] and [2017].

ARTICLE VI

Technical Assistance

For the purpose of facilitating the implementation of the measures, capacity building, including transfer of know-how and technology, shall be provided by the Parties and the Secretariat. Priority shall be given upon request to Parties to the LBS Protocol.

ARTICLE VII

Entry into Force

The present regional Action Plan shall enter into force and become binding on the 180 day following the day of notification by the Secretariat in accordance with Article 15, paragraphs 3 and 4 of the LBS Protocol.