
**Framework Convention
for the Protection of the Marine
Environment of the Caspian Sea**

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**CONFERENCE OF THE PARTIES
Fourth Meeting
Moscow, 10-12 December 2012**

Item 2 b) of the provisional agenda

PROVISIONAL ANNOTATED AGENDA

WORKING SESSIONS

Item 1. Opening of the meeting

1. The fourth Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Tehran Convention) will be held from 10 to 12 December 2012 in Moscow, Russian Federation. The meeting will be opened at 10 a.m. on Monday, 10th December.
2. In line with the adopted Rules of Procedure, the meeting will be declared open by the Chairperson in office, Minister of Environment of the Republic of Kazakhstan, His Excellency, Mr Nurlan Kapparov, or his Representative.
3. Welcoming announcements will be made by a representative or representatives of the Government of Russian Federation and by the Representative of the interim Secretariat.

Item 2. Organizational matters

a) Election of officers

4. The Conference is requested to elect its Bureau. In accordance with Rule 13 of the Rules of Procedure, the Conference of the Parties should elect a Chairperson and a Vice-Chairperson (to replace the Chair in his absence). In the absence of an Executive Secretary, the Head of the interim Secretariat, or his representative, will act as Rapporteur.
5. Upon election and in accordance with Rule 14 of the Rules of Procedure, the Chairperson will preside at the meeting, ensure the observance of the Rules of Procedure, accord the right to speak, put questions to the vote and announce decisions.

b) Adoption of the agenda

6. The Conference may wish to consider and adopt the provisional agenda as contained in document TC/COP4/1, prepared by the interim Secretariat pursuant to Rules 6 and 7 of the Rules of Procedure.
7. When preparing the provisional agenda, the interim Secretariat has based itself on the Statement of Ministers and the Decisions of the third Meeting of the Conference of the Parties, and has taken into account the discussion and decisions taken at the Preparatory meetings for the Fourth Meeting of the Conference of the Parties to the Tehran Convention (11-13 July 2012, Geneva, Switzerland; 7-9 November 2012, Ashgabat, Turkmenistan).

c) **Organization of work**

8. Upon introduction by the Chairperson, the Conference is requested to consider and agree on the organization of work for the meeting (TC/COP4/1/Add.2). The High-level segment of the fourth Meeting of the Conference of the Parties is proposed to take place on Wednesday, 12 December 2012 from 10.00 till 13.00, and Heads of Delegations will be requested to adopt and sign the Protocol on Environmental Impact Assessment in a Trans-boundary Context, the Protocol on the Conservation of Biological Diversity, and the Protocol for the Protection of the Caspian Sea against Pollution from Land Based Sources and Activities, as well as to consider and adopt the Ministerial Statement and Decisions of the Conference.

d) **Admission of observers**

9. According to the Rules of Procedure, Rule 35, the United Nations, its specialized agencies, and any State not a Party to the Convention may be invited to participate at the open sessions of the Conference of the Parties. Such observers may, upon invitation of the Chairperson, participate without the right to vote in the proceedings of any meeting unless at least one of the Parties present at the meeting objects.
10. According to the Rules of Procedure, Rule 36, the Conference of the Parties may admit as observer any agency or body, whether international or national, intergovernmental or non-governmental, which is qualified in matters covered by the Convention and which has informed the Secretariat of its wish to be represented at the open session of the Conference of the Parties, unless at least one of the Parties present at the meeting objects. Such observers may, upon invitation of the Chairperson, participate without the right to vote in the proceedings of any session in matters of direct concern to the body or agency they represent, unless at least one of the Parties present at the meeting objects.
11. In accordance with Rule 35 and 36 of the Rules of Procedure, the Conference might wish to consider the draft list of observers, prepared by the interim Secretariat in line with Rule 38 of the Rules of Procedure (TC/COP4/1/Add.3) and agree on the admission of those observers to the Conference.

Item 3. Report on the credentials and full powers of representatives to the fourth Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea.

12. Pursuant to Rule 10 of the Rules of Procedure, and as outlined in the document TC/COP4/INF.1, the credentials and full powers should be submitted to the Secretariat before the end of the first session. The credentials should be issued according to the national legislation and must bear the name of the persons who are members of the delegations indicating their positions in the delegation. Full Powers should be issued and signed by one

of the three qualified authorities and must unambiguously empower the representative of the Government concerned to sign the protocols submitted for adoption and signature to the COP.

13. Pursuant to Rule 10 of the Rules of Procedure, the Bureau will examine the credentials and full powers and report thereon to the Conference of the Parties for decision.

Item 4. Report of the interim Secretariat of the Tehran Convention

14. Article 22 para. 10 (e) establishes that the Conference of the Parties considers reports prepared by the Secretariat on matters relating to the Convention. Furthermore, Article 23 para. 4 (b) and (d) of the Tehran Convention requests the Secretariat to prepare reports on matters relating to the implementation of the Convention and its protocols.
15. A status report on the implementation of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea was provided and included in the annotated agenda for the Preparatory Meeting for the Fourth Meeting of the Conference of the Parties, Ashgabat, 7-9 November 2012. Based on the outcome of the meeting and consequent consultations an update of the status report has been prepared and is contained in document TC/COP4/2.
16. The Conference may wish to take note of the Report as contained in document TC/COP4/2, as a comprehensive overview of the progress in the implementation of the Tehran Convention since the Third Meeting of the Conference of the Parties.

Item 5. Items for consideration and decision by the Conference of the Parties.

17. The delegations of the Contracting Parties at their meeting in Geneva, 11-13 July 2012 discussed the issue of the Convention Secretariat location and arrangements on the basis of a Note by the interim Secretariat entitled "Shifting the Tehran Convention interim Secretariat to the region: issues to be considered (TC/COP4/6 Annex I).
18. It was decided and consequently the National Focal Points (NFPs) of the Republic of Azerbaijan and the Islamic Republic of Iran were requested, by letter of 20 July 2012, "to enter into bilateral discussions in order to harmonize their views/positions on the location of the Convention Secretariat in the Caspian Sea region, as well as on a standardized package of host country secretariat support, with a view to facilitate decision-making on these issues at COP4" (TC/COP4/6 Annex II). Feedback was requested in time for consideration of the issue at the 2nd PrepCom of COP4. Copy of the letter was sent to the National Focal Points of the other Contracting Parties.
19. The July meeting furthermore agreed and the Ministers were informed that in case no agreement would be reached by all Contracting Parties on the basis of the feedback received, a system of full host country rotation in alphabetical order may be decided and installed.
20. Finally, the delegations to the July meeting confirmed that Parties remain inclined to request UNEP to administer the Secretariat.
21. At the 2nd meeting of the PrepCom in Ashgabat, 7-9 November 2012, the Representatives of the Contracting Parties took note of the letter of the IR of Iran dated 29 October 2012, informing that the discussions between Azerbaijan and the IR of Iran are ongoing, and urged

- the two countries to advance their consultations and to report on the results to COP4. The meeting furthermore agreed with the standardized list of host country secretariat support, prepared by the interim Secretariat contained in Annex II of document TC/COP4/6.
22. **Following the report by the representatives of Azerbaijan and IR of Iran on the outcome of their consultations, the Conference of the Parties at its working sessions may wish to discuss, review and agree on paragraph 1 of the draft Ministerial Statement, for adoption at the High level Segment; it may furthermore recommend that the Ministers and High level officials adopt paras 2 and 3 of the draft Ministerial Statement, on which agreement had already been reached during the meetings of the PrepCom.**
 23. At the High-level segment Heads of Delegation are invited to adopt and sign the Protocol on Environmental Impact Assessment in a Trans-boundary Context to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (TC/COP4/3). Before adoption and signing **the Conference of the Parties at its working sessions may wish to: a) consider and take a decision on the proposals of Turkmenistan concerning Annex I of the Protocol, as submitted by letter of After the adoption; and b) confirm and transmit para 8 of the draft Ministerial Statement to the High-level Segment for its consideration and adoption.**
 24. At the High-level segment Heads of Delegation are invited to adopt and sign the Protocol on the Conservation of Biological Diversity to the Framework Convention for the Protection of the Marine Environment of the Caspian (TC/COP4/4). In that connection **the Conference of the Parties at its working sessions may wish to: a) consider and take a decision on the proposal of Turkmenistan to delete the word “agreed” in article 1(e) of the Protocol; and b) confirm and transmit para 9 of the draft Ministerial Statement to the High-level Segment for its consideration and adoption.**
 25. At the High-level segment Heads of Delegation are invited to adopt and sign the Protocol on the Protection of the Caspian Sea against Pollution from Land-based Sources and Activities (TC/COP4/5). In that connection **the Conference of the Parties at its working sessions may wish to confirm and transmit para 10 of the draft Ministerial Statement to the High-level Segment for its consideration and adoption.**
 26. In the 2nd preparatory meeting for COP4 in Ashgabat, 7-9 November 2012, Turkmenistan proposed to include in the Ministerial Statement a paragraph on the Caspian Ecological Forum, held in Turkmenbashi, Turkmenistan, 5-6 November 2012. The result of the discussion on the proposal is reflected in paragraph 7 of the draft Ministerial statement.
 27. **The Conference of the Parties at its working sessions may wish to consider and reach full agreement on the text of paragraph 7 of the draft Ministerial Statement, for adoption at the High-level Segment.**
 28. **During the meetings of the PrepCom full agreement was reached on the Program of Work and Budget of the Tehran Convention for 2013-2014 (TC/COP4/9), as well as on the future pattern of contributions to the budget of the Convention. Consequently the Conference of the Parties at its working sessions may wish to confirm and transmit paras 18, 19 and 20 of the draft Ministerial Statement to the High-level Segment for adoption.**
 29. **In the meetings of the PrepCom a number of documents and reports were welcomed with the recommendation that the proposals therein be followed up and/or implemented**

(TC/COP4/INF.3; TC/COP4/INF.6; TC/COP4/7; TC/COP4/8) while also recommendations were made regarding the NCAP and NPPS synthesis reports (TC/COP4/INF.4; TC/COP4/INF.5). Consequently the Conference of the Parties at its working sessions may wish to confirm and transmit paras 5, 6, 11, 12, 13, 14, 15, 16, and 17 of the draft Ministerial Statement to the High-level Segment for adoption.

Item 6. Place and date of the fifth Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea

30. The Conference has before it a note prepared by the interim Secretariat on the date and venue of its fifth meeting (TC/COP4/10).
31. When deciding on the place for its fifth meeting, the Conference may wish to refer to the relevant provisions of the Convention, in particular Article 22 paragraph 5 of the Convention and Rule 3 of the Rules of Procedure, which stipulate that the ordinary meetings of the Conference of the Parties “shall be held in the territories of the countries of the Contracting Parties on the basis of rotation in alphabetical order of the English language or at the location of the Secretariat”.
32. **The Conference of the Parties at its working sessions is requested to consider the statement delivered by the representative from Turkmenistan, whereby Turkmenistan confirmed its readiness to host the Fifth Meeting of the Conference of the Parties, in accordance with the relevant provisions of the Convention and the Rules of Procedure, and finalize the related decision in para 25 of the draft Ministerial Statement for adoption at the High-level Segment.**

Item 7. Finalization Ministerial Statement and Decisions.

33. Taking into account results of the discussions on Item 5, **the Conference of the Parties at its working sessions is requested to review and finalize for adoption at the High-level Segment of the draft Ministerial Statement and Decisions of the fourth Meeting of the Conference of the Parties to the Tehran Convention (TC/COP4/11)** prepared by the interim Secretariat on the basis of the outcome and agreements reached at the Preparatory Committee Meetings mentioned in paragraph 7 above.

Item 8. Other matters

34. Under this Agenda item the Conference is asked to consider any other matters that might require the attention of the Conference or be raised by delegations in the course of the meeting.

HIGH-LEVEL SEGMENT**Item 9. Opening of the High-level segment****a) Welcome address of the host country**

35. The Inaugural Session will start on 12 December at 9:30 with a welcome note from the host Government.

b) Statements of Parties to the Tehran Convention

36. The High-level representatives of the Parties to the Convention will be invited to deliver keynote speeches/statements on behalf of their Governments.

c) Statement on behalf of the interim Secretariat to the Tehran Convention

37. A statement will be made by the Executive Director of UNEP.

d) Other statements

38. Other high-level representatives will be invited to deliver statements.

Item 10. Report of the Bureau on the working sessions

39. The Rapporteur will present the report of the working sessions of the COP.

Item 11. Adoption and signing of Protocols.**a) Adoption and signing of the Protocol on Environmental Impact Assessment in a Trans-boundary Context to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea**

40. Reference is made to Article 22 para. 10 (c) and Article 24 of the Convention. The Conference has before it the draft **Protocol on Environmental Impact Assessment in a Trans-boundary Context**, being negotiated and agreed upon by representatives of the Contracting Parties (TC/COP4/3).

41. The Conference of the Parties may wish to welcome the completion of the negotiations of the Protocol and the Contracting Parties may wish to adopt the Protocol on Environmental Impact Assessment in a Trans-boundary Context and invite Ministers/Heads of Delegations to sign the Protocol.

42. Immediately after the ceremony for signing of the Protocol Concerning Regional Preparedness, Response and Cooperation in Combating Oil Pollution Incidents, statements may be made by representatives wishing to do so.

b) Adoption and signing of the Protocol on the Conservation of Biological Diversity to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea

43. Reference is made to Article 22 para. 10 (c) and Article 24 of the Convention. The Conference has before it the draft of the **Protocol on the Conservation of Biological Diversity**, being negotiated and agreed upon by the representatives of the Contracting Parties (TC/COP4/4).
44. The Conference of the Parties may wish to welcome the completion of the negotiations of the Protocol and the Contracting Parties may wish to adopt the Protocol on the Conservation of Biological Diversity and invite Ministers/Heads of Delegations to sign the Protocol.
45. Immediately after the ceremony for signing of the Protocol on the Conservation of Biological Diversity, statements may be made by representatives, wishing to do so.
- c) Adoption and signing of the Protocol for the Protection of the Caspian Pollution from Land Based Sources and Activities to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea**
46. Reference is made to Article 22 para. 10 (c) and Article 24 of the Convention. The Conference has before it the draft of the **Protocol for the Protection of the Caspian Sea against Pollution from Land Based Sources and Activities**, being negotiated and agreed upon by the representatives of the Contracting Parties (TC/COP4/5).
47. The Conference of the Parties may wish to welcome the completion of the negotiations of the Protocol and the Contracting Parties may wish to adopt the Protocol for the Protection of the Caspian Sea against Pollution from Land Based Sources and Activities and invite Ministers/Heads of Delegations to sign the Protocol.
48. Immediately after the ceremony for signing of the Protocol on the Protection of the Caspian Sea against Pollution from Land Based Sources and Activities, statements may be made by representatives, wishing to do so.

Item 12. Adoption of the Ministerial Statement and Decisions

49. The high-level representatives will be requested to consider and adopt the draft Ministerial Statement and Decisions prepared by the Conference of the Parties at its working sessions.

Item 13. Closure of the fourth Meeting of the Conference of the Parties to the Framework Convention on the Protection of the Marine Environment of the Caspian Sea

50. The Chairperson will make a summary of the meeting outcomes and the high-level participants will be invited to deliver closing remarks. In accordance with Rule 14 of the Rules of Procedure, the Chairperson will announce the closing of the meeting.