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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/INF.4  
Date: 9 November 2017

Valletta, Malta, 28-29 November 2017

Original: English

**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)**

**Note by the Secretariat**

**SUMMARY**

**Executive Summary:** This document presents the Report of the Meeting of the Mediterranean Network of Law Enforcement Officials relating to MARPOL within the framework of the Barcelona Convention (MENELAS) held in Toulon, France from 29 September to 1 October 2015.

**Action to be taken:** Paragraph 3

**Related documents:** REMPEC/WG.38/12

**Background**

1 The 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) was held in Toulon, France from 29 September 2015 to 1 October 2015, pursuant to the Programme of Work for 2014-2015 of the Mediterranean Action Plan (MAP) of the United Nations Environment Programme (UN Environment) also referred to as UN Environment/MAP, adopted by the Eighteenth Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols, which was convened in Istanbul, Turkey from 3 to 6 December 2013.

2 The Report of the Meeting 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.



**APPENDIX**

**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.38/12)





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

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

REMPEC/WG.38/12  
Date: 22 December 2015

Toulon, France, 29 September – 1 October 2015

Original: English

Agenda Item 12

**REPORT**

**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**



## **INTRODUCTION**

1 The Meeting of the Mediterranean Network of Law Enforcement Officials relating to MARPOL within the framework of the Barcelona Convention (MENELAS) was held in Toulon, France between the 29 September 2015 and 1 October 2015, pursuant to the Mediterranean Action Plan (MAP)'s Programme of Work for 2014-2015 adopted by the Eighteenth Ordinary Meeting of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean ("the Barcelona Convention") and its Protocols, which was convened in Istanbul, Turkey, from 3 to 6 December 2013.

2 The principal objectives of the Meeting were to present regional and international developments relevant to MENELAS, discuss various issues related to illicit ship pollution discharges, from collecting, recording and documenting evidence, to carrying out coordinated aerial surveillance operations as well as reporting. The Meeting was also an opportunity to present the MENELAS information system, share information on present cases of interest and discuss cooperation with other regional and international organisations.

3 The organisation of the Meeting was jointly financed by the Mediterranean Trust Fund (MTF) and the International Maritime Organization (IMO) Integrated Technical Cooperation Programme (ITCP) with voluntary contributions from the Government of France, the Government of Malta and the RAMOGE Agreement.

4 All MENELAS Designated Representatives were invited to nominate jointly and, in consultation with REMPEC Prevention Focal Points, the representatives attending the Meeting. The invitation to participate in the Meeting was also extended to observers from relevant regional and international organisations and associations whose activities are relevant for the work of MENELAS.

5 The Meeting was attended by delegations from the following Contracting Parties to the Barcelona Convention:

ALBANIA	ISRAEL
ALGERIA	MONTENEGRO
CROATIA	MOROCCO
EUROPEAN UNION	SLOVENIA
FRANCE	SPAIN
GREECE	TUNISIA

by OSCAR-MED representatives from the following countries:

FRANCE	MONACO
ITALY	SPAIN

by a representative from the following Regional Activity Centre of MAP:

- PLAN BLEU

by a representative from the following inter-governmental organisation:

- INTERPOL

by representatives from the following regional agreement:

- RAMOGE AGREEMENT

6 A complete list of participants appears in **Annex I** to the present report.

## **OPENING OF THE MEETING**

7 The Meeting was opened by the Head of Office of REMPEC, Mr Gabino Gonzalez, on Tuesday, 29 September 2015 at 09:00 hours. The Head of Office welcomed the participants to the Meeting and explained the objectives of the Meeting. He expressed his appreciation for the voluntary contributions from the Government of France, the Government of Malta and the RAMOGE Agreement as well as the financial support from the IMO ITCP.

8 Following the opening of the Meeting, the Head of Office of REMPEC informed the participants that, in parallel to the Meeting, and in close co-operation with the Spanish Maritime Safety Agency (SASEMAR) and the Italian Guardia Costiera, the French Préfecture maritime de la Méditerranée (PREMAR MED) was organising a coordinated aerial surveillance operation for illicit ship pollution discharges in the Mediterranean entitled "OSCAR-MED 2015" within the framework of the RAMOGE Agreement.

## **ORGANISATION OF THE MEETING**

### Rules of Procedure

9 The Meeting decided to apply, *mutatis mutandis*, the rules of procedure for Meetings and Conferences of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution and its related Protocols (UNEP/IG.43/6, Annex XI) to its deliberations.

### Election of Officers

10 Following informal consultations held with the Contracting Parties to the Barcelona Convention, the Head of Office of REMPEC proposed Israel as Chair, France as Vice-Chair and Morocco as Rapporteur. The Meeting unanimously decided to elect the following officers of the Meeting:

Mr Nir LEVINSKI (Israel)	Chairperson
Mrs Marie-Sophie DUFAU-RICHET (France)	Vice-Chairperson
Mr Mohammed Salim CHEIKH (Morocco)	Rapporteur

### Working Languages

11 The working languages of the Meeting were English and French. Simultaneous English/French/English interpretation was provided during the Meeting. All working documents were available in both official languages of the Centre. However, information documents were available in their original language only, except when the document was submitted in both languages.

## **AGENDA ITEM 1: ADOPTION OF THE AGENDA**

12 The Chairperson thanked the Meeting for supporting his election and proposed that the Provisional Agenda, contained in document REMPEC/WG.38/1, be adopted.

13 The Meeting adopted the Agenda reproduced in **Annex II** to the present report. The list of documents is presented in **Annex III** thereto.

## **AGENDA ITEM 2: REGIONAL AND INTERNATIONAL DEVELOPMENTS RELEVANT TO MENELAS**

14 At the invitation of the Chairperson, the Programme Officer (Prevention), Mr Franck Lauwers, provided information on regional developments relevant to MENELAS, including the adoption of its Terms of Reference (ToRs) by the Eighteenth Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols, which was convened in Istanbul, Turkey from 3 to 6 December 2013, as detailed in the Annex to document REMPEC/WG.38/INF.3. The Meeting was



informed that, so far, MENELAS had thirteen (13) participating members and that, therefore, not all Mediterranean coastal States had nominated their MENELAS Designated Representatives.

15 The Programme Officer (Prevention) also referred to activities carried out by similar networks in other Regional Seas such as the North Sea Network of Investigators and Prosecutors (NSN) and the Network of Prosecutors on Environmental Crime in the Baltic Sea Region (ENPRO).

16 The Chairperson invited the Secretariat to present Annex I to the International Convention for the Prevention of Pollution from Ships (MARPOL) – Regulations for the Prevention of Pollution by Oil.

17 The Programme Officer (Prevention) delivered a presentation focusing on the main provisions of MARPOL Annex I relevant to the Meeting, namely the definition of special areas (Regulation 1), exceptions (Regulation 4), control of discharge of oil (Regulations 15 and 34), discharge criteria in special areas as well as violations.

18 Having taken note of the information provided by the Secretariat, **the Meeting:**

- .1 **welcomed** the adoption of the MENELAS ToRs by the Eighteenth Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols, which was held in Istanbul, Turkey from 3 to 6 December 2013;
- .2 **recalled** the importance of the active engagement of the participating Mediterranean coastal States in the Network in accordance with its ToRs; and
- .3 **urged** the Mediterranean coastal States that had not yet nominated their Designated Representatives to the Network to do so at their earliest convenience in consultation with the relevant authorities.

19 Upon a request from its representative, France delivered a presentation on the General Secretariat of the Sea, which demonstrated how sea-based activities carried out by a State could be effective and adapted to new challenges through a coordinated, responsive and cost-effective approach thanks to the optimisation of existing resources.

20 The Meeting took note of the information provided by France.

**AGENDA ITEM 3: COLLECTING, RECORDING AND DOCUMENTING EVIDENCE OF ILLICIT SHIP POLLUTION DISCHARGES**

21 The Chairperson invited the Secretariat to introduce document REMPEC/WG.38/3 with regard to standard pollution reporting formats.

22 The Programme Officer (Prevention) provided information on the standard pollution accidents reporting format (POLREP), reproduced in Annex I to the said document, and other pollution reporting formats, including the model for the reporting of offences entitled “Marine Oil Pollution Detection / Investigation Report”, reproduced in Annex II thereto.

23 At the invitation of the Chairperson, Deputy Prosecutor Ludovic Leclerc from France delivered a presentation on the experience of the specialised jurisdiction of the Marseille High Court of Justice with regard to combatting illicit ship pollution discharges in the Mediterranean Sea and in particular the use of the French “Marine Pollution Detection Report”, a copy of which was circulated to all participants during the Meeting by the Secretariat. He mentioned that, in France, there had been a steady decline in the number of marine pollution detection reports in the Mediterranean since 2009, which could be explained by the imposition of deterrent penalties that could consist of up to ten (10)-year imprisonment and fifteen (15) million euros in fines for offenders of illicit ship pollution discharges. He also referred to Article 228 of the United Nations Convention on the Law of the Sea (UNCLOS), which could be used by a flag State to suspend and restrict proceedings for a violation committed by a foreign vessel flying its flag beyond the territorial sea of the State instituting proceedings.

24 During a round table following this presentation, all participants presented their national procedures with regard to collecting, recording and documenting evidence of illicit ship pollution discharges. The issue of sampling and related procedures was raised by several delegations.

25 **The Meeting noted** that most countries used POLREP to exchange information when pollution of the sea had occurred and, in addition, used a specific marine oil pollution detection/investigation report for legal proceedings, which was relatively similar from one country to the other.

26 **The Meeting also invited** participating members to provide the Secretariat with copies of their specific marine oil pollution detection/investigation report with a view to analysing it and reporting similarities and differences to the next MENELAS meeting.

**AGENDA ITEM 4: COORDINATED AERIAL SURVEILLANCE OPERATIONS FOR ILLICIT SHIP POLLUTION DISCHARGES IN THE MEDITERRANEAN**

27 At the invitation of the Chairperson, the Programme Officer (Prevention) presented brief information on past coordinated aerial surveillance operations for illicit ship pollution discharges in the Mediterranean, namely the first OSCAR-MED operation that was successfully completed in Hyères, France from 12 to 16 October 2009, and the OSCAR-MED 2013 operation that was organised in the Western Mediterranean in Palma de Mallorca, Spain from 24 to 26 June 2013.

28 Ms Anne Vissio, Executive Secretary of the RAMOGE Agreement, delivered a presentation providing information on the RAMOGE Agreement and the OSCAR-MED 2015 operation that had been kept confidential and only announced during the Meeting. She explained that this operation was jointly organised with the French, Italian and Spanish authorities to detect and sanction illicit ship pollution discharges in the Ligurian Sea and the Corsica Channel. Ms Vissio indicated that the operation was led by the French PREMAR MED and the Italian Ministry responsible for the environment with the assistance of the Italian Guardia Costiera, SASEMAR and a liaison officer from Monaco.

29 OSCAR-MED representatives from France, Italy, Monaco and Spain provided, in turn, further information on the OSCAR-MED 2015 operation, which would commence at 12:00 hours on Tuesday 29 September 2015 and would terminate at 12:00 hours on Wednesday, 30 September 2015.

30 In particular, General Commissioner Hervé Parlange from the French PREMAR MED stressed that this was not a training exercise but a real operation that was aimed at prosecuting offenders. He indicated that mobilising resources was relatively easy compared to the complexity of the procedures required to prosecute offenders. Whilst underlining the transboundary nature of ship pollution, he welcomed the involvement of other countries in this operation to be carried out in the eastern side of Corsica. He highlighted that the issue was how a detection/investigation report issued by one State could be used by another jurisdiction and, therefore, concluded that, what was at stake, was cooperation between legal systems and jurisdictions.

31 Participants visited the CROSS MED operational centre (Centre régional opérationnel de surveillance et de sauvetage de Méditerranée) in La Garde, France on Tuesday, 29 September 2015 between 14:30 hours and 17:30 hours, where the OSCAR-MED 2015 operation was being coordinated.

32 During a round table, all participants presented their national activities with regard to aerial surveillance operations for illicit ship pollution discharges and shared their views on how to enhance operational cooperation in the Mediterranean region to combat illicit ship pollution.

33 Once the operation was terminated, OSCAR-MED representatives from France, Italy, and Spain provided, in turn, a debriefing on the OSCAR-MED 2015 operation. In particular, the Meeting was informed that the operation had resulted in twenty-four (24) hours of uninterrupted flight – three (3) air patrol aircraft from France, Italy and Spain being equipped with night sensors, to detect marine pollution from ships in the designated area. In total, a hundred and ninety-three (193) vessels had been monitored during the operation and three (3) CleanSeaNet satellite images provided by the European Maritime Safety Agency (EMSA) had completed this monitoring. A public prosecutor from

the Marseille High Court of Justice had been on stand-by. Whilst no pollution or illicit discharge had been observed during the operation, all OSCAR-MED representatives concurred that this had been a successful illustration of operational cooperation in the field of illicit ship pollution discharges in the Mediterranean.

34 First class Commissioner Thibault Perrin from the French PREMAR MED underlined that the absence of pollution recorded over a continuous period of twenty-four (24) hours, despite the level of mobilised resources, was an acknowledgment of the efforts undertaken for decades in the prevention of illicit ship pollution discharges, maritime surveillance and prosecution of offenders. He stressed that the ability to effectively punish discharge offenders relied on close coordination and a very high reactivity from a set of actors depending on several administrations or even different States, as well as the judiciary. He recalled that the first OSCAR-MED operation in 2009 had resulted in the prosecution of an offender in France, flying a foreign flag, after findings made by a Spanish aircraft pilot in the French ecological protection zone (today's exclusive economic zone).

35 Following the debriefing, **the Meeting welcomed** the fact that it was convened in parallel with the OSCAR-MED 2015 operation, which took place on 29 and 30 September 2015 in the RAMOGE area.

36 **The Meeting recommended** the future organisation of coordinated aerial surveillance operations for illicit ship pollution discharges in other parts of the Mediterranean Sea, and **requested** the Secretariat to liaise with Mediterranean coastal States interested in organising such operations, with a view to enhancing operational cooperation in the Mediterranean region to combat illicit ship pollution and facilitating the mobilisation of the necessary resources.

#### **AGENDA ITEM 5: REPORTING ILLICIT SHIP POLLUTION DISCHARGES**

37 The Chairperson invited the Secretariat to introduce document REMPEC/WG.38/5 with regard to the MENELAS database on illicit ship pollution discharges and reporting format.

38 The Programme Officer (Prevention) provided information on the possible development of a MENELAS database on illicit ship pollution discharges in the Mediterranean and related reporting format, with a particular focus on MEPC/Circ.318, reproduced in the Appendix to the said document, which included updated information with regard to the formats for a mandatory reporting system under MARPOL, the Reporting System for the Barcelona Convention and its Protocols (BCRS) as well as REMPEC's Country Profile.

39 The Meeting was informed that, with the exception of the reporting formats for a mandatory reporting system under MARPOL, detailed information on cases where sanctions had been imposed in relation to pollution offences from ships or surveillance activities carried out individually by coastal States or in cooperation with others was not available or requested.

40 The Meeting was also informed that the objective of a MENELAS database on illicit ship pollution discharges in the Mediterranean would be three-fold, as follows:

- .1 to inventory cases, reported by participating Mediterranean coastal States, where sanctions had been imposed in relation to pollution offences from ships in the Mediterranean Sea Area;
- .2 to inventory surveillance activities carried out individually or in cooperation with others in the Mediterranean Sea Area; and
- .3 to analyse at a regional scale whether observed illicit ship pollution discharges were decreasing by time or not.

41 **The Meeting noted** with appreciation the establishment of a MENELAS database on illicit ship pollution discharges in the Mediterranean and **invited** participating members to provide the Secretariat with information on surveillance activities prior to the next MENELAS meeting.

42 **The Meeting also requested** the Secretariat to analyse the information provided by Mediterranean coastal States to IMO through the mandatory reporting system under MARPOL (MEPC/Circ.318) and report its findings to the next MENELAS meeting.

#### **AGENDA ITEM 6: MENELAS INFORMATION SYSTEM**

43 At the invitation of the Chairperson, the Secretariat introduced document REMPEC/WG.38/6 with regard to the MENELAS information system.

44 The Programme Officer (Prevention) presented the status of its development and areas on which input from participating Mediterranean coastal States in the Network was necessary with a view to officially launching it as soon as possible.

45 The Meeting was informed that the MENELAS information system would be an internet based tool comprising two main parts: a public interface and a restricted area (“forum/hotline”) aimed at facilitating the exchange of information between participating members only.

46 Following his presentation, the Programme Officer (Prevention) showcased the MENELAS website, which had been developed in the context of the Regional – Governance and Knowledge generation (ReGoKo) Project implemented by Plan Bleu with technical support from the Centre and funded by the Global Environment Facility (GEF).

47 Whilst some delegations pointed out that the map presented on the MENELAS website would require some changes, the Head of Office of REMPEC recalled that the boundaries and the names shown as well as the designations used on this map did not imply official endorsement or acceptance. He indicated that, however, the Centre would try to find a technical solution with the MENELAS website developer with a view to addressing the concerns raised during the Meeting, as far as is practicable.

48 **The Meeting acknowledged** the progress in developing the MENELAS information system and **recognised** the added value of the feature of having a restricted area for participating members only (“forum/hotline”) for which the Secretariat was requested to provide all MENELAS Designated Representatives with secured access.

49 **The Meeting also invited** participating members to provide the Secretariat with publicly available information on their respective legal framework, operational structure, annual reports as well as surveillance activities in the Mediterranean Sea Area by mid-October 2015.

50 **The Meeting further invited** participating members to provide the Secretariat with the names of the 24/7 contact points, other enforcement personnel, investigators, sanctioning officials as well as prosecutors, magistrates or officials from penalising authorities in their respective country, who should also be given access to the restricted area of the MENELAS information system, as soon as practicable.

51 Finally, **the Meeting agreed** to make use of the restricted area of the MENELAS information system (“forum/hotline”) to exchange information on past cases and lessons learnt, amongst others.

#### **AGENDA ITEM 7: PRESENTATION OF CASES OF INTEREST**

52 The Chairperson invited the representative of the European Union to introduce document REMPEC/WG.38/INF.4 containing the Baltic Marine Environment Protection Commission (Helsinki Commission or HELCOM) Recommendation 19/14 on a harmonized system of fines in case a ship violates anti-pollution regulations.

53 The representative of the European Union indicated that HELCOM Recommendation 19/14 on a harmonized system of fines in case a ship violates anti-pollution regulations, as detailed in the Annex to the said document, provided a harmonised level of administrative penalties in a non-criminal context and that this was currently being reviewed by HELCOM.

54 **The Meeting encouraged** participating members to provide the Secretariat with information on the applicable sanctions in their country with regard to illicit ship pollution discharges and **requested** the Secretariat to analyse this information and report its findings as well as developments on the review of HELCOM Recommendation 19/14 to the next MENELAS meeting.

55 The Head of Office of REMPEC recall that, during the visit of the CROSS MED operational centre on Tuesday, 29 September 2015, Deputy Prosecutor Ludovic Leclerc from France had provided information on a specific case of interest, namely the possible pollution offence that had been identified at night on 15 October 2009 by an aircraft from SASEMAR engaged in the first OSCAR-MED operation, which had been held in Hyères, France from 12 to 16 October 2009.

**AGENDA ITEM 8: COOPERATION WITH OTHER REGIONAL AND INTERNATIONAL ORGANISATIONS**

56 At the invitation of the Chairperson, the Programme Officer (Prevention) presented the state of play of cooperation with other regional and international organisations.

57 The Programme Officer (Prevention) underlined that the Secretariat was delighted with the fact that both INTERPOL and the RAMOGE Agreement were represented at the Meeting, which was an evidence of cooperation between other regional and international organisations and MENELAS. He also indicated that, whilst representatives from NSN, ENPRO and the Bonn Agreement Working Group on Operational, Technical and Scientific Questions Concerning Counter Pollution Activities (OTSOPA) had been invited but could not attend the Meeting, the Secretariat was in touch with them and there was a broad interest from their end to enhance cooperation between the said organisations and MENELAS with regard to issues related to illicit ship pollution discharges.

58 The Chairperson invited Ms Susan van den Brink from the INTERPOL General Secretariat to share her views on further cooperation between INTERPOL and MENELAS.

59 Ms van den Brink delivered a presentation providing information on INTERPOL, its Environmental Security Sub-Directorate as well as the Project Clean Seas that addressed illegal oil discharges from vessels at sea and developed a manual entitled "Illegal Oil Discharges from Vessels" (2007). She mentioned that these would be discussed, amongst others, during the Twentieth Annual Meeting of the INTERPOL Pollution Crime Working Group, which would be convened in Nîmes, France, from 9 to 11 November 2015, in parallel with the international conference entitled "Security and Environmental Crime: the impact on the environment, economy and economic actors" hosted by the International Forum on Technology and Security for a safer world (FITS).

60 **The Meeting valued** INTERPOL's participation to the Meeting and **requested** the Secretariat to liaise with the INTERPOL General Secretariat to provide the participating members with the contact details of their INTERPOL National Central Bureau, to explore the possibility to provide access to relevant INTERPOL documentation related to illicit ship pollution discharges to participating members, and to assist in the current review process of the INTERPOL Investigative Manual on Illegal Oil Discharges from Vessels.

61 **The Meeting asked** participating members to inform relevant regional and international organisations to which they were Parties about the outcome of the Meeting and to report on the outcome of discussions in these organisations at the next MENELAS meeting.

62 **The Meeting called** on the Secretariat to liaise with relevant regional and international organisations with a view to ensuring the necessary cooperation, which may include regular information exchange and reciprocal representation, amongst others.

**Agenda Item 9: ELECTION OF CHAIR FOR THE PERIOD 2016-2017**

63 The Chairperson invited the Secretariat to provide information on the election of the Chair for the period 2016-2017.

64 The Head of Office of REMPEC indicated that, following informal consultations held with the Contracting Parties to the Barcelona Convention, it was proposed that France be elected as Chair for the period 2016-2017.

65 **The Meeting unanimously decided** to elect France, represented by Ms Marie-Sophie Dufau-Richet, to chair the Network for the period 2016-2017.

**Agenda Item 10: FUTURE WORK AND MEETINGS**

66 At the invitation of the Chairperson, the Secretariat provided information on future work and meetings.

67 The Head of Office of REMPEC thanked the Government of France, the Government of Malta and the RAMOGE Agreement as well as the IMO ITCP for the financial support provided to the Centre over and above funds from the MTF. He indicated that there would not be sufficient funds from the MTF to organise annual MENELAS meetings and stressed that, having at least one MENELAS meeting per biennium, would be a minimum requirement. He also referred to the issue of whether the next MENELAS meeting should be held in 2016 or 2017, hence before or after the Meeting of the Focal Points of REMPEC to be convened in 2017, bearing in mind that, ideally, it should report to the next Meeting of the Focal Points of REMPEC.

68 The representative of Spain proposed to include the topic of charging reasonable costs for the use of port reception facilities at the next MENELAS meeting, highlighting that the introduction of a fixed tax for all ships calling at national ports, with exemptions for environmentally friendly ships, had led to a 75-80% decrease in discharge violations in Spanish ports and territorial waters.

69 In light of the discussions held under the various agenda items, **the Meeting agreed** to include the following items in the MENELAS Programme of Activities for the period 2016-2017:

- .1 marine oil pollution detection/investigation report;
- .2 establishment of a MENELAS database on illicit ship pollution discharges in the Mediterranean;
- .3 review existing applicable sanctions at national level with regard to illicit ship pollution discharges; and
- .4 measures to charge reasonable costs for the use of port reception facilities or, when applicable, apply a No-Special-Fee system.

70 Whilst appreciating the voluntary contributions from the Government of France, the Government of Malta and the RAMOGE Agreement as well as the financial support from the IMO ITCP, **the Meeting encouraged** Mediterranean coastal States as well as relevant regional and international organisations to provide voluntary contributions to support future MENELAS activities and meetings.

71 **The Meeting also recommended** that the next MENELAS meeting should preferably be convened prior to the Meeting of the Focal Points of REMPEC subject to the decision on the Programme of Work and Budget 2016-2017 by the Contracting Parties to the Barcelona Convention and its Protocols and provided that the necessary external financial resources were mobilised in time by the Secretariat.

72 **The Meeting further requested** the Secretariat to report to the Meeting of the Focal Points of REMPEC on the outcome of this meeting as well as any inter-sessional work that may have been carried out on the MENELAS Programme of Activities, as referred to in paragraph 69 above.

**AGENDA ITEM 11: OTHER BUSINESS**

73 The Chairperson invited Plan Bleu to provide information on the ReGoKo Project that had been providing support to the Network.

74 Mr Didier Sauzade from Plan Bleu delivered a presentation on the outcome of the Final ReGoKo Project Results Seminar, which was held in Antibes, France between 29 and 30 September 2015. In particular, he mentioned that MENELAS was considered as one of the two most relevant activities in relation to GEF thematic focal areas and that, therefore, there could be the possibility to include further MENELAS activities in the project following-up on the Strategic Partnership for the Mediterranean Sea Large Marine Ecosystem (MedPartnership) led by MAP and financially supported by GEF, amongst other donors.

75 The Head of Office of REMPEC referred to the possible involvement of Plan Bleu on the MENELAS activity related to measures to charge reasonable costs for the use of port reception facilities or, when applicable, apply a No-Special-Fee system.

76 **The Meeting was grateful** for the continuous support that Plan Bleu had provided, as implementing agency of the ReGoKo Project.

**AGENDA ITEM 12: CONCLUSIONS AND RECOMMENDATIONS**

77 At the invitation of the Chairperson, the Head of Office of REMPEC summarised the main outcomes, conclusions and recommendations of the Meeting, which had been circulated to all participants, as document REMPEC/WG.38/WP.1, for their consideration, review, amendment and adoption.

78 Following interventions by some delegations to express their views on the conclusions and recommendations of the Meeting, and after having entrusted the Secretariat to make the necessary editorial amendments, **the Meeting adopted** the Conclusions and Recommendations of the Meeting, as detailed in Annex IV to the present report.

**CLOSURE OF THE MEETING**

79 Before closing the Meeting, the Chairperson thanked all delegations for their active participation, the Secretariat for the work carried out and the interpreters for their support.

80 The Head of Office of REMPEC expressed his appreciation to the Chairperson, Mr Levinski, for the smooth running of the proceedings. He also praised the RAMOGE Agreement and all those who had participated in the OSCAR-MED 2015 operation since this had been an excellent illustration of operational cooperation in the field of illicit ship pollution discharges in the Mediterranean.

81 The Chairperson closed the Meeting at 12:30 hours on Thursday, 1 October 2015.





**ANNEX(E) I**

**LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS**

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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. Collecting, recording and documenting evidence of illicit ship pollution discharges
4. Coordinated aerial surveillance operations for illicit ship pollution discharges in the Mediterranean
5. Reporting illicit ship pollution discharges
6. MENELAS information system
7. Presentation of cases of interest
8. Cooperation with other regional and international organisations
9. Election of Chair for the period 2016-2017
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.38/1	Provisional agenda
REMPEC/WG.38/1/1	Annotated provisional agenda and draft timetable
REMPEC/WG.38/3	Standard pollution reporting formats
REMPEC/WG.38/5	MENELAS database on illicit ship pollution discharges and reporting format
REMPEC/WG.38/6	MENELAS information system
REMPEC/WG.38/WP.1	Draft conclusions and recommendations
REMPEC/WG.38/12	Report of the Meeting

**INFORMATION DOCUMENTS**

REMPEC/WG.38/INF.1	List of documents
REMPEC/WG.38/J/1	Provisional list of participants
REMPEC/WG.38/INF.2	List of participants
REMPEC/WG.38/INF.3	Terms of Reference of the Mediterranean Network of Law Enforcement Officials relating to MARPOL within the framework of the Barcelona Convention (MENELAS)
REMPEC/WG.38/INF.4	HELCOM Recommendation 19/14 on a harmonized system of fines in case a ship violates anti-pollution regulations (Submitted by the European Union) (English only)



## ANNEX IV

### **CONCLUSIONS AND RECOMMENDATIONS**

The Meeting of the Mediterranean Network of Law Enforcement Officials relating to MARPOL within the framework of the Barcelona Convention (MENELAS), which met in Toulon, France, from 29 September 2015 to 1 October 2015:

1 appreciated the voluntary contributions from the Government of France, the Government of Malta and the RAMOGE Agreement as well as the financial support from the International Maritime Organization Integrated Technical Cooperation Programme;

2 was grateful for the continuous support that Plan Bleu has provided, as implementing agency of the Regional – Governance and Knowledge generation (ReGoKo) Project;

3 encouraged Mediterranean coastal States as well as relevant regional and international organisations to provide voluntary contributions to support future MENELAS activities and meetings;

4 welcomed the adoption of the MENELAS Terms of Reference (ToRs) by the Eighteenth Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols, which was convened in Istanbul, Turkey from 3 to 6 December 2013;

5 recalled the importance of the active engagement of the participating Mediterranean coastal States in the Network in accordance with its ToRs;

6 urged the Mediterranean coastal States that had not yet nominated their Designated Representatives to the Network to do so at their earliest convenience in consultation with the relevant authorities;

7 noted that most countries used the standard pollution accidents reporting format (POLREP) to exchange information when pollution of the sea had occurred and, in addition, used a specific marine oil pollution detection/investigation report for legal proceedings, which was relatively similar from one country to the other;

8 invited participating members to provide the Secretariat with copies of their specific marine oil pollution detection/investigation report with a view to analysing it and reporting similarities and differences to the next MENELAS meeting;

9 also welcomed the fact that this meeting was held in parallel with a coordinated aerial surveillance operation, namely OSCAR-MED 2015 (Opération de Surveillance Coordonnée Aérienne des Rejets en Méditerranée), which took place on 29 and 30 September 2015 in the RAMOGE area;

10 recommended the future organisation of coordinated aerial surveillance operations for illicit ship pollution discharges in other parts of the Mediterranean Sea, and requested the Secretariat to liaise with Mediterranean coastal States interested in organising such operations, with a view to enhancing operational cooperation in the Mediterranean region to combat illicit ship pollution and facilitating the mobilisation of the necessary resources;

11 noted with appreciation the establishment of a MENELAS database on illicit ship pollution discharges in the Mediterranean and invited participating members to provide the Secretariat with information on surveillance activities prior to the next MENELAS meeting;

12 requested the Secretariat to analyse the information provided by Mediterranean coastal States to IMO through the mandatory reporting system under MARPOL (MEPC/Circ.318) and report its findings to the next MENELAS meeting;

13 acknowledged the progress in developing the MENELAS information system and recognised the added value of the feature of having a restricted area for participating members only ("forum/hotline") for which the Secretariat was requested to provide all MENELAS Designated Representatives with secured access;

14 also invited participating members to provide the Secretariat with publicly available information on their respective legal framework, operational structure, annual reports as well as surveillance activities in the Mediterranean Sea Area by mid-October 2015;

15 further invited participating members to provide the Secretariat with the names of the 24/7 contact points, other enforcement personnel, investigators, sanctioning officials as well as prosecutors, magistrates or officials from penalising authorities in their respective country, who should also be given access to the restricted area of the MENELAS information system, as soon as practicable;

16 agreed to make use of the restricted area of the MENELAS information system ("forum/hotline") to exchange information on past cases and lessons learnt, amongst others;

17 also encouraged participating members to provide the Secretariat with information on the applicable sanctions in their country with regard to illicit ship pollution discharges and requested the Secretariat to analyse this information and report its findings as well as developments on the review of HELCOM Recommendation 19/14 to the next MENELAS meeting;

18 valued INTERPOL's participation to this meeting and requested the Secretariat to liaise with the INTERPOL General Secretariat to provide the participating members with the contact details of their INTERPOL National Central Bureau, to explore the possibility to provide access to relevant INTERPOL documentation related to illicit ship pollution discharges to participating members, and to assist in the current review process of the INTERPOL Investigative Manual on Illegal Oil Discharges from Vessels;

19 asked participating members to inform relevant regional and international organisations to which they were Parties about the outcome of this meeting and to report on the outcome of discussions in these organisations at the next MENELAS meeting;

20 called on the Secretariat to liaise with relevant regional and international organisations with a view to ensuring the necessary cooperation, which may include regular information exchange and reciprocal representation, amongst others;

21 agreed to include the following items in the MENELAS Programme of Activities for the period 2016-2017:

- .1 marine oil pollution detection/investigation report;
- .2 establishment of a MENELAS database on illicit ship pollution discharges in the Mediterranean;
- .3 review existing applicable sanctions at national level with regard to illicit ship pollution discharges; and
- .4 measures to charge reasonable costs for the use of port reception facilities or, when applicable, apply a No-Special-Fee system;

22 elected France, represented by Ms Marie-Sophie Dufau-Richet, to chair the Network for the period 2016-2017;

23 also recommended that the next MENELAS meeting should preferably be held prior to the Meeting of the Focal Points of REMPEC subject to the decision on the Programme of Work and Budget 2016-2017 by the Contracting Parties to the Barcelona Convention and its Protocols and provided that the necessary external financial resources were mobilised in time by the Secretariat; and

24 further requested the Secretariat to report to the Meeting of the Focal Points of REMPEC on the outcome of this meeting as well as any inter-sessional work that may have been carried out on the MENELAS Programme of Activities, as referred to in Paragraph 21 above.