Global supply, production, trade and use of mercury compounds
Invitation for comments and input

Note: • At its fifth meeting, which took place from 30 October to 3 November 2023 in Geneva, Switzerland, the Conference of the Parties to the Minamata Convention on Mercury adopted decision MC-5/3 requesting the Secretariat to: (a) initiate a study of the global supply, production, trade and use of mercury compounds; and (b) present the report to the Conference of the Parties at its sixth meeting for consideration.

The draft study was developed by the Secretariat in response to the above-mentioned request and posted on the website on 12 February 2025. Parties and stakeholders are invited to submit comments and input using this form and email it to the Secretariat (mea-minamatasecretariat@un.org) by Wednesday, 5 March 2025.

Comments and input are expected to focus on the substance of the document, since the Secretariat will further edit and format the document. The Secretariat will review the draft taking into consideration all comments and inputs received and prepare a final version of the study for consideration by the sixth meeting of the Conference of the Parties, which will be held from 3 to 7 November 2025 in Geneva.

Should you have any specific questions for clarification, kindly send an email to mea-minamatasecretariat@un.org. with a copy to Eisaku Toda (Senior Programme Officer) at eisaku.toda@un.org and Lara Ognibene (Legal Officer).

FORM FOR COMMENTS

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General comments	
The ZMWG appreciates the findings of the study, which appears to be well researched and provides important information on the issue. Focus indeed should be on mercury compounds that may be used in non allowed -by the Convention- products or processes, or that can be converted to elemental mercury.	

The findings confirm earlier concerns that significant quantities of mercury compounds are traded around the world, used in manufacturing processes, and added to products largely without restriction.
From many of these compounds it is economically interesting and technically feasible to rather easily reclaim elemental mercury, therefore compromising the objectives of the Convention. This concern had already been identified and highlighted by several countries who have already taken measures banning the export of such mercury compounds (Eg. EU, US).
The findings furthermore confirm our concerns that some mercury compounds are used to produce mercury added skin lightening products (SLPs), a non-allowed use under the Convention.

Looking at the scope of the study, focus appears to be given to compounds already listed in the Minamata convention, those subject to national regulations as well as compounds which appear to be traded frequently and in significant volumes. As a result, conclusion is brought on around 20 compounds.

Experience from the EU has shown that while five organic mercury compounds that had most often been used as catalysts for the production of polyurethane elastomers, were initially banned, another mercury compound was developed by manufacturers for the same purpose, circumventing the intention of the legislator, which was to effectively phase out this application, for which mercury-free alternatives were available. As a result, a blanket ban for that use had to then be applied. With that in mind, the study should also look at the potential risks of substituting identified compounds with other mercury compounds which could serve the same purpose, to avoid experiences as the above.

To that end, requirements to control and restrict mercury compounds should be approached with a wider, use perspective i.e. restricting among other, the use of mercury compounds for non- allowed uses, as per the Convention, rather than naming only specific compounds, to avoid such as the above loopholes.

The manufacture and trade of mercury and mercury compounds for the production of skin lightening products (SLPs) is not restricted to any one region, rather it is a global problem. Coupled with that, those who trade in mercury compounds can operate with impunity across jurisdictions, often even when clearly stating the intended use of their products for the creation of SLPs. The lack of adequate restrictions and robust compliance has allowed the continued mass production of mercury-laden SLPs by a wide range of enterprises with varying factory sizes and sophistication. The production of these products is enabled by the unregulated trade of most mercury compounds.

To that end mercury added SLPs will only cease to exist when countries shut down their production and restrict the movement of mercury compounds around the globe. As also mentioned in the EIA report, to restrict the supply of SLPs and the mercury compounds within, it is vital to close the loopholes that allow most mercury compounds to avoid the same scrutiny as elemental mercury while also providing greater resources for customs enforcement, under the Convention and at the national level. At a minimum, mercury compounds should not be produced or traded for uses not allowed under the Convention. Parties must impose severe penalties for unlicensed imports of mercury or compounds, and to be effective, penalties must apply to free trade zones. Parties and companies should also consider tracking the ultimate uses for the elementary mercury exported, particularly as they relate to non-allowed activities under the Convention.

Specific comments	
Line	**Comment**
80 or 423	Under chapter 2 – compounds of interest or during/after chapter 3.9 on uses, we find that it would be useful to discuss also the approach taken by many countries and legislations to monitor, control and as relevant regulate mercury compounds by blanket requirements based on their use.
80 and/or 507	Adding mercury compounds in the manufacturing process of SLPs is not isolated incidents but instead represent common practices across the industry. The standard practice for SLP producers across the globe is to manufacture products consisting of 3-4% of a mercury compound, most often ammoniated mercury (CAS number[1] 10124-48-8). As shown in the EIA 2023 report, p.15, ammoniated mercury has been added and openly stated in a cream made in Jamaica. However, this compound is not among the list of mercury compounds included in the definition under Article 3 of the Convention although it is still a clear Convention violation to add mercury compounds into cosmetics. It is further not among the list of compounds banned from export from the EU and the US, as also mentioned in the study.
	Pursuant to the ASEAN Cosmetic Directive, adopted by the Philippine Food and Drug Administration (PH FDA) in 2005, and after a recent amendment, mercury and its compounds (CAS numbers: 7439-97-6- mercury, *54-64-8 thimerosal, 62-38-4 phenylmercury acetate, 94-43-9 phenyl mercuric benzoate, 102-98-7 phenylmercuric borate, 1192-89-8 phenylmercuric bromide, and 100-56-1 phenylmercuric chloride) are banned ingredients and included in the list of substances which must not form part of the composition of cosmetic products (Annex II Ref. No. 221). https://www.fda.gov.ph/wp-content/uploads/2020/03/FDA-Circular-No.-2020-008-Annex-A.pdf
987-1000	Please further refer/include and discuss the transactions reported under EIA investigation as relevant, beyond what is discussed in line 1037.
1055	The third stakeholder forum took place in January 2025.
1058-1061	Reference to the COP5 decision on for an intersessional report on challenges that parties face in controlling the manufacture and trade ban of mercury added SLPs would be best to be discussed in a separate . It would also be useful to mention that this came following an amendment from the African Region.
1127-1131	While some countries may be reporting under the PIC on compounds it does not appear to be happening widely and regularly. Furthermore, although the notifications may be relevant to Hg/SLP production, this is not directly evident by the information provided. To that end the PIC notification process would need to be strengthened and utilized by all parties. Verifications would be necessary.

[1] A CAS Registry Number is a unique and unambiguous identifier for a specific substance that allows clear communication and, with the help of CAS scientists, links together all available data and research about that substance." CAS Registry. (2023). CAS. https://www.cas.org/cas-data/cas-registry

1318	The name of the cream made in Jamaica is Silken Deluxe – Nadinola is an old commercial name of, no longer used by the Jamaican producer.
Input to reference documents and other input	
Page	**Comment**
1312	Over a 1000 SLPs have been analysed by the ZMWG and are available in our database
Appendix 7	Many transactions of mercury ammonium chloride appear between India and UAE, a known region for the manufacturing of Hg/SLPs