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**MEDITERRANEAN ACTION PLAN (MAP)  
REGIONAL MARINE POLLUTION EMERGENCY RESPONSE CENTRE FOR THE  
MEDITERRANEAN SEA (REMPEC)**

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Thirteenth Meeting of the Focal Points of the Regional  
Marine Pollution Emergency Response Centre  
for the Mediterranean Sea (REMPEC)

REMPEC/WG.45/INF.13  
Date: 10 June 2019

Malta, 11-13 June 2019

Original: English only

Agenda Item 4

**REPORT OF THE SECOND MEETING OF THE MEDITERRANEAN NETWORK OF LAW  
ENFORCEMENT OFFICIALS RELATING TO MARPOL WITHIN THE FRAMEWORK OF THE  
BARCELONA CONVENTION (MENELAS)**

**(VALLETTA, MALTA, 28-29 NOVEMBER 2017)**

**Note by the Secretariat**

**SUMMARY**

**Executive Summary:** This document presents the Report of the Second Meeting of the Mediterranean Network of Law Enforcement Officials relating to MARPOL within the framework of the Barcelona Convention (MENELAS) (Valletta, Malta, 28-29 November 2017).

**Action to be taken:** Paragraph 3

**Related documents:** UNEP(DEPI)/MED IG.22/28, REMPEC/WG.42/12, REMPEC/WG.45/4

**Background**

1 As indicated in document REMPEC/WG.45/4, the Second Meeting of the Mediterranean Network of Law Enforcement Officials relating to the International Convention for the Prevention of Pollution from Ships (MARPOL) within the framework of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean ("the Barcelona Convention") (MENELAS), hereinafter referred to as "the Second Meeting of MENELAS", was held in Valletta, Malta, from 28 to 29 November 2017, pursuant to the Programme of Work and Budget for 2016-2017<sup>1</sup> of the Mediterranean Action Plan (MAP) of the United Nations Environment Programme (UNEP), which was adopted by the Nineteenth Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols (COP 19) (Athens, Greece, 9-12 February 2016).

2 The Report of the Second Meeting of MENELAS is presented in the **Appendix** to the present document.

**Action requested by the Meeting**

3 **The Meeting is invited to take note** of the information provided in the present document.

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<sup>1</sup> UNEP(DEPI)/MED IG.22/28, Decision IG.22/20.



**APPENDIX**

**Report of the Second Meeting of the Mediterranean Network of Law Enforcement Officials  
relating to MARPOL within the framework of the Barcelona Convention (MENELAS)**

**(Valletta, Malta, 28-29 November 2017)**

(REMPEC/WG.42/12)





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**MEDITERRANEAN ACTION PLAN (MAP)  
REGIONAL MARINE POLLUTION EMERGENCY RESPONSE CENTRE FOR THE  
MEDITERRANEAN SEA (REMPEC)**

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Second Meeting of the Mediterranean Network of  
Law Enforcement Officials relating to MARPOL  
within the framework of the Barcelona Convention (MENELAS)

REMPEC/WG.42/12  
Date: 10 June 2019

Valletta, Malta, 28-29 November 2017

Original: English

Agenda Item 12

**REPORT**

**SECOND MEETING OF THE MEDITERRANEAN NETWORK OF  
LAW ENFORCEMENT OFFICIALS RELATING TO MARPOL  
WITHIN THE FRAMEWORK OF THE BARCELONA CONVENTION (MENELAS)**

**Valletta, Malta, 28-29 November 2017**



**ANNEX(E) I**

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**ANNEX II**

**AGENDA**

Opening of the Meeting

1. Adoption of the Agenda
2. Regional and international developments relevant to MENELAS
3. Establishment of a MENELAS database on illicit ship pollution discharges in the Mediterranean
4. French proposal for the creation of two new judicial cooperation tools within the framework of the Regional Strategy for Prevention of and Response to Marine Pollution from Ships (2016-2021) and MENELAS
5. Marine oil pollution detection/investigation report
6. Review existing applicable sanctions at national level with regard to illicit ship pollution discharges
7. Measures to charge reasonable costs for the use of port reception facilities or, when applicable, apply a No-Special-Fee system
8. Coordinated aerial surveillance operations for illicit ship pollution discharges in the Mediterranean
9. Election of Chair for the period 2018-2019
10. Future work and meetings
11. Other business
12. Conclusions and recommendations

Closure of the Meeting



**ANNEX III**

**LIST OF DOCUMENTS**

**WORKING DOCUMENTS**

REMPEC/WG.42/1/Rev.1	Provisional agenda
REMPEC/WG.42/1/1/Rev.1	Annotated provisional agenda and draft timetable
REMPEC/WG.42/4	French proposal for the creation of two new judicial cooperation tools within the framework of the Regional Strategy for Prevention of and Response to Marine Pollution from Ships (2016-2021) and MENELAS (Submitted by France)
REMPEC/WG.42/5	Marine oil pollution detection/investigation report
REMPEC/WG.42/WP.1	Draft conclusions and recommendations
REMPEC/WG.42/12	Report of the Meeting

**INFORMATION DOCUMENTS**

REMPEC/WG.42/INF.1/Rev.3	List of documents
REMPEC/WG.42/J/1	Provisional list of participants
REMPEC/WG.42/INF.2	List of participants
REMPEC/WG.42/INF.3	Regional Strategy for Prevention of and Response to Marine Pollution from Ships (2016-2021)
REMPEC/WG.42/INF.4	Report of the Meeting of the Mediterranean Network of Law Enforcement Officials relating to MARPOL within the framework of the Barcelona Convention (MENELAS) (Toulon, France, 29 September – 1 October 2015)
REMPEC/WG.42/INF.5 <sup>1</sup>	Report on the Activities of the Mediterranean Network of Law Enforcement Officials relating to MARPOL within the framework of the Barcelona Convention (MENELAS), as requested by Decision IG.21/9 (English only)
REMPEC/WG.42/INF.6*	Draft Decision IG.23/1: Revised Reporting Format for the Implementation of the Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols
REMPEC/WG.42/INF.7	Exemple spécifique de procès-verbal de constatation de pollution maritime (Submitted by France) (French only)
REMPEC/WG.42/INF.8	Review of 16 years of pollution reports (Submitted by Cedre)
REMPEC/WG.42/INF.9	Socio-economic tools for supporting the achievement of Good Environmental Status of Mediterranean marine waters (Submitted by Plan Bleu) (English only)

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<sup>1</sup> Reissued for technical reasons.





## **ANNEX IV**

### **CONCLUSIONS AND RECOMMENDATIONS**

The Second Meeting of the Mediterranean Network of Law Enforcement Officials relating to the International Convention for the Prevention of Pollution from Ships (MARPOL) within the framework of the Barcelona Convention (MENELAS), hereinafter referred to as the Meeting, which was held in Valletta, Malta from 28 to 29 November 2017:

1 expressed appreciation for the financial support provided by the Mediterranean Trust Fund (MTF);

2 encouraged the Mediterranean coastal States as well as the relevant regional and international organisations to which they were Parties to provide voluntary contributions to support future activities and meetings of MENELAS;

3 thanked France, as chair of the network for the period 2016-2017, and the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC), as Secretariat, for the work they carried out with regard to the implementation of the MENELAS Programme of Activities for the said period as well as for their respective contributions to the preparation and organisation of the Meeting;

#### **Agenda Item 2            Regional and international developments relevant to MENELAS**

4 recognised the importance of the active engagement of the Mediterranean coastal States participating in the network in accordance with its terms of reference;

5 urged the Mediterranean coastal States, which had not already done so, to nominate their MENELAS Designated Representatives as soon as possible, in consultation with the relevant authorities;

6 welcomed the adoption of the Regional Strategy for Prevention of and Response to Marine Pollution from Ships (2016-2021), hereinafter referred to as the Regional Strategy (2016-2021), by the Nineteenth Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols, which was convened in Athens, Greece, from 9 to 12 February 2016;

7 took note of the relevance of Specific Objectives 7 (Improved follow-up of pollution events as well as monitoring and surveillance of illicit discharges) and 8 (To improve the level of enforcement and the prosecution of discharge offenders) of the Regional Strategy (2016-2021) to the work of MENELAS;

8 remarked the importance of the discussions held on enhancing cooperation in the field of illicit ship pollution discharges in the Mediterranean as well as the recommendations made, in this respect, by the Twelfth Meeting of the Focal Points of REMPEC, which took place in St. Julian's, Malta, from 23 to 25 May 2017;

9 noted, with satisfaction, the launch of the MENELAS information system in December 2015 as well as the recent improvements made in terms of its visibility and access, in particular through the REMPEC website, and asked the Secretariat to take the necessary measures to ensure periodic updating and a more regular use by the Secretariat and the MENELAS Designated Representatives;

10 also encouraged participating members to regularly update their MENELAS member profiles, by informing the Secretariat of the necessary changes, in particular regarding information on the applicable national legislation relating to illicit ship pollution discharges;

11 further welcomed the Secretariat's initiative to improve the Mediterranean Integrated Geographical Information System on Marine Pollution Risk Assessment and Response (MEDGIS-MAR) in order to enable the uploading and display of data related to illicit ship pollution discharges in the Mediterranean;

12 called on the Secretariat to liaise with the relevant regional and international organisations to which participating members were Parties with a view to ensuring the necessary cooperation, which may include regular exchange of information and reciprocal representation at their respective meetings, amongst others;

13 asked participating members to inform the relevant regional and international organisations to which they were Parties of the outcome of the Meeting and to report on the outcome of discussions within the said organisations at the next meeting of MENELAS;

**Agenda Item 3**                    **Establishment of a MENELAS database on illicit ship pollution discharges in the Mediterranean**

14 was seized by some of the observations from the Secretariat's preliminary analysis of the information provided by Mediterranean coastal States to the International Maritime Organization (IMO) through the mandatory reporting system under MARPOL (MEPC/Circ.318), and requested the Secretariat to finalise its analysis as well as present its findings to the next meeting of MENELAS with a view to establishing a MENELAS database on illicit ship pollution discharges in the Mediterranean;

15 reminded, in this respect, the Contracting Parties to the Barcelona Convention, which were also Parties to MARPOL, to submit their annual reports to the IMO, by 31 December of each year<sup>1</sup>, using the revised reporting format set out in MEPC/Circ.318;

16 also recognised the importance of preparing, with high priority, their National Action Plans for the implementation of the Regional Strategy (2016-2021), with the assistance of REMPEC, if necessary, which are a useful tool to assess progress in individual Contracting Parties to the Barcelona Convention and guide them in their implementation efforts in a tailored manner, including the carrying out of a national assessment of their capacities and the definition of the remedial action that may be necessary;

17 asked the Secretariat to continue providing assistance to Mediterranean coastal States, which so request, to enhance the effectiveness of their maritime administrations in line with new IMO developments, in particular the IMO Member State Audit Scheme (IMSAS);

18 further noted that the Draft decision IG.23/1: Revised Reporting Format for the Implementation of the Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols, would be considered by the Twentieth Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols, which would be convened in Tirana, Albania, from 17 to 20 December 2017, for possible adoption;

19 valued the participation of the Centre of Documentation, Research and Experimentation on Accidental Water Pollution (Cedre) in the Meeting and welcomed its analysis of sixteen (16) years of pollution reports;

**Agenda Item 4**                    **French proposal for the creation of two new judicial cooperation tools within the framework of the Regional Strategy for Prevention of and Response to Marine Pollution from Ships (2016-2021) and MENELAS**

20 recalled that the Twelfth Meeting of the Focal Points of REMPEC had concurred with the need to further enhance administrative and judicial cooperation in the field of illicit ship pollution discharges in the Mediterranean within the framework of the Regional Strategy (2016-2021) and MENELAS, and acknowledged that the French proposal to create two new judicial cooperation tools was made in this context;

21 agreed on the establishment of a working group within MENELAS to:

- .1 examine in greater detail the French proposal, and more particularly the creation of a common detection report and a regional "Blue Fund";

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<sup>1</sup> For the next annual circular on mandatory reports under MARPOL, which will be issued on 31 January 2018, the mandatory reports to be submitted by Parties to MARPOL should be received, at the latest, by 31 December 2017 for the calendar year 2016.

- .2 provide answers to the questions raised by the Meeting, including the question of judicial prosecution by a third State; and
- .3 study the possible establishment of an intervention mechanism and harmonisation of pecuniary sanctions for illicit ship pollution discharges in the Mediterranean.

22 invited the Secretariat to coordinate this working group and to present the results of the intersessional work to be conducted at the next meeting of MENELAS;

**Agenda Item 5**                    **Marine oil pollution detection/investigation report**

23 further took note of the analysis, by the Secretariat, of marine oil pollution detection/investigation reports as well as its report on the similarities and differences between them, and requested the working group, as established under paragraph 21 above, to consider the said analysis in the course of its work;

**Agenda Item 6**                    **Review existing applicable sanctions at national level with regard to illicit ship pollution discharges**

24 also took note of the analysis, by the Secretariat, of information provided by some participating members on the applicable sanctions in their countries with regard to illicit ship pollution discharges, as well as on the developments on the review of Recommendation 19/14 of the Baltic Marine Environment Protection Commission (Helsinki Commission or HELCOM) on a harmonized system of fines in case a ship violates anti-pollution regulations, and further invited the Secretariat to share this analysis with the working group, as established under paragraph 21 above;

**Agenda Item 7**                    **Measures to charge reasonable costs for the use of port reception facilities or, when applicable, apply a No-Special-Fee system**

25 further noted, with interest, that the component of the Global Public Goods and Challenges (GPGC) / Environment and Sustainable Management of Natural Resources including Energy Thematic Programme (ENRTP) "Marine Litter-MED" Project, coordinated by REMPEC, focused on measures related to the better management of sea-based litter in ports, more specifically, the application of charges at reasonable costs for the use of port reception facilities or, when applicable, application of No-Special-Fee system, as well as the provision of reception facilities and the delivery of ship-generated wastes in selected major ports and marinas in the Mediterranean, and also requested the Secretariat to report on the progress of the said project at the next meeting of MENELAS;

26 invited the concerned participating members to report on the outcomes of the forthcoming discussions on the review of Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues at the next meeting of MENELAS;

27 further valued the presentation by Turkey of the "Blue Card System" - an environmental programme to protect the sea against marine pollution originating from vessels to which MARPOL does not apply;

28 also invited Plan Bleu to present the report "Socio-economic tools for supporting the achievement of Good Environmental Status of Mediterranean marine waters" prepared within the framework of the "Action Plans for Integrated Regional Monitoring Programmes, Coordinated Programmes of Measures and Addressing Data and Knowledge Gaps in Mediterranean Sea (ActionMed)" at the next meeting of MENELAS;

**Agenda Item 8**                    **Coordinated aerial surveillance operations for illicit ship pollution discharges in the Mediterranean**

29 further thanked REMPEC for having sponsored two (2) representatives from participating members, namely Algeria and Morocco, to participate, as observers, in the Special Co-ordinated Extended Pollution Control Operation (SpecialCEPCO 2016) organised in the Netherlands from 5 to 9 September 2016 within the framework of the Agreement for Cooperation in Dealing with Pollution of the North Sea by Oil and Other Harmful Substances, 1983 (Bonn Agreement);

30 also welcomed the interest expressed by some participating members in exploring the possibility to organise a coordinated aerial surveillance operation for illicit ship pollution discharges, with the participation of coastal States from the Southern Mediterranean, with a view to enhancing operational cooperation in this field;

31 further asked the Secretariat to liaise with Mediterranean coastal States, through REMPEC Governmental Focal Points, in consultation with the relevant authorities, as well as the relevant regional and international organisations to which they were Parties, in order to facilitate the organisation of such an operation, including the mobilisation of the necessary resources;

32 highlighted the value of organising this coordinated aerial surveillance operation for illicit ship pollution discharges in parallel with a future meeting of MENELAS;

**Agenda Item 9**                    **Election of Chair for the period 2018-2019**

33 elected Morocco as chair of the network for the period 2018-2019;

**Agenda Item 10**                    **Future work and meetings**

34 agreed to include the following items in the MENELAS Programme of Activities for the period 2018-2019:

- .1 the examination of the French proposal to create two new judicial cooperation tools within the framework of the Regional Strategy (2016-2021) and MENELAS, namely a common detection report and a regional "Blue Fund", by the working group, as established under paragraph 21 above;
- .2 the study of the possible establishment of an intervention mechanism and harmonisation of pecuniary sanctions for illicit ship pollution discharges in the Mediterranean, by the working group, as established under paragraph 21 above;
- .3 the marine oil pollution detection/investigation reports;
- .4 the establishment of a MENELAS database on illicit ship pollution discharges in the Mediterranean, and
- .5 the measures to charge reasonable costs for the use of port reception facilities or, when applicable, apply a No-Special-Fee system.

35 recommended that the next meeting of MENELAS should preferably be held before the Thirteenth Meeting of the Focal Points of REMPEC, subject to the decision on the Programme of Work and Budget for the 2018-2019 biennium by the Contracting Parties to the Barcelona Convention and provided that the necessary external financial resources were mobilised in time by the Secretariat; and

36 further requested the Secretariat to report to the Thirteenth Meeting of the Focal Points of REMPEC on the outcome of the Meeting as well as any intersessional work that may have been carried out in relation to the MENELAS Programme of Activities, as referred to in paragraph 34 above.