

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

Distr.: General
28 May 2014
Original: English

**CONFERENCE OF THE PARTIES
Fifth Meeting
28-30 May 2014, Ashgabat, Turkmenistan**

Item 2 b) of the provisional agenda

PROVISIONAL ANNOTATED AGENDA

WORKING SESSIONS

Item 1. Opening of the meeting

1. The fifth 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 28 to 30 May 2014 in Ashgabat, Turkmenistan. The meeting will be opened at 10 a.m. on Wednesday, 28th May.
2. In line with the adopted Rules of Procedure, the meeting will be declared open by the Chairperson in office, Minister of Natural Resources and Environment of the Russian Federation, His Excellency, Mr. Sergey Donskoy, or his Representative.
3. Welcoming announcements will be made by a representative or representatives of the Government of Turkmenistan 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/COP5/1 Rev.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 fourth Meeting of the Conference of the Parties, and has taken into account the discussion and decisions taken at the Preparatory Committee Meetings for the Fifth Meeting of the Conference of the Parties to the Tehran Convention (19-20 December 2013, Geneva, Switzerland; 26-28 March 2014, 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/COP5/1/Add.2). The High-level segment of the fifth Meeting of the Conference of the Parties is proposed to take place on Friday, 30 May 2014 from 9.30 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 Decision on the Location and Arrangements for the Secretariat of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Tehran Convention), 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 (TC/COP5/1/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 fifth 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/COP5/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) of the Tehran Convention 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 for the Preparatory Committee Meeting for the Fifth Meeting of the Conference of the Parties, Ashgabat, 26-28 March 2014, as contained in document TC/COP5/2. At that meeting delegations considered the report, pre-discussed the provisional agenda and documentation for COP5 and reached agreement on a number of items for consideration and decision by COP5, as reflected in the mission report of the meeting and the draft Ministerial Statement, circulated after the meeting by email of 3 April 2014.
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 Fourth 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 Preparatory Committee Meetings for COP5 in Geneva, 19-20 December 2013, and Ashgabat, 26-28 March 2014, discussed the issues and reached provisional agreement on the majority of recommendations contained in the draft Ministerial Statement and Decisions (draft MS). The items for discussion and finalization for Ministerial decision, include the following.
 - **Secretariat location and arrangements (paragraphs 1 to 5 draft MS).**

In consultation with Turkmenistan a separate decision has been circulated based on the paragraphs as agreed at the Preparatory Committee Meeting in Ashgabat, 26-28 March 2014. Delegations may review and recommend the decision including a proposed secretariat rotation period, for consideration, adoption and signing by the Ministers and High-level officials at the High-Level Segment (HLM). Azerbaijan

may inform about the arrangements and contribution it intends to make, in accordance with the agreed standard list of host country secretariat support; other delegations may inform about the support their Government is considering to provide to the Convention Secretariat, through the secondment of staff or otherwise.

- **Aktau Protocol (paragraph 6 draft MS).**
Kazakhstan may inform about the status of its ratification of the Protocol; delegations may amend the text of paragraph 6 of the draft MS accordingly.
- **Moscow Protocol. (paragraph 9 draft MS).**
Apart from Azerbaijan which has acceded to the Protocol, delegations may inform about the status of ratification of the Protocol by their Government; delegations may amend the text of paragraph 9 of the draft MS accordingly.
- **Protocol for the Conservation of Biological Diversity (paragraph 10 draft MS).**
Following and based on the request for consultations by the Preparatory Committee Meeting in Ashgabat, 26-28 March 2014, delegations may finalize the text of the Protocol for consideration, adoption and signing at the HLM, and amend paragraph 10 of the draft MS, as appropriate.
- **Protocol on Environmental Impact Assessment in a Trans-boundary Context (paragraph 11 draft MS).**
Following and based on the request for consultations by the Preparatory Committee Meeting in Ashgabat, 26-28 March 2014, delegations may finalize or agree on a procedure to finalize the text of the Protocol, for consideration, adoption and signing at this or the next COP, and amend paragraph 11 of the draft MS, as appropriate.
- **Program of Work (paragraph 19 draft MS).**
As requested by delegations at the Preparatory Committee Meeting in Ashgabat, 26-28 March 2014, the interim Secretariat has updated and adjusted the POW to cover the period up till end 2015 (document TC/COP5/9). Delegations may consider and adopt the proposed updated POW and amend paragraph 19 of the draft MS accordingly.
- **Contributions to the budget of the Convention (paragraph 20).**
I.R. of Iran may inform the meeting of the status of its arrear payments to the budget of the Convention; delegations may furthermore exchange information and discuss plans and options for an increase in contributions.
- **Reference to EU in paragraph 21 draft MS.**
Delegations may reach consensus on this reference in light of the reservation expressed by Russian Federation at the Preparatory Committee Meeting in Ashgabat, 26-28 March 2014.
- **Delegations may wish to review the need for paragraph 22 of the draft MS** in light of their decision on the rotation period of the Convention Secretariat.

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

18. The Conference has before it a note prepared by the interim Secretariat on the date and venue of its sixth meeting (TC/COP5/8).

19. When deciding on the place for its sixth 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”.
20. **The Conference of the Parties at its working sessions is requested to consider the statement delivered by the representative from Azerbaijan, whereby Azerbaijan confirmed its readiness to host the sixth 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.

21. 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 the draft Ministerial Statement and Decisions of the fifth Meeting of the Conference of the Parties to the Tehran Convention (TC/COP5/7)** 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

22. 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

23. The Inaugural Session will start on 30 May at 9:30 with a welcome note from the host Government.

b) Statements of Parties to the Tehran Convention

24. 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

25. A video message will be made by the Executive Director of UNEP.

d) Other statements

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

Item 10. Report of the Bureau on the working sessions

27. 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

28. 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/COP5/4 Rev.1).

29. 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.

30. Immediately after the ceremony for signing of the **Protocol on Environmental Impact Assessment in a Trans-boundary Context**, statements may be made by representatives wishing to do so.

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

31. 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 Conservation of Biological Diversity**, being negotiated and agreed upon by the representatives of the Contracting Parties (TC/COP5/3 Rev.1).

32. 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 Conservation of Biological Diversity and invite Ministers/Heads of Delegations to sign the Protocol.

33. Immediately after the ceremony for signing of the **Protocol for the Conservation of Biological Diversity**, statements may be made by representatives, wishing to do so.

c) Adoption and signing of the Decision on the Location and Arrangements for the Secretariat of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Tehran Convention)

34. The Conference has before it the Note by the interim Secretariat for the **Decision on the Location and Arrangements for the Secretariat of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Tehran Convention)** being negotiated and agreed upon by the representatives of the Contracting Parties (TC/COP5/10).

35. The Conference of the Parties may wish to adopt the Decision on the Location and Arrangements for the Secretariat of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Tehran Convention) and invite Ministers/Heads of Delegations to sign the Decision.
36. Immediately after the ceremony for signing of the **Decision on the Location and Arrangements for the Secretariat of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Tehran Convention)**, statements may be made by representatives, wishing to do so.

Item 12. Adoption of the Ministerial Statement and Decisions

37. The Ministers/Heads of Delegations 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. Adoption and signing of the Final Act

38. The Ministers/Heads of Delegations will be requested to consider, adopt and sign the Final Act 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.

Item 14. Closure 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

39. 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.