Council Decision (EU) 2019/2119 of 21 November 2019 on the position to be taken, on behalf of the European Union, at the third meeting of the Conference of the Parties to the Minamata Convention on Mercury, as regards the adoption of a Decision establishing thresholds for mercury waste, as referred to in Article 11(2) of that Convention

COUNCIL DECISION (EU) 2019/2119

of 21 November 2019

on the position to be taken, on behalf of the European Union, at the third meeting of the Conference of the Parties to the Minamata Convention on Mercury, as regards the adoption of a Decision establishing thresholds for mercury waste, as referred to in Article 11(2) of 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[(1)] ('the Convention') was concluded by the Union by means of Council Decision (EU) 2017/939[(2)] and entered into force on 16 August 2017.

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

(3) The Conference of the Parties to the Convention, during its third meeting on 25#29 November 2019 (COP3), is expected to adopt a Decision ('the proposed Decision') on thresholds for mercury waste, as referred to in Article 11(2) of the Convention, which would, as a result, define the scope of application of Article 11 (mercury wastes) of the Convention. Mercury waste that would fall under Article 11(2) of the Convention is to be subject to environmentally sound management by virtue of Article 11(3) of the Convention. Any threshold set pursuant to Article 11(2) of the Convention, including for waste contaminated with mercury or mercury compounds, should therefore be established at a level ensuring that all such waste displaying hazards for human health or to the environment is subject to environmentally sound management.

(4) It is appropriate to establish the position to be taken, on behalf of the Union, at COP3, as the proposed Decision, if adopted, will have legal effects since the Parties to the Convention will have to take measures to implement it at national or regional levels, or both.

(5) The Union contributed significantly to the development of the waste provisions of the Convention and to the intersessional expert work launched by Decision MC#2/2

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2019/2119. (See end of Document for details)*

adopted by the Conference of the Parties to the Convention at its second meeting, which has led to the proposed Decision.

(6) The Union *acquis* already requires that all mercury waste that is referred to in Article 11(2) of the Convention be managed without endangering human health and without harming the environment irrespective of the mercury content of such waste.

(7) The Union should only support the adoption of a Decision at COP3 that is consistent with the Union *acquis*,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken, on behalf of the Union, in the third meeting of the Conference of the Parties to the Minamata Convention on Mercury (COP3) shall be to support the adoption of a Decision on thresholds for mercury waste that is consistent with the Union *acquis*.

Article 2

Refinement of the position referred to in Article 1, to the extent it is consistent with the Union *acquis*, may be agreed to, in the light of developments at COP3, 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, 21 November 2019.

For the Council

The President

H. KOSONEN