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

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Item 8 of the provisional agenda

**REGIONAL CONTINGENCY PLANNING WORKSHOP FOR THE CASPIAN LITTORAL
STATES**

Introduction

1. Article 6 of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (“Tehran Convention”) requests the Contracting Parties to co-operate in the development of protocols to the Convention prescribing additional measures, procedures and standards for the implementation of the Convention.
2. Article 24 para. 1 of the Tehran Convention states that “(...) Protocols shall form an integral part of the Tehran Convention”.
3. At COP3 in Aktau, Kazakhstan, 12 August 2011, Ministers and High-level Government Officials of the Caspian littoral States signed the Protocol on Regional Preparedness, Response and Cooperation in Combating Oil Pollution Incidents (“Aktau Protocol”) to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea and “confirm(ed) the intention of their respective Governments to ensure early ratification of the Protocol, and request(ed) the (interim) Secretariat to undertake the necessary steps to promote its implementation”.
4. Article 17 para.5 of the Aktau Protocol states that the Protocol shall enter into force on the ninetieth day after the date of deposit to the Depository of the Convention of the instrument of ratification, acceptance, approval or accession by all Caspian littoral States.
5. On 15 August 2012, I.R. of Iran ratified the Aktau Protocol, while ratification by the other Contracting Parties is underway.
5. Article 4 para. 5 of the Aktau Protocol stipulates that “for the purpose of the operational implementation of this Protocol, a Caspian Sea Plan concerning Regional Co-operation in Combating Oil Pollution shall be established.”
6. In 2001, concurrent with the first negotiations on the Protocol on Regional Preparedness, Response and Cooperation in Combating Oil Pollution Incidents, a first draft of the Caspian Sea Plan for

Regional Cooperation was developed on the basis of international precedents under the auspices and with financial support of the International Maritime Organization (IMO) and the Caspian Environment Programme (CEP). The draft plan was reviewed and discussed among Government nominated experts from the Caspian littoral States in a number of regional workshops between 2001 and 2005, but was not finalized or adopted.

7. The draft plan aims to build on the National Contingency Plans of the Caspian Littoral States and serve as operational tool for a coordinated response among the Contracting Parties to a major oil spill incident in the Caspian Sea. The draft plan *inter alia* provides for a mechanism for mutual assistance, outlines the respective roles and responsibilities and mechanisms for information exchange between the Caspian littoral States and determines the financial and administrative framework for cooperation in cases of major oil spill incidents.

8. In light of the adoption and signing of the Aktau Protocol by all Caspian littoral States in 2011, IMO and UNEP jointly organized a Regional Contingency Planning Workshop for the Caspian littoral States, 18-20 June 2012 in Baku, Azerbaijan, with the aim of reviewing and revitalizing the draft regional plan and to align it with the relevant provisions under the Aktau Protocol. Participants, including representatives from IMO, TCIS and OSPRI, as well as Government nominated experts from all five Caspian littoral States with responsibilities related to oil spill preparedness and response and with responsibilities regarding the Tehran Convention process, reviewed the status of oil pollution response preparedness nationally and regionally, reviewed and evaluated the 2005 draft regional oil spill contingency plan against the Tehran Convention process and the provisions of the Aktau Protocol and defined a way forward in finalizing and implementing the draft regional plan.

The meeting report of the workshop, including the list of participants, is attached as Annex I to this document.

9. The Conference of the Parties may wish to:

- Welcome and express their gratitude to IMO for co-organizing and sponsoring the Workshop on Regional Contingency Planning for the Caspian Littoral States (Baku, Azerbaijan, 18 – 20 June 2012);
- Endorse the conclusions and recommendations of the workshop, contained in Section 7 of the report (TC/COP4/INF.3 Annex I); and
- Request the interim Secretariat to report on their implementation to COP5.

Annex I



Regional Contingency Planning Workshop for the Caspian littoral States

Baku, Azerbaijan

18 to 20 June 2012

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EXECUTIVE SUMMARY

Date: 18 to 20 June 2012, Baku, Azerbaijan

Title: Regional Contingency Planning Workshop for the Caspian littoral States

Organised by:

- State Maritime Administration of the Republic of Azerbaijan
- International Maritime Organization (IMO)
- United Nations Environment Programme (UNEP)

With the support of:

- Oil Spill Preparedness Regional Initiative for the Caspian Sea, Black Sea and Central Eurasia (OSPRI)

Number of participants: 40

The objectives of the workshop were to:

- Review the status of oil pollution response preparedness nationally and regionally
- Review the history of regional developments in pollution preparedness
- Review and evaluate the 2005 regional oil spill contingency plan against current situation and identified needs
- Identify any barriers to effective implementation of the regional plan
- Strengthen relationships and cooperation between Caspian countries and with industry
- Identify gaps and define the way forward in finalizing and implementing the regional oil spill contingency plan

Results of the workshop:

Delegates from all five countries off the Caspian Sea region participated in this Regional Contingency Planning Workshop for the Caspian littoral States. Various technical presentations were used to illustrate the different aspects of preparedness and response to oil pollution incidents. The presentations focused on incident management, response operations and response strategies, which are key elements of an efficient response to an oil pollution incident. Contingency planning and the requirements of the relevant international instruments, i.e. the OPRC Convention, CLC 92 and IOPC Funds Conventions, amongst others, were also discussed. The history of development of oil pollution preparedness and the regional oil pollution contingency planning process, as well as a review of the draft plan and identification of a possible way forward towards finalization and implementation of the regional plan were also undertaken and discussed in detail. During this workshop, participants had the opportunity to learn from each other and to identify recommendations for progressing on the regional plan. The diversity of participants and their active participation were important factors towards the success of this workshop.

1 Introduction

Within the framework of its Technical Cooperation Programme, the International Maritime Organization (IMO), in collaboration with the United Nations Environment Programme (UNEP) and the Oil Spill Preparedness Regional Initiative for the Caspian Sea, Black Sea and Central Eurasia (OSPRI), with hosting provided by the State Maritime Administration of the Republic of Azerbaijan, organized a Regional Contingency Planning Workshop for the Caspian littoral States. This workshop took place from 18 to 20 June 2012, Baku, Azerbaijan, with representation from the five Caspian littoral States.

Issues related to the status, finalization and implementation of the draft regional contingency plan were reviewed and discussed in detail, with a view to determining a way forward in progressing the plan, which has not moved forward since it was last reviewed in 2005. The workshop was also a good opportunity for the countries of the region to exchange information on past experiences and review status of implementation of the relevant international conventions related to oil pollution preparedness and response.

2 Objectives of the workshop

The overall objective of this workshop was to raise awareness, address the regional oil pollution contingency plan and more generally to facilitate the implementation of the OPRC Convention in the region by improving the understanding and capabilities of the participating countries toward oil pollution incidents. In order to do so, a series of technical presentations were provided to describe the technical aspects of oil pollution response, combined with a detailed review of the status, history and text of the draft regional contingency plan. Knowledge of these key elements is essential for countries to effectively implement the provisions of the OPRC Convention and to develop and implement national level systems of response and, in particular, respective national level oil pollution contingency plans.

More specifically, the workshop objectives were to:

- Review the status of oil pollution response preparedness nationally and regionally;
- Review the history and status of regional developments in oil pollution preparedness;
- Review and evaluate the 2005 draft regional oil spill contingency plan against the current situation (i.e. Tehran Convention process and adoption of the Aktau Protocol) and identified needs;
- Identify any barriers to effective implementation of the regional plan;
- Strengthen relationships and cooperation between Caspian countries and with industry; and
- Identify gaps and define the way forward in finalizing and implementing the regional oil spill contingency plan.

3 Workshop programme

The workshop programme was composed of a combination of technical presentations and facilitated discussions related to the regional contingency planning process. In addition, a hypothetical case study was considered, detailing how an incident may unfold and identifying the type of interactions and coordination requirements that would be required, in particular if there were a request for assistance to one or more countries to support the response to a major incident. This programme aimed at promoting discussions and sharing of information between the facilitators and the participants.

The presentations covered a range of technical and practical topics related to oil pollution preparedness and response, with a specific focus on contingency planning and on the regional plan in particular:

- Overview of HNS spill response and challenges;
- International legislation – The OPRC Convention, Regional Arrangements Overview, Compensation and liability – CLC, IOPCF, Bunkers Convention;
- Role and contribution of the industry in regional preparedness;
- History of development of regional pollution preparedness and response;
- Status review of pollution response arrangements of the Caspian littoral States;
- Outline of the draft regional plan and analysis against the Aktau Protocol;
- Incident management/command structure;
- Response planning and strategy, and response operations; and
- Roadmap for the update and implementation of the regional plan.

The daily sessions took place daily from 900h to 1700h, with the exception of Wednesday when the workshop concluded at lunch time. An excursion to the premises of the Ministry of Emergencies site and the State Maritime Administration of the Republic of Azerbaijan was organized on the afternoon of Tuesday, 19 June, followed by a tour of the Old City of Baku. The visit to the Ministry of Emergencies allowed participants to view the oil pollution response equipment and resources that could be brought to bear in the event of an oil pollution incident, whilst the visit to the State Maritime Administration's new premises allowed participants to view the state of the art vessel tracking systems in place in Azerbaijan and the Ops Centre that has been established at the premises.

The detailed programme of the workshop can be found in **Annex 1**.

4 Location, Dates, Roles and Participants

The workshop was organised by the State Maritime Administration of the Republic of Azerbaijan together with IMO and UNEP. It took place from 18 to 20 June 2012 in the conference room of the Europa Hotel, Baku, Azerbaijan.

The experts that were involved in the facilitation of the workshop are as follows:

- **Patricia Charlebois, Head Pollution Response, IMO**
- **Mahir Aliyev, Regional Coordinator, UNEP**

- **Peter Taylor, Manager, OSPRI**

A total number of 40 participants from the Republic of Azerbaijan, the Islamic Republic of Iran, the Republic of Kazakhstan, the Russian Federation and Turkmenistan participated actively in this workshop.

The participants list is set out in **Annex 2**.

5 Summary of presentations

5.1 Opening ceremony

The workshop was opened by Captain Gudrat Gurbanov, Head, State Maritime Administration of the Republic of Azerbaijan and welcoming remarks were provided by Ms Patricia Charlebois, Head, Pollution Response Section, on behalf of IMO and Mr. Mahir Aliyev, Regional Coordinator, UNEP Regional Office for Europe, on behalf of UNEP.

5.2 Technical presentations

Below is a summary of the technical presentations that were given during this workshop.

5.2.1 Introduction to the International legal framework

Ms Patricia Charlebois presented the various international legal instruments applicable to oil pollution preparedness and response, as well as those related to liability and compensation in the event of oil pollution incidents from vessels. Participants were introduced to MARPOL, the OPRC Convention and OPRC-HNS Protocol, as well as the compensation and liability instruments, including CLC 92, Fund 92 and Supplementary Fund Protocol 2003, LLMC 96, Bunkers Convention and HNS Convention. The presentation indicated the requirements of these instruments, which aim at providing a framework for the development of national and regional capacity to prepare for and respond to oil pollution incidents and to compensate the victims of such incidents, through the international compensation regime. The requirements to facilitate international co-operation and mutual assistance were also discussed, as well as the status of ratification of these instruments in the Caspian region.

5.2.2 Role and contribution of the industry in regional preparedness and response

Mr. Peter Taylor discussed the role of the petroleum industry and the resources and expertise that could be brought to bear in the event of a major oil pollution incident. The role and activities of OSPRI in the region were reviewed as was the Global Initiative, a partnership between IPIECA (the parent organization to OSPRI) and IMO was highlighted, which aims to bring governments and industry at local and regional levels to work together to build oil pollution response capacity. The tiered response structure was reviewed and participants were introduced to the various guidelines developed through IPIECA that would serve as useful resources for oil pollution response preparedness and planning.

5.2.3 History of development of regional pollution preparedness

Mr. Mahir Aliyev reviewed the historic regional pollution preparedness and response developments, recalling the Tehran Convention process, which had set the stage for the Protocols that would follow, covering:

- The Protocol Concerning Regional Preparedness, Response and Co-operation in Combating Oil Pollution Incidents ("Aktau Protocol");
- The Protocol on Environmental Impact Assessment in a Transboundary 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.

The signing of the Aktau Protocol was highlighted in particular, as it was the first of the Tehran Convention Protocols to be adopted in 2011, following eleven years of negotiation, and the provisions of the Protocol were reviewed.

Mr. Peter Taylor recalled the history of development of the regional contingency plan, a draft of which had initially been developed in the early 2000s, funded by IMO, and considered through a series of workshops, the last of which had been held in 2005.

5.2.4 Status review of pollution response arrangements of the Caspian littoral States

The five countries of the region presented the current status of pollution response arrangements in their respective countries. All five countries have made progress, with the Islamic Republic of Iran and the Russian Federation having national contingency plans in place and regularly tested. The remaining three countries, Kazakhstan, Turkmenistan and Azerbaijan all have their national contingency plans under review, though none have yet been adopted.

The status of ratification of the relevant international legal instruments is as follows:

Country	CLC 69	CLC 92	FUND 92	FUND 2003	OPRC 90	HNS 96	OPRC/HNS 2000	Bunkers 01
Azerbaijan	x	x			x			x
Iran		x	x		x		x	x
Kazakhstan	x							
Russian Federation	d	x	x		x	x		x
Turkmenistan	x	x						

5.2.5 Outline of the draft Regional Plan

Mr. Peter Taylor presented the draft regional plan, reviewing the purpose, objectives and scope of the plan, as well as the mechanisms for reporting incidents, requesting and receiving assistance, and the financial and administrative framework for the management of the plan and for the financing of assistance, when it is requested. The outstanding gaps were also highlighted, notably the information to be included in the annexes that provide the detailed national level information, which is still to be completed by the respective countries.

5.2.6 Analysis of Draft Regional Plan against the Aktau Protocol

Ms Patricia Charlebois introduced the results of the review of the existing Draft Regional Plan against the requirements of the Aktau Protocol, identifying areas of congruence and remaining gaps. The main issue was the identification of a regional centre throughout the draft plan, which needs to be rectified, as this is part of the ongoing, broader dialogue on the institutional arrangements under the Tehran Convention, which is still pending agreement among the Caspian countries. In addition, there are some consistency and definition issues that will need to be addressed to harmonize the plan with the Aktau Protocol wording. The main gap identified was with regard to the country information that is to be included in the annexes.

5.2.7 Initial response and management/command structure

Mr. Peter Taylor introduced the concept of the management/command structure for a major oil pollution incident, identifying the various roles and responsibilities of personnel involved in an oil pollution incident, how such expertise and resources could be managed and how such a structure could be expanded and managed to accommodate personnel and resources from other countries, when assistance is requested beyond the national level. Concepts such as the lead State, operational authority, joint operations and operational and tactical command, and the interactions and decision-making structures amongst these entities were discussed.

5.2.8 Response planning and strategy

Ms Patricia Charlebois described the available response options and strategies in responding to an oil pollution incident both at sea and onshore and the considerations to be made in selecting an appropriate response strategy, on the basis of the net environmental benefit analysis, amongst other considerations. This included the priorities to be considered in terms of shoreline protection, the potential use of chemical dispersants, and identifying the appropriate termination of the response.

5.2.9 Response operations

Mr. Peter Taylor walked the group through a fictitious spill scenario in order to go through the various phases of operations, as set out in the regional contingency plan. Discussions on how this would be carried out at each phase in the process, i.e. evaluation, notification and consultation, plan activation, request for assistance, joint response operations at sea and joint response operations on shore, were discussed among the group to determine how this may play out in a real incident. This also identified the considerations and challenges of communication with the public and with the media during response operations.

5.2.10 Overview of work of the Organization for Security and Co-operation in Europe (OSCE)

This segment, presented by Mr. Emmanuel Huntzinger of the OSCE office in Baku, reviewed the role of OSCE and potential linkages and opportunities with regard to oil spill preparedness and response. The participants were provided information on the actions undertaken by the OSCE office in Baku in support of oil spill preparedness and how OSCE could continue to support the implementation of the regional plan in Azerbaijan. Reference was also made to the support also provided to such activities by the OSCE office in Kazakhstan.

6 Identification of a Roadmap for update and implementation of the regional plan

Mr. Mahir Aliyev led a group discussion aimed at identifying the way forward with regard to updating and implementing the regional plan. A number of considerations were put forward with regard to the process and a series of influencing factors were identified. The points raised in terms of steps/considerations were as follows:

- National contingency plans must be reviewed and brought in line with international conventions/requirements;
- The regional plan could serve as a basis and driver for updating national plans;
- Adoption procedures: There is a need to elaborate legal aspects/procedures for adoption of the plan by the five countries once finalized. It was identified that a memorandum, or other form of agreement was preferred, over a more formal and cumbersome adoption process;
- The current draft of the plan needs to be updated to reflect current reality (regional centre/mechanism issue eliminated from the current draft);
- Zones of intervention need to be defined in the plan;

- The plan should be updated in line with the provisions in the Aktau Protocol and the annexes must still be completed by countries;
- The regional plan needs to be considered at the national level and feedback provided based on national consultations; and
- The plan may initially be considered by the COP of the Tehran Convention for agreement in principle, but in future, those directly involved in the plan will need to have the flexibility to meet and make modifications to the plan without having to go to the level of the COP.

7 Conclusions and recommendations

Whilst completion of the regional plan could be easily accomplished, the political will at the national level may still present a challenge. Several of the Caspian countries are in the process of reviewing and updating their national plans (Kazakhstan, Turkmenistan and Azerbaijan), but these have yet to be approved, whilst Iran and the Russian Federation have well-established plans in place.

There was also significant consideration with regard to the approval process for the regional plan, once finalized, and dialogue as to whether this should be put forward to the COP of the Tehran Convention for consideration and approval or whether approval should be sought via another mechanism. It was ultimately agreed that putting the plan, which may need to be updated regularly, to a formal political body such as the COP may create a cumbersome and lengthy approval process, which is in conflict with the need to be able to regularly review and update the plan, based on elements such as changes in national level structures/contacts, modifications based on lessons learned from actual incidents, etc.

Noting the lengthy negotiations to arrive at consensus and adopt the Aktau Protocol (some 11 years), it was agreed that a cumbersome approval process should be avoided, to allow the necessary flexibility for updates, as needed. Discussions on how plans were adopted and approved in other regions, in particular based on the experiences of the Russian Federation (Baltic Sea, Black Sea and NOWPAP agreements) and Iran (ROPME regional plan), identified that a more practical approach was preferred and that this should be re-examined once the plan was finalized. As such, the following way forward and timeline was agreed by those present:

1. IMO to initiate an update of the regional plan, which will be produced by November 2012 (IMO);
2. Countries to complete the national level information that will be included in the annexes to the Plan and forwarded to IMO for inclusion by November 2012 (Caspian States);
3. Plan to be consolidated with both sets of information and status report submitted to COP 4 in December 2012 (IMO);
4. Consolidate plan (updated plan/annexes) to be distributed to countries – January 2013;
5. Countries consultation and commenting period on consolidated draft – January to April 2013;
6. Updated plan with comments received by IMO, May – Aug 2013; and

7. Finalized draft produced and circulated for final agreement and subsequent adoption – Sept 2013.

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8.1 Annex 1: Workshop Programme

**Regional Contingency Planning Workshop for the
Caspian littoral States
Baku, Azerbaijan, 18 to 20 June 2012**

Day 1	Monday , 18 June 2012	
09:00	Opening of the workshop Welcoming addresses on behalf of: <ul style="list-style-type: none"> • Government of Azerbaijan • International Maritime Organization (IMO) • United Nations Environment Programme (UNEP) 	Capt. G. Gurbanov P. Charlebois M. Aliyev
09:45	Introduction <ul style="list-style-type: none"> • Objectives of Workshop • Roundtable Introduction of Participants 	P. Charlebois
10.00	Introduction to International legal framework – Part I (OPRC and OPRC-HNS Protocol, Regional Arrangements Overview)	P. Charlebois
10.45	Refreshment break	
11.15	Introduction to the International legal framework – Part II (Compensation & Liability)	P. Charlebois
12.30	Lunch	
13.30	Role and contribution of industry in regional preparedness and response (Contribution of petroleum industry, contribution of OSPRI, regional stockpiles and response resources)	P. Taylor
14.15	History of development of regional pollution preparedness and response <ul style="list-style-type: none"> • Past activities 2000-2003, Regional plan • Tehran Convention Process & Aktau Protocol) 	P. Taylor M. Aliyev

15.00	Refreshment break	
15.30	Status review of pollution response arrangements of Caspian littoral States <ul style="list-style-type: none"> ● Azerbaijan ● Islamic Republic of Iran ● Kazakhstan ● Russian Federation ● Turkmenistan 	Country representatives
17.00	Close of Day 1	

Day 2	Tuesday , 19 June 2012	
09:00	Outline of the Draft Regional Plan A presentation providing a summary of the Plan's main purpose and how it is structured. Participants will be encouraged to read and familiarize themselves with the Plan prior to the commencement of the workshop.	P. Taylor
09:45	Analysis of Draft Regional Plan against the Aktau Protocol This segment will provide the results of the review of the existing Draft Regional Plan against the requirements of the Aktau Protocol, identifying areas of congruence and highlight any gaps.	P.Charlebois
10.30	Refreshment break	
11.00	Initial response and management/command structure This segment will review the following components set out in the draft plan, notably: <ul style="list-style-type: none"> ● Operational Authority ● National On-Scene Commander / Supreme On-Scene Commander ● Joint Emergency Response Centre 	P. Taylor

	<ul style="list-style-type: none"> • Three components of command (i.e. Operational Command, Operational Control and Tactical Command) 	
12.30	Lunch	
13.30	<p>Response planning and strategy</p> <p>The type of operations which could be employed and the available means to combat pollution at sea and onshore</p> <ul style="list-style-type: none"> • The need for field assessments • Benefits and limitations of available strategies 	P. Charlebois
15.00	Refreshment break	
15.30	<p>Roadmap for update and implementation of the Regional Plan</p> <p>Discussion on how to move forward in updating the regional plan, including:</p> <ul style="list-style-type: none"> • the identification of any requirements for institutional arrangements, • what national level plan development is needed to meet the regional plan requirements • how to address any identified gaps, as well as any barriers to updating/implementation/use of plan • Stakeholder engagement 	M. Aliyev
17.00	Close of Day 2	

Day 3	Wednesday , 20 June 2012	
09:00	Review of day 2	
09:15	<p>Communications, reporting and public information</p> <p>This segment will review initial notification, situation reports, communications with the media and public</p>	P. Charlebois

10.30	Refreshment break	
11.00	<p>Overview of work of OSCE</p> <p>This segment will review the role of OSCE and potential linkages with regard to oil spill preparedness and response</p>	E. Huntzinger
11.30	<p>Response Operations</p> <p>A fictitious ship source marine pollution incident will be used to walk through the six possible phases of operations:</p> <ol style="list-style-type: none"> 1. Evaluation 2. Notification and consultation 3. Activation of the Plan 4. Request for assistance 5. Joint response operations at sea 6. Joint response operations on shore 	P.Taylor
12.30	Lunch	
13.30	<p>Conclusion and next steps</p> <p>Summarize results of the workshop, identify conclusions and next steps in the Aktau Protocol implementation process</p>	P.Charlebois
14.15	<p>Closing ceremony</p> <ul style="list-style-type: none"> • Government of Azerbaijan • IMO • UNEP 	Capt. S. Mammadov P.Charlebois M. Aliyev
14.30	Close of Workshop	

			Mob: +7 926 375 8048
6.	Dr. Natalia Kutaeva	Russian Federation	E-mail: kutaevang@smpcs Tel: +7 495 626 1806 Mob: +7 910 452 1993
7.	Ms Natalia Akulina	Russian Federation	E-mail: akulinann@morflot Tel: +7 795 626 9470 Mob: +7 916 472 9452
8.	Mr. Akbar Rostami	Islamic Republic of Iran	E-mail: peparbaba@ Tel: +98 191 2112 204 Mob: +98 912 3465 018
9.	Ms. Farnaz Shoaie	Islamic Republic of Iran	E-mail: farnazshoaie@ Tel: +98 21 8823 3148 Mob: +98 912 334 1714
10.	Mr. Reza Hossein Ghobakhloo	Islamic Republic of Iran	E-mail: ghobakhloo.r@ Tel: +98 21 8493 2192 Mob: +98 91 2326 0400
11.	Mrs.Kurbangozel Orazdurdyeva	Turkmenistan	E-mail: 1nfp-tm@ gozelcep@gmail.com Tel: Mob: +993 64 04 2637
12.	Ms. Maya Hojiyeva	Turkmenistan	E-mail: mayabee-78 Tel: +993 12 38 4980 Mob: +993 65 71 2945
13.	Mr. Ahmad Ismayilov	The State Maritime Administration of the Republic of Azerbaijan	E-mail: a.ismayilov@ardda Tel: +994 497 4405 (107)
14.	Mr. Farhad Mammadov	The State Maritime Administration of the Republic of Azerbaijan	E-mail: f.mammadov@ardda Tel: +994 497 4405 (114)
15.	Mr. Elchin Ganjaliyev	The State Maritime Administration of the Republic of Azerbaijan	E-mail: Elchin.Ganjaliyev@ Tel: +994 497 4405 (205)
16.	Ms. Nigar Abdurahmanova	The State Maritime Administration of the Republic of Azerbaijan	E-mail: nigar.abdurahmano Tel: +994 497 4405 (23)
17.	Mr. Shamil Huseynov	Parliament of the Republic of Azerbaijan	E-mail: shh-azinas@ Mob: +994 050 374 2142
18.	Mr. Patrick Bender	"Seacor Marine AZ" LLC	E-mail: pbender@ckor.com Mob: +994 050 265 9054
19.	Mr. Arif Isgandarov	The Ministry of Emergency Situations of Azerbaijan Republic	E-mail: arif.iskandarov@fhn Tel: +994 512 0492 Mob: +994 050 339 1052
20.	Mr. Nazim Aghayev	The Ministry of Emergency Situations of Azerbaijan Republic	E-mail: DNL-01@mail.ru Mob: +994 050 421 8635
21.	Mr. Piri Guluzadeh	The Ministry of Emergency Situations of Azerbaijan Republic	N/A
22.	Mr. Anvar Karimov	Ministry of Transport of Azerbaijan Republic	E-mail: e.kerimov@mintran Tel: +994 012 430 9943 Mob: +994 055 846 1060
23.	Mr. Babek Tagiyev	Baku International Trade Sea Port	N/A

24.	Mr. Sabir Karimzadeh	Caspian Sea Oil Fleet	E-mail: sabir.kerimzade@s Mob: +994 050 333 2117
25.	Mr. Anar Ibrahimov	Caspian Sea Oil Fleet	E-mail: 007878@ma Mob: +994 050 230 0519
26.	Ms. Lilia Fransuzova	Bue Caspian	E-mail: Lilly.frantsuz Mob: +994 050 255 4127
27.	Mr. Oruj Shiriyev	Bue Caspian	E-mail: oruj.shiriyev Mob: +994 050 255 4102
28.	Mr. James E. McHale	BP	E-mail: jim.mchale@ Mob: +994 055 425 0816
29.	Mr. Hazi Nabiyev	Caspian Marine Services	E-mail: h.nabiyev@ Mob: +994 050 342 4997
30.	Mr. Bakhtiyar Muradov	SASEPOL	N/A
31.	Mr. Namiq Asgarov	The Azerbaijan State Caspian Sea Shipping Company	E-mail: retro555@mail.ru Mob: +994 050 663 5961
32.	Mr. Tahir Dadashov	The Azerbaijan State Caspian Sea Shipping Company	E-mail: tahir.dadashov74@ Mob: N/A
33.	Mr. Anar Tagiyev	Ministry of Ecology and Natural Resources of Azerbaijan Republic	E-mail: anar-taghiyev@ma Tel: +994 050 783 4248 Mob: +994 055 455 4248
34.	Mr. Bakhtiyar Seyidov	Ministry of Ecology and Natural Resources of Azerbaijan Republic	N/A
35.	Mr. Rasim Sattarzade	Ministry of Ecology and Natural Resources of Azerbaijan Republic	E-mail: rsattarzade@azdat Tel: +994 124 982 346
36.	Mr. Rustam Rustamzade	The State Oil Company of Azerbaijan Republic (SOCAR)	E-mail: Rustam.Rustamzad Mob: +994 050 208 0369
37.	Mr. Mammad Nasibov	The State Oil Company of Azerbaijan Republic (SOCAR)	E-mail: Mamed.Nasibov@s Mob: +994 050 208 0349
38.	Mr. Hasan Asadov	The State Border Service of Azerbaijan Republic	E-mail: Hasan.asadov@ma Mob: +994 055 397 1111
39.	Mr. Nijat Rustamov	The State Border Service of Azerbaijan Republic	E-mail: nijat-rustamov@yah Mob: +994 055 217 4799
40.	Felix Agayev	BP	E-mail: agayevfn@bp.com Mob: +994 055 225 0215

