



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

11th Meeting of the Focal Points of the Regional
Marine Pollution Emergency Response Centre
for the Mediterranean Sea (REMPEC)

REMPEC/WG.37/8

Date: 21 May 2015

Malta, 15-17 June 2015

Original: English

Agenda Item 8

MEDITERRANEAN NETWORK OF LAW ENFORCEMENT OFFICIALS RELATING TO MARPOL WITHIN THE FRAMEWORK OF THE BARCELONA CONVENTION AND RELATED ACTIVITIES

Note by the Secretariat

SUMMARY

Executive Summary: This document provides information on the establishment of the Mediterranean Network of Law Enforcement Officials relating to MARPOL within the framework of the Barcelona Convention (MENELAS), including its Terms of Reference, as adopted by the Eighteenth Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols (Istanbul, Turkey, 3-6 December 2013), as well as related activities with regard to illicit ship pollution discharges in the Mediterranean and the development of the MENELAS' website. It also provides information on the forthcoming MENELAS' meeting to be tentatively held in the second half of 2015.

Action to be taken: Paragraph 34

Related documents: UNEP(DEC)/MED IG.16/13, UNEP(DEPI)/MED IG 20/8, UNEP(DEPI)/MED IG.21/9, REMPEC/WG.37/15.

Background

1 Following the adoption, in 2002, of the Protocol concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea ("the 2002 Prevention and Emergency Protocol"), and responding to a recommendation of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean ("the Barcelona Convention"), the Fourteenth Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols, which was held in Portorož, Slovenia, from 8 to 11 November 2005, adopted the Regional Strategy for Prevention of and Response to Marine Pollution from Ships (2005-2015) ("the 2005 Regional Strategy") (UNEP(DEC)/MED IG.16/13). The 2005 Regional Strategy was designed as a roadmap for an effective implementation of the obligations under the 2002 Prevention and Emergency Protocol.

2 Twenty-one Specific Objectives were identified with actions requested from the Contracting Parties as well as from the Secretariat. Target dates for implementation were also assigned to each Specific Objective.

3 Specific Objectives 6 and 7 of the 2005 Regional Strategy address the issue of illegal discharges from ships in violation of the regulations laid down in Annex I of the International Convention for the Prevention of Pollution from Ships (MARPOL). Specific Objective 7 calls on the Contracting Parties to, *inter alia*, ensure that they have an effective legal system in place to

specifically deal with these violations and, to cooperate in exchanging information and facilitating the mutual acceptance of evidence. Under this Specific Objective, the Secretariat was requested to undertake some pilot activities pertaining to compilation of national systems and information for enforcement personnel as well as prosecutors, magistrates or penalising authorities.

Establishment of a Mediterranean Network of Law Enforcement Officials relating to MARPOL within the framework of the Barcelona Convention

4 As a means to reach the aims of Specific Objective 7 of the 2005 Regional Strategy and, based on the achievements of 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), the Centre focused its efforts on enhancing the knowledge of legal personnel, prosecutors and magistrates and facilitating judicial co-operation and the establishment of possible common procedures, by organising a Regional Seminar on Illicit Discharges from Ships and Prosecution of Offenders (MEDEXPOL 2007), which was convened in Marseille, France from 27 to 30 November 2007, to discuss these issues.

5 Following MEDEXPOL 2007, the idea of establishing a Mediterranean Network of Law Enforcement Officials relating to MARPOL within the framework of the Barcelona Convention was brought forward during the “Seminar launching the Network of Prosecutors and Investigators to Combat Voluntary Marine Pollution in the Mediterranean”, which was organised in Marseille, France from 8 to 9 June 2009, by the French Ministry of Justice with the support of the World Bank and the International Development Law Organization (IDLO). Delegations composed of magistrates and representatives from the competent national authorities of nine (9) Mediterranean coastal States, namely Algeria, Egypt, France, Italy, Lebanon, Malta, Morocco, Spain and Tunisia, attended the Seminar. REMPEC together with the Union for the Mediterranean (UfM) were also represented.

6 This Seminar was followed-up by the Second Meeting of the Network of Mediterranean Environmental Prosecutors and the Third Plenary Meeting of the Network of Legal Prosecutors and Investigators against Marine Pollution in the Mediterranean, which were organised in Marseille, France from 15 to 16 March 2010 and from 16 to 17 June 2011 respectively, by the World Bank, through the Center for Mediterranean Integration (CMI), and the French Ministry of Justice. The Second Meeting of the Network of Mediterranean Environmental Prosecutors was attended by delegations from Albania, Croatia, France, Greece, Monaco, Spain, Tunisia and Turkey together with representatives from the French Office Central de Lutte contre les Atteintes à l'Environnement et à la Santé Publique (OCLAESP), the Environmental Crime Programme of the International Criminal Police Organization-INTERPOL as well as REMPEC. Eleven (11) countries were represented at the Third Plenary Meeting: Algeria, Egypt, France, Greece, Lebanon, Malta, Monaco, Morocco, Spain, Tunisia and Turkey. The following institutions were also present: REMPEC, the European Maritime Safety Agency (EMSA), OCLAESP, the French gendarmerie maritime, INTERPOL together with representatives from the NSN and the UfM.

7 At the Seventeenth Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols, which was held in Paris, France from 8 to 10 February 2012, the Contracting Parties adopted the Paris Declaration (UNEP(DEPI)/MED IG 20/8), which reaffirmed the resolution of the Contracting Parties to:

“- take all necessary measures to make the Mediterranean a clean, healthy and productive sea with conserved biodiversity and ecosystems (...)

By ensuring, in view of the predicted increase in maritime traffic, the continuous strengthening of capacities and resources to prevent and respond to marine pollution caused by shipping, in particular through judicial and operational cooperation”.

8 Subsequently, a Meeting on the Establishment of a Network of Law Enforcement Officials relating to MARPOL in the Mediterranean Sea (MENELAS) was organised in Palma de Mallorca, Spain from 25 to 26 June 2013, by REMPEC together with Plan Bleu, as implementing Agency of the Regional – Governance and Knowledge generation (ReGoKo) Project funded by the Global Environment Facility (GEF), and with the financial support of the Government of France. The meeting was attended by delegations made of operational and judicial officials responsible for investigating and sanctioning marine pollution offences from the Palestinian Authority as well as the following thirteen (13) Contracting Parties to the Barcelona Convention: Albania, Bosnia and Herzegovina,

Cyprus, France, Israel, Italy, Lebanon, Montenegro, Morocco, Slovenia, Spain, Tunisia and Turkey. Representatives from REMPEC, Plan Bleu, EMSA, the NSN and ENPRO were also present. The meeting, which was aimed at establishing a regional network open to the participation of the Mediterranean coastal States with a view to facilitating the exchange of information and experience in the prosecution of MARPOL violations, discussed and endorsed the Terms of Reference (ToRs) of the proposed network and recommended its establishment as well as the adoption of its ToRs to the Contracting Parties.

9 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, decided to establish MENELAS and approved its ToRs as annexed to Decision IG.21/9 (UNEP(DEPI)/MED IG.21/9), which is presented in the **Appendix** to the present document. REMPEC was requested to act as the Secretariat of this network and to report on its activities to the Contracting Parties at each of their Ordinary Meetings. The Contracting Parties acknowledged the relevant work carried out on this issue of ship sourced pollution and consequently stressed the need for the Secretariat of the Mediterranean Action Plan of the United Nations Environment Programme (UNEP/MAP) in collaboration with REMPEC to further exploit possible synergies with EMSA in the framework of this decision. The proven effectiveness of dedicated networks of investigators and sanctioning authorities established under the Regional Seas framework such as the NSN and ENPRO was also acknowledged.

Related activities with regard to illicit ship pollution discharges in the Mediterranean

10 Since the Tenth Meeting of the Focal Points of REMPEC which was convened in Malta from 3 to 5 May 2011, a number of activities related to illicit ship pollution discharges were carried out in the Mediterranean region, as follows:

- **Coordinated Aerial Surveillance Operation – OSCAR-MED 2013 (Palma de Mallorca, Spain, June 2013)**

11 A Coordinated Aerial Surveillance Operation for illicit ship pollution discharges (opération de surveillance coordonnée aérienne des rejets des navires en Méditerranée – OSCAR-MED 2013) in the Western Mediterranean was organised in Palma de Mallorca, Spain from 24 to 26 June 2013, in cooperation with the Spanish Maritime Safety Agency (SASEMAR) and with the financial support of the Government of France and the RAMOGE Agreement. During the operation, five air patrol aircraft from Algeria, France, Italy, Morocco and Spain operated twelve (12) flights (a total of forty-four (44) flying hours) to detect marine pollution from ships in a designated area of the Western Mediterranean. In total, some seven hundred (700) vessels were monitored during the Operation and three (3) oil slicks were detected. The Operation was supported by the CleanSeaNet service satellite images provided by EMSA. This was the second OSCAR-MED Operation initiated by REMPEC following a similar operation, which was held in Hyères, France from 12 to 16 October 2009 and, in which three (3) aircraft from France, Italy and Spain had participated. This activity was organised at the same time as the Meeting on the Establishment of a Network of Law Enforcement Officials relating to MARPOL in the Mediterranean Sea and was an illustration of operational cooperation in this field.

- **EU Guidelines for Combating Illegal Discharges in the Marine Environment**

12 Since Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements¹ was adopted, progress has been made by Member States of the European Union (EU) in addressing illegal discharges in the marine environment.

13 However, despite increased surveillance and enforcement efforts, illegal discharges of oil and other polluting substances still regularly occur in EU waters, and the number of prosecutions remains low. Recognising this and considering that maritime transport is by nature transboundary, and successful prosecution of polluters relies on mutual understanding, exchange of information, and coordination between coastal, port and flag States, EMSA organised a number of activities together with the EU Member States, such as workshops and trainings.

14 One activity identified by stakeholders as useful was the drafting of a document to provide a common overview of the enforcement chain from beginning to end. It was felt that a document

¹ as amended by Directive 2009/123/EC.

developed at the EU level would build upon and complement tools and publications already existing at a regional level. In this regard, EMSA facilitated a Working Group on Drafting EU Guidelines for Combating Illegal Discharges in the Marine Environment, which met five times between December 2011 and June 2013. A Workshop on Combating Illegal Discharges in the Marine Environment was also convened in Lisbon, Portugal from 4 to 5 June 2013.

15 REMPEC was a member of the Working Group and contributed to the development of the publication entitled "*Addressing Illegal Discharges in the Marine Environment*", which is intended to support authorities involved in the enforcement chain addressing illegal pollution (e.g. surveillance operators, inspectors and investigators, Port State Control officers, law enforcement officials). The Guidelines were developed within the framework of EU Member States and EMSA activities in the field of improving the identification and pursuit of ships making unlawful discharges and are intended to provide a general overview of issues related to illegal discharges in the marine environment.

- **SAFEMED III Seminar on Enforcement of Prohibition of Ship Source Pollution (Lisbon, Portugal, October 2013)**

16 In view of the achievements of the EU-funded MEDA Regional Project "*Euromed Cooperation on Maritime Safety and Prevention of Pollution from Ships – SAFEMED*", between 2006 and 2009 (SAFEMED I – MED 2005/109-573) and between 2010 and 2013 (SAFEMED II – MED 2007/147-568), the European Commission and the Mediterranean partner countries agreed to launch SAFEMED III, which is implemented by EMSA and runs from June 2013 to June 2016 for an overall duration of 36 months.

17 In this context, EMSA organised a Seminar on Enforcement of Prohibition of Ship Source Pollution, which took place from 29 to 30 October 2013 in Lisbon, Portugal. The aim of the seminar was to share experience in the field of the enforcement of prohibition of ship source pollution.

18 The seminar was attended by Cyprus as well as five (5) SAFEMED III beneficiary countries: Egypt, Israel, Jordan, Morocco and Tunisia. Representatives from REMPEC, INTERPOL and the Swedish Prosecution Authority were also present.

- **SAFEMED III CleanSeaNet Information Session (Lisbon, Portugal, November 2013)**

19 The SAFEMED III CleanSeaNet Information Session was organised by EMSA and took place in Lisbon, Portugal on 18 November 2013. It was attended by seven (7) SAFEMED III beneficiary countries, namely Algeria, Egypt, Jordan, Israel, Lebanon, Morocco and Tunisia.

20 The information session aimed at providing SAFEMED III beneficiary countries with general information on CleanSeaNet (CSN), the European satellite-based oil spill monitoring and vessel detection service set up to support EU Member States' action to combat deliberate or accidental pollution in the marine environment. CSN offers assistance to participating countries for the following activities: identifying and tracing oil pollution on the sea surface; monitoring accidental pollution during emergencies; and, contributing to the identification of polluters. The information session was also aimed at identifying the potential interest from the beneficiaries' administrations to benefit from the service.

- **SAFEMED III Training for CleanSeaNet Operators (Lisbon, Portugal, March 2014)**

21 The SAFEMED III Training for CleanSeaNet Operators was organised by EMSA and took place in Lisbon, Portugal from 18 to 19 March 2014 at EMSA premises. The training was a follow-up to the CleanSeaNet Information Session, which was held on 18 November 2013, to raise awareness of the CSN in the SAFEMED III beneficiary countries.

22 This training session was a preliminary phase in the implementation of a pilot project making CSN service available to the SAFEMED III beneficiary countries interested in joining it upon the signature of the CSN Conditions of Use. The two-day session contributed to training the future potential practical users of the service (operators) from the following countries: Algeria, Egypt, Jordan, Israel, Lebanon, Libya, Morocco and Tunisia.

23 The participants visited EMSA's Maritime Support Services (MSS) Centre, the main day-to-day task of which is the provision of support to the SafeSeaNet EU vessel traffic monitoring and

information system; the long-range identification and tracking of ships (LRIT) system and the CSN oil spill monitoring and vessel detection system.

24 The CSN service is expected to be delivered to the SAFEMED III beneficiary countries who have signed the relevant Conditions of Use, from the first quarter of 2015 and to be complemented by integrated maritime data provided through the Integrated Maritime Data Environment (IMDatE).

- **Development of the MENELAS' information system**

25 According to the ToRs of MENELAS, as annexed to Decision IG.21/9 (UNEP(DEPI)/MED IG.21/9), which is presented in the **Appendix** to the present document, the MENELAS' information system will be an internet based tool comprising two main parts:

- .1 a public one where general information will be made available to the public in order to raise awareness on the problem of illicit discharges from ships at sea, the aim of the network, its participating and associate members, its activities and achievements. The public part could also contain an analytic database of the legislative framework and procedural requirements in each participating country related to the prosecution of illicit discharges offenders. Statistical data should be also available;
- .2 a restricted area used for participating members only, where any request for assistance could be posted. Besides this secured communication link, this area should also contain relevant information on 24/7 contact points, past cases analysis in order to highlight elements of success or failure, "tips" for investigators such as illustrations of specific techniques / devices found during on board investigations, which could facilitate the identification of similar practices.

26 In this context, as part of the ReGoKo Project, the Project Steering Committee decided to implement a specific activity aimed at developing and maintaining a MENELAS' website, which started in March 2015 and is being implemented in close coordination with REMPEC and Plan Bleu. The development phase of the website should last around ten weeks.

Future activities

27 Future activities with regard to illicit ship pollution discharges in the Mediterranean should be seen within the context of the Revised Draft Regional Strategy for Prevention of and Response to Marine Pollution from Ships (2016-2021) ("the Regional Strategy (2016-2021)"), to be adopted by the Nineteenth Meeting of the Contracting Parties to the Barcelona Convention and its Protocols, tentatively scheduled in February 2016, as detailed in the following sections.

28 Specific Objectives 7 and 8 of the Regional Strategy (2016-2021) lay down measures aimed at improving the follow-up of pollution events as well as monitoring and surveillance of illicit discharges and at improving the level of enforcement and the prosecution of discharge offenders.

29 Specific Objective 7 calls on Contracting Parties to, *inter alia*, establish systems and procedures for national and sub-regional monitoring and surveillance including, where practicable, regular individual or coordinated aerial surveillance in the waters under the jurisdiction of Contracting Parties and report the results to the regular meetings of the Focal Points of REMPEC, as well as endeavour to establish sub-regional systems, including procedures to over-fly the waters under the jurisdiction of a neighbouring State if the Parties so agree, for surveillance of environmentally sensitive and/or high risk zones of the Mediterranean Sea. This Specific Objective also requests the Secretariat to, *inter alia*, facilitate the organization of regular coordinated or individual aerial surveillance operation for illicit ship pollution discharges as well as to explore the possible extension to all Contracting Parties to the Barcelona Convention and to REMPEC of the CleanSeaNet services offered by EMSA.

30 Under Specific Objective 8, Contracting Parties agree that all Mediterranean coastal States should ensure the existence of a national legal framework (regulations) as a basis for prosecuting discharge offenders for infringements of MARPOL or of any national legal framework implementing it, as well as to actively participate in MENELAS in accordance with its ToRs. This Specific Objective also requests the Secretariat to, *inter alia*, continue providing support to Contracting Parties, act as the Secretariat of MENELAS and report on its activities to the Contracting Parties at each of their Ordinary Meetings as well as be responsible for the maintenance of the MENELAS information

system and collaborate with the UNEP/MAP Secretariat to further exploit possible synergies with EMSA and with networks in other Regional Seas such as the NSN and ENPRO within the framework of MENELAS.

31 In this context, during the next biennium, the Secretariat proposes to focus its work in the field of illicit ship pollution discharges in the Mediterranean on the implementation of Specific Objectives 7 and 8 of the Regional Strategy (2016-2021), as laid down in Paragraphs 28 to 30.

32 Moreover, as outlined in document REMPEC/WG.37/15, and pursuant to the decision of 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, the Contracting Parties agree to organise a MENELAS' meeting during the 2014/2015 biennium (UNEP(DEPI)/MED IG.21/9). In this regard, the Centre intends to organise this meeting in the second half of 2015, possibly together with a coordinated aerial surveillance operation for illicit ship pollution discharges. In accordance with its ToRs, this meeting will be aimed at, *inter alia*:

- .1 reviewing the activities of the network during the preceding year as well as national reports relevant to its field of activity;
- .2 deciding on a proposed programme of activities for the following year taking into account possible national initiatives or proposals;
- .3 deciding on the establishment of any working groups and their terms of reference; and
- .4 electing a chair for a period of two years with a possibility of renewal for another term.

33 The Secretariat expects that one of the key issues to be discussed during the said meeting will be cooperation between Mediterranean coastal States in the framework of MENELAS as well as that between the network and other international organisations, including, but not necessarily limited to, EMSA and the Regional Seas framework such as the NSN and ENPRO. Indeed, MENELAS should become a robust network of experts to facilitate the flow of information vital for pursuing offenders. In this respect, MENELAS' meetings should provide an active and flexible platform for investigators and prosecutors from Mediterranean coastal States to discuss pollution cases, share knowledge and experience and learn from each other. Collaboration with other international organisations could take the form of regular information exchange, reciprocal representation and participation in training courses, seminars and workshops. MENELAS should also actively seek opportunities for closer cooperation with peers in other Regional Seas with the aim of facilitating assistance between regions. In this respect, communication could be strengthened through mutual updates, participation in meetings and consultations.

Actions requested by the Meeting

34 **The Meeting is invited to:**

- .1 **take note** of the information provided in the present document; and
- .2 **consider** the proposals put forward by the Secretariat, as laid down in paragraph 31 of the present document.

APPENDIX

Decision IG.21/9

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

(UNEP(DEPI)/MED IG.21/9)

Decision IG.21/9

Establishment of a Mediterranean Network of Law Enforcement Officials relating to MARPOL within the framework of the Barcelona Convention

The 18th Meeting of the Contracting Parties,

Recalling article 6 of the Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, hereinafter referred to as “the Barcelona Convention”, which refers to rules which are generally recognized at the international level relating to the control of pollution caused by discharges from ships,

Recalling article 3.1 and article 5 of the Protocol concerning cooperation in preventing pollution from ships and in case of emergency, combating pollution of the Mediterranean which call for cooperation between Parties to implement international regulations as well as monitoring through bilateral and multilateral cooperation in order to prevent detect and combat pollution and ensure compliance with international regulations,

Bearing in mind that the International Convention for the Prevention of Pollution from Ships, known as the MARPOL Convention, prohibits the release into the sea of oily substances resulting from the normal operation of ships as per its Annex I, except under certain circumstances or in compliance with specific requirements,

Noting that, under this particular Annex of the MARPOL Convention, as an acknowledgement of its fragile marine ecosystem, the Mediterranean Sea is declared a Special Area where stricter requirements apply in this respect,

Stressing that the MARPOL Convention calls for the Parties to co-operate in the identification and prosecution of illegal discharges and require that the penalties specified under the law of a Party shall be adequate in severity to discourage violations of the Convention and shall be equally severe irrespective of where the violations occur,

Recalling also Decision IG 16/13 regarding the adoption of the Regional Strategy for Prevention of and Response to Marine Pollution from Ships and in particular its Specific objectives 6 and 7,

Having regard to the Paris Declaration adopted by the Contracting Parties on the 10 February 2012, at their 17th Ordinary Meeting which *inter alia*, reaffirms the resolution of the Contracting Parties to:

“-take all necessary measures to make the Mediterranean a clean, healthy and productive sea with conserved biodiversity and ecosystems (...)

By ensuring, in view of the predicted increase in maritime traffic, the continuous strengthening of capacities and resources to prevent and respond to marine pollution caused by shipping, in particular through judicial and operational cooperation”,

Acknowledging however that oil slicks are regularly reported at sea, testifying that illegal discharges are taking place on a recurrent basis, thus adversely affecting the fragile marine environment of the Mediterranean Sea,

Conscious that in order to address this cross boundary pollution, the Contracting Parties should share their relevant experience and knowledge and, as far as possible, co-operate in the identification, investigation of and enforcement actions after such violations,

Acknowledging the relevant work carried out on this issue of ship sourced pollution and consequently stressing the need for the Secretariat in collaboration with REMPEC to further exploit possible synergies with EMSA in the framework of this decision,

Recognizing the specific nature of this particular type of environmental offences,

Acknowledging in this regard the proven effectiveness of dedicated networks of investigators and sanctioning authorities established under the Regional Seas framework such as the North Sea Network of investigators and Prosecutors (NSN) and the Baltic Sea Network of Environmental Crime Prosecutors (ENPRO),

Decides to establish a Mediterranean Network of Law Enforcement Officials relating to MARPOL within the framework of the Barcelona Convention;

Approves its terms of Reference as annexed to this decision;

Urges all Contracting Parties to nominate as early as possible a Designated Representative with an in-depth knowledge of this specific type of offence and to actively participate in the Network;

Requests REMPEC, as the relevant Regional Activity Centre of the Barcelona Convention, to act as the Secretariat of this network and to report on its activities to the Contracting Parties at each of their Ordinary Meetings;

Invites the Members of the network to actively support it by financing the attendance of their representatives to the meetings;

Decides, when adopting the Programme of Work and Budget, to consider the possibility of allocating funds from the ordinary budget, taking into account the priority activities to be funded and the availability of funds;

Requests the Barcelona Convention/MAP Secretariat to explore on additional external funding opportunities in order to assist in ensuring the sustainability of the network.

Annex

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

1. The Mediterranean Network of Law Enforcement Officials relating to MARPOL (MENELAS) is a network of individuals from the participating States supported by an electronic information system.

Scope of MENELAS

2. In accordance with article 6 of the Barcelona Convention and article 3 of its Prevention and Emergency Protocol, the overall objective of MENELAS is to facilitate co-operation between its members in order to improve the enforcement of the international regulations regarding discharges at sea from ships as laid down in the MARPOL Convention.

3. This co-operation does not prejudice the rights and duties of each participating State under the said Convention or any other relevant Treaty it may be a Party to such as the United Nations Convention on the Law of the Sea.

4. MENELAS aims at improving the understanding and cooperation between its members in the different stages of the enforcement process, i.e. detection, investigation and enforcement measures taken by the competent authorities following possible violation.

MENELAS Membership and Community

6. The members of MENELAS are the Mediterranean States which decide to voluntarily join the network. Each member should nominate a Designated Representative (DR) with professional experience in MARPOL related violations.

7. The DR disseminates the information received through MENELAS to the concerned national competent authorities (e.g.: coast guard function, port state control, customs, jurisdictions, prosecutor office, etc...). The DR will forward any request formulated within these Terms of Reference received from another MENELAS member to the appropriate entity or individual in a position to answer the query. The DR is responsible for updating the "country page" of his/her country in the MENELAS website.

8. MENELAS should also assist in exchanging information and experience with other similar regional initiatives, or other entities whose work contributes to an effective enforcement of MARPOL regulations (MoU on Port State Control) which could be invited to participate on an ad hoc basis to meetings of the Network.

9. The MENELAS community is composed of the investigators, sanctioning officials which are users of the MENELAS information system. Upon request of the relevant DR, a secured access to the MENELAS information system will be given to each user.

MENELAS Method of Work

10. Due to its scope, MENELAS relies on the high responsiveness of its members and will work as an informal exchange network. It aims at facilitating co-operation between investigating bodies but not to replace the official national or international procedures which have to be strictly adhered to in order to successfully conclude violation cases. In that sense MENELAS should act as a precursor to such official requests. Bearing in mind the limited time window during which elements of evidence of a possible violation could be gathered, it is important that the highest level of reactivity is ensured through the network.

MENELAS Information System

11. This reactivity should be ensured through direct access to a list of 24/7 contact points in the MENELAS participating countries. This list will be regularly disseminated to the 24/7 contact points and also be available on the restricted area of the MENELAS information system.

12. This information system will be an internet based tool comprising two main parts:
- a) a public one where general information will be made available to the public in order to raise awareness on the problem of illicit discharges from ships at sea, the aim of the network, its participating and associate members, its activities and achievements. The public part could also contain an analytic database of the legislative framework and procedural requirements in each participating country related to the prosecution of illicit discharges offenders. Statistical data should be also available.
 - b) A restricted area used for participating members only, where any request for assistance could be posted. Besides this secured communication link, this area should also contain relevant information on 24/7 contact points, past cases analysis in order to highlight elements of success or failure, “tips” for investigators such as illustrations of specific techniques/ devices found during on board investigations, which could facilitate the identification of similar practices.

MENELAS Activities

13. Besides the assistance directly provided to requesting members, MENELAS should assist its members by addressing their needs for training or in facilitating the adoption of harmonized procedures or documents.

14. Preferably, assistance should be provided by using the resources available within the network. For instance peer review of the legal and procedural framework in place in a requesting country could benefit not only the requesting country but also assist in familiarizing the participating countries with the legal framework in place in this country.

15. More technical ad-hoc training could be considered according to the identified needs such as for instance: reporting methodology, aerial observation and reporting of oil slicks, and investigation techniques on board a suspected ship.

16. MENELAS could also act as a facilitator for technical exchange of experience with other regional networks.

17. Finally, MENELAS could facilitate the organization of regular coordinated control operations, such as the OSCAR MED (Opération de Surveillance Coordonnée Aérienne des Rejets en Méditerranée).

MENELAS Governance

18. An annual meeting of the participating countries should take place to:

- a) Review the activities of the network during the preceding year as well as national reports relevant to its field of activity;
- b) Decide on a proposed programme of activities for the following year taking into account possible national initiatives or proposals;
- c) Decide on the establishment of any working groups and their terms of reference;
- d) Consider, discuss and endorse any technical document to be used by the network prepared by the working groups;
- e) Elect a chair for a period of two years with a possibility of renewal for another term.

19. In order to support the network, REMPEC, will provide the necessary secretariat support and be responsible for the maintenance of the MENELAS information system.