COUNCIL DECISION (EU) 2022/549

of 17 March 2022

on the position to be taken on behalf of the European Union at the second segment of the fourth meeting of the Conference of the Parties to the Minamata Convention on Mercury as regards the adoption of a Decision to amend Annexes A and B to that Convention

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Minamata Convention on Mercury (the 'Convention') was concluded by the Union by Council Decision (EU) 2017/939 ([1]) and entered into force on 16 August 2017.

(2) Pursuant to Decision MC-1/1 on Rules of Procedure, adopted by the Conference of the Parties to the Convention ('COP') at its first meeting, the Parties to the Convention (the 'Parties') should make every effort to reach agreement on all matters of substance by consensus.

(3) Pursuant to Articles 4(8) and 5(10) of the Convention, the COP should, by 16 August 2022, review Annexes A and B to the Convention, and may consider amendments to those Annexes, taking into account proposals submitted by the Parties pursuant to Articles 4(7) and 5(9) of the Convention, information made available by the Secretariat of the Convention pursuant to Articles 4(4) and 5(4) of the Convention, and the availability to the Parties of technically and economically feasible mercury-free alternatives, while considering the environmental and human health risks and benefits.

(4) On 30 April 2021, the Union submitted to the Secretariat of the Convention a proposal to amend Annexes A and B to the Convention in accordance with Articles 4(7) and 5(9) of that Convention ([2]). The Union's proposal to amend Annex A to the Convention aims to extend its scope of application to additional mercury-added products with associated phase-out dates or mercury-regulating measures. The Union's proposal to amend Annex B to the Convention aims to introduce a phase-out date for the production of polyurethane using mercury-containing catalyst.

(5) Proposals for amending Annex A to the Convention have also been submitted by the Africa Region and jointly by Canada and Switzerland in accordance with Article 4(7) of the Convention.

(6) The COP should consider, at the second segment of its fourth meeting, only the submissions on proposed amendments to Annexes A and B to the Convention made by Parties in accordance with Articles 4(7) and 5(9) of the Convention.

(7) The Union should support amendments to Annexes A and B to the Convention in so far as they would be consistent with the Union's submission or with the Union *acquis*.

([1]) Council Decision (EU) 2017/939 of 11 May 2017 on the conclusion on behalf of the European Union of the Minamata Convention on Mercury (OJ L 142, 2.6.2017, p. 4).

([2]) Council Decision (EU) 2021/727 of 29 April 2021 on the submission, on behalf of the European Union, of proposals to amend Annexes A and B to the Minamata Convention on Mercury, regarding mercury-added products and manufacturing processes in which mercury or mercury compounds are used (OJ L 155, 5.5.2021, p. 23).

(8) The Union should also support amendments to Annex A to the Convention concerning mercury-added products to the extent that they concern the phase-out of mercury-added products that are neither regulated under Union law nor manufactured in the Union. To the extent that they are referred to in the submission by the Africa Region, the Union should also support amendments to Annex A to the Convention in so far as they cover the compact fluorescent lamps, the triband phosphor linear fluorescent lamps, the cold cathode fluorescent lamps and external electrode fluorescent lamps used in electrical and electronic equipment for which the requests for renewal of the exemptions on mercury use have been rejected, in accordance with Directive 2011/65/EU of the European Parliament and of the Council ([3]).

(9) At the second segment of the fourth meeting of the COP, which is to take place from 21 to 25 March 2022, the Parties will consider the adoption of a Decision to amend Annexes A and B to the Convention.

(10) It is appropriate to establish the position to be taken, on behalf of the Union, at the second segment of the fourth meeting of the COP, as the proposed Decision, if adopted, will have legal effects, since the Parties will have to take measures to implement it at national or regional levels, or both,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken, on behalf of the Union, at the second segment of the fourth meeting of the COP to the Convention shall be to support the adoption of a Decision to amend Annexes A and B thereof, which:

— is consistent with the proposal from the Union submitted to the Secretariat of the Convention on 30 April 2021 in accordance with Article 4(7) and Article 5(9) of the Convention; or

— is consistent with the Union *acquis*; or

— concerns the phase-out of mercury-added products, which are neither regulated under Union law nor manufactured in the Union; or

— concerns the mercury-containing lamp categories referred to by the Africa Region in its submission made in accordance with Article 4(7) of the Convention, and for which the requests for renewal of the exemptions on mercury use have been rejected, in accordance with Directive 2011/65/EU.

Article 2

Refinement of the position referred to in Article 1 may be agreed to, in the light of developments at the second segment of the fourth meeting of the COP, by the representatives of the Union, in consultation with Member States during on-the-spot coordination meetings, without a further decision of the Council.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 17 March 2022.

For the Council
The President
B. POMPILI

([3]) Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJ L 174, 1.7.2011, p. 88).