



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

Meeting on the Establishment of a Network of
Law Enforcement Officials relating to MARPOL
in the Mediterranean Sea (MENELAS)
Palma de Mallorca, Spain, 25-26 June 2013

REMPEC/WG.33/8
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REPORT

OF THE MEETING ON THE ESTABLISHMENT OF A NETWORK OF

LAW ENFORCEMENT OFFICIALS RELATING TO MARPOL

IN THE MEDITERRANEAN SEA (MENELAS)

Palma de Mallorca, Spain, 25-26 June 2013

INTRODUCTION

1. The Meeting on the Establishment of a Network of Law Enforcement Officials relating to MARPOL in the Mediterranean Sea (MENELAS) was organised by the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) in Palma de Mallorca, Spain, between the 25 and 26 June 2013, pursuant to Specific Objective 7 of the Regional Strategy for Prevention of and Response to Marine Pollution from Ships, adopted in 2005 by the Contracting Parties to the Barcelona Convention, which addresses the issue of illegal discharges from ships in violation of MARPOL Annex I regulations.

2. 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 penalizing authorities.

3. The Mediterranean Network of Law Enforcement Officials is the result and follow up of several initiatives in the Mediterranean region aiming at a better protection of the marine environment by an effective enforcement of existing international regulations including a first attempt by REMPEC to establish such Network during MEDEXPOL 2007.

4. The principal objectives of the Meeting were:

- a) to facilitate the institutionalization of the Network by agreeing on its structure and mandate;
- b) to discuss proposed activities in order to establish a work plan and identify possible sources of funding for some training activities and meetings.

5. The organisation of the Meeting was jointly financed by the Government of France and by the Global Environment Facility (GEF) financed "Regional Governance and Knowledge Generation Project" (ReGoKo Project) being implemented by Blue Plan, a Mediterranean Action Plan (MAP) Component.

6. All REMPEC Governmental Focal Points were invited to nominate jointly and in consultation with all national authorities concerned their representatives in the Meeting. The invitation to attend the Meeting was also extended to the Focal Points for the ReGoKo Project in Egypt, Lebanon, Morocco, Palestinian Territory and Tunisia.

7. The Meeting was attended by delegations from the following Contracting Parties to the Barcelona Convention and the State of Palestine:

ALBANIA	MONTENEGRO
BOSNIA AND HERZEGOVINA	MOROCCO
CYPRUS	SLOVENIA
FRANCE	SPAIN
ISRAEL	TUNISIA
ITALY	TURKEY
LEBANON	

by a representative from Blue Plan, and

by a representative from the following Organizations:

- EUROPEAN MARITIME SAFETY AGENCY (EMSA)
- THE NETWORK OF PROSECUTORS IN THE BALTIC SEA REGION (ENPRO)
- NORTH SEA NETWORK OF INVESTIGATORS AND PROSECUTORS (NSN)

8. A final list of participants appears in **Annex I** to the present report.

AGENDA ITEM 1: OPENING OF THE MEETING

9. The Meeting was opened by the Director of REMPEC, Mr Frédéric Hébert, on Tuesday, 25 June 2013 at 09.00 hrs. The Director welcomed the participants to the Meeting and explained the objectives of the Meeting. Captain José Fernando Escalas Porcel, the Representative of the General Directorate of Merchant Marine of Spain, also welcomed the participants to the Meeting and augured successful proceedings. He was joined in his welcoming by Mr. Juan Luis Pedrosa, General Director of the Spanish Maritime Safety Agency (SASEMAR). Finally, Ms Lina Tode, ReGoKo Project Coordinator at Blue Plan, addressed the Meeting highlighting the partnership between REMPEC and Blue Plan in the organization of this Meeting through the GEF financed ReGoKo Project aimed at fostering the integration of environmental issues into sectoral and development policies of Mediterranean project beneficiaries through, inter alia, regulation and law enforcement, two important pillars of environmental integration.

10. Following the opening of the Meeting, the Director of REMPEC informed the Meeting participants that in parallel to the Meeting and in close co-operation with SASEMAR, REMPEC was organising a Coordinated Aerial Surveillance Operation for illicit ship pollution discharges in the Western Mediterranean entitled "OSCAR-MED 2013". He stated that the main objective of this Operation was to enhance operational cooperation in the Mediterranean to combat illicit ship pollution in the region and informed the Meeting that this Operation was a follow up to the first OSCAR-MED Operation organised by REMPEC in Toulon, France in 2009 in which three aircraft from France, Italy and Spain had participated. The Director of REMPEC announced that five aircraft from Algeria, France, Italy, Morocco and Spain were taking part in OSCAR-MED 2013 which logistics was also supported through a grant of the Government of France and the RAMOGE Agreement. The Operation, which was kept confidential and only announced in the beginning of the Meeting, was being coordinated by SASEMAR's Maritime Rescue Coordination Centre in Palma de Mallorca and he thus invited Mr Nestor Perales, Head, Aerial Units of SAEMAR, to provide information on the Operation to the Meeting participants.

11. Mr Perales informed the Meeting that OSCAR-MED 2013 had commenced at 1800hrs of the 24 June 2013 and will terminate at 1200hrs of the 26 June 2013. He further stated that the five air patrol aircrafts were scheduled to operate a total of twelve surveillance flights during the Operation for a total of some forty-four flying hours in a designated area in the Western Mediterranean. The European Maritime Safety Agency (EMSA) was supporting the Operation by providing satellite images from the CleanSeaNet service.

AGENDA ITEM 2: ORGANIZATION OF THE MEETING

12. The Meeting adopted the agenda as proposed in document REMPEC/WG.33/2/1/Rev.1 and agreed on the Meeting's timetable as proposed in document REMPEC/WG.33/2/2/Rev.1. The Agenda as adopted appears in **Annex II** to the present report.

13. The working languages of the Meeting were English, French and Arabic, and simultaneous interpretation in these three languages was provided during the Meeting. However, the Meeting's working documents were available only in the official languages of the Centre, i.e. in English and in French. Information documents were available in their original language unless a translation was provided in the second official working language.

14. The participants were provided with a USB stick with all Meetings documents as well as a copy of the presentations delivered and some background documents relevant to the Meeting. A list of all documents provided is attached in **Annex III**.

Agenda Item 3: What are Illicit Discharges from Ships?

15. Under this Agenda Item, as an introduction to the Meeting, the Director of REMPEC delivered two short presentations on operational discharges from ships and on the discharge criteria of MARPOL Annex I respectively. The first presentation highlighted the difference between accidental and operational pollution and also explained in a practical manner the sources of operational pollution. The second presentation provided a brief outline of the relevant MARPOL Annex I regulations on oil discharges from ships and tankers also distinguishing between the discharge regulations in MARPOL designated Special Areas and other sea areas.

Agenda Item 4: National Legislations and Procedures for the Enforcement of MARPOL Annex I

16. The Director of REMPEC delivered a presentation containing a consolidated overview of the replies of the participating countries and territories to a questionnaire on the national legislation and enforcement procedures related to MARPOL Annex I discharge regulations prepared by REMPEC and which participants were requested to complete and return to the Centre prior to the Meeting. Following the presentation, various participants clarified some of the information and data provided in their relative questionnaire.

17. Following the presentation of the replies to the MARPOL Annex I questionnaire, Representatives of Spain delivered three presentations related to the enforcement of MARPOL Annex I regulations in Spain. During the first presentation, Mr Nestor Perales, Head, Aerial Units of SASEMAR, provided some information on SASEMAR and its work to combat illicit ship pollution and also provided some related statistical data. Mr Gerardo Vallejo Villanueva from the General Directorate of Merchant Marine then delivered a presentation on some illicit ship pollution cases dealt with by the General Directorate whilst Ms Laura de la Torre, Head of the Quality and Environment Unit of SASEMAR delivered a presentation on marine pollution aerial surveillance reporting procedures in Spain which provided detailed information on the national authorities and organizations involved in the surveillance, reporting, investigation and penal procedures related to illicit ship pollution in Spain.

Agenda Item 5: Regional Cooperation for an Effective Enforcement of MARPOL Annex I - Structures and Results

18. Under this Agenda Item, two presentations on existing networks of law enforcement officials relating to MARPOL in the North Sea and the Baltic Sea were delivered by Ms Ann Jakobsen, and Dr Ewald Brandt, Representatives of the North Sea Network of Investigators and Prosecutors (NSN) and the Network of Prosecutors on Environmental Crime in the Baltic Sea Region (ENPRO) respectively.

19. Following the above-mentioned two presentations, Mr Marc Journel, Senior Project Officer at EMSA, delivered a presentation on EMSA's work aimed at fostering interregional cooperation to combat illegal ship-source pollution including the work related to the preparation of a Manual addressing the same topic.

Agenda Item 6: Some Tools to assist in a Successful Identification and Prosecution

20. During this Item of the Agenda, the Meeting participants were provided with information on some tools which are used to assist in the successful identification and prosecution of illicit ship pollution.

21. Mr Christian Cosse from the French Customs referred to two marine pollution reports templates namely, the standard Pollution Observation/Detection Log used by both HELCOM and the Bonn Agreement and the marine oil pollution official reporting form drafted by an informal Working Group convened by the French Ministry of Justice (vide Document REMPEC/WG.33/INF.3), and explained the contents of these two forms.

22. Mr Marc Journal from EMSA and Mr Pablo Benjumeda Herreros from INAER, Spain, then delivered two presentations. The first presentation delivered by Mr Journal was on CleanSeaNet, the European satellite oil pollution and vessel detection and monitoring service provided by EMSA. The second presentation by Mr Benjumeda Herreros concerned the specific airborne marine pollution detection equipment installed on board SASEMAR's patrol aircraft.

Agenda Item 7: Terms of Reference for the Mediterranean Network – Introduction and Discussion

23. The Director of REMPEC introduced document REMPEC/WG.33/7 which provided background information on the proposed establishment of the Mediterranean Network of Law Enforcement Officials relating to MARPOL and proposed draft terms of reference for the said Network. He then invited the Meeting participants to comment on the proposed establishment of the Network and its draft terms of reference.

24. Several delegations took the floor to support in principle the establishment of the Network and comment on the proposed draft terms of reference. Most of the comments on the proposed draft terms of reference referred to the composition and membership of the Network. France pointed out that in the recent past it had taken several initiatives related to the establishment of the Network and it was now time to move forward and concretise matters. It was in fact in this spirit that France was also part financing the organisation of the present Meeting. However, future funding for the meetings and activities of the Network had to be identified as France could not assume responsibility to organise the next meeting of the Network.

25. The Director of REMPEC stated that it would be better if the establishment of the Network and its terms of reference are formally agreed to by the Contracting Parties to the Barcelona Convention as this would also strengthen its establishment and operation. Regarding the composition and membership of the Network, he explained the reasons behind the idea of the Network being made up of up to two designated representatives from each participating State.

26. Following further consideration, the Meeting agreed on the designation of one representative from each participating State and amended the proposed terms of reference accordingly. The Meeting also agreed on other minor amendments to the draft terms of reference. The amended proposed terms of reference of the network as adopted by the Meeting appear in **Annex IV** to the present report.

27. Finally, the Meeting agreed to propose the establishment of the Mediterranean Network of Law Enforcement Officials relating to MARPOL (MENELAS) and its agreed terms of reference to the forthcoming Meeting of the Mediterranean Action Plan (MAP) Focal Points scheduled for September 2013 and eventually to the next Ordinary Meeting of the Contracting Parties to the Barcelona Convention scheduled to be held in Istanbul, Turkey between the 3 and 6 December 2013.

Agenda Item 8: Possible Future Activities

28. The Director of REMPEC informed the Meeting that prior to agreeing on a detailed programme of activities for the proposed Network, it would be prudent to await its formal establishment and identify funding for its operation and activities. This notwithstanding, preparatory work could perhaps be undertaken with a view to the future establishment of a website for the Network. A website would be a very important and useful tool for the Network and should thus be one of the first actions undertaken by the Network. In this regard, the Director informed the meeting that in the context of the REGOKO Project an allocation of funds to this effect could be pursued. Likewise, air crew training was another important matter which required the immediate attention of the Network. There was also a need for more accurate data which should be centrally collected both on a national and a regional level

29. Several delegations concurred with the views expressed by the Director of REMPEC on the future activities of the Network and emphasised the importance of identifying sustainable funding for the future meetings and activities of the Network.

Agenda Item 9: Conclusions and Recommendations

30. The Director of REMPEC invited Mr Perales of SASEMAR to brief the Meeting on the outcome of the OSCAR-MED 2013 Operation.

31. Mr Perales informed the Meeting that, as scheduled, the Operation was terminated at 1200hrs of the 26th June and a total of twelve flights (a total of 44 flying hours) were operated in the designated area of the Operation in the Western Mediterranean. In total, some 700 vessels were monitored during the Operation and three oil slicks were detected. However, no vessel was actually caught red handed or identified as the polluter. The Director of REMPEC thanked Mr Perales and SASEMAR for planning and coordinating OSCAR-MED 2013 and expressed his wish for such operations to be held regularly in other parts of the Mediterranean Sea. However, he stated that this was only possible if a Mediterranean country volunteered to host and co-ordinate such an Operation. For future Operations, there was also the need to build upon the experience of the two previous ones in order to clarify the logistics and operational responsibilities.

32. The Director of REMPEC then summarised the main outcomes, conclusions and recommendations of the Meeting and invited the Meeting to consider, review, amend and adopt these conclusions and recommendations. Some delegations intervened to express their views on the conclusions and recommendations of the Meeting. The Conclusions and Recommendations of the Meeting as adopted appear in **Annex V** to the present report.

Closure of the Meeting

33. Before closing the Meeting, the Director of REMPEC thanked the participants for their constructive deliberations and the interpreters for their patience and support. He informed participants that immediately after the closure of the Meeting, arrangements were made for the participants to be transferred to Palma de Mallorca airport to be able to visit the patrol aircrafts which took part in OSCAR-MED 2013 and obtain technical information from their respective crew.

34. The Director of REMPEC closed the Meeting at 12.30hrs on Thursday, 26 June 2013.

ANNEX(E) I

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**REGIONAL MARINE POLLUTION EMERGENCY RESPONSE CENTRE FOR THE
MEDITERRANEAN SEA (REMPEC) / CENTRE REGIONAL MEDITERRANEEN POUR
L'INTERVENTION D'URGENCE CONTRE LA POLLUTION MARINE ACCIDENTELLE (REMPEC)**

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ANNEX II

AGENDA

1. Opening of the Meeting
2. Organisation of the Meeting
3. Introduction to the Meeting
 - 3.1 What are Illicit Discharges from Ships?
4. National Legislations and Procedures for the Enforcement of MARPOL Annex I
 - 4.1 Overview of the Replies to the Questionnaire
 - 4.2 Statistics relating to MARPOL violations in Spain
 - 4.3 Presentation of some cases dealt by the Spanish Maritime Administration
 - 4.4 Aerial Surveillance Reporting Procedures
5. Regional Cooperation for an Effective Enforcement of MARPOL Annex I - Structures and Results
 - 5.1 Cooperation in the North Sea Area
 - 5.2 Cooperation in the Baltic Sea
 - 5.3 How to foster Inter-Regional Cooperation
6. Some Tools to Assist in a Successful Identification and Prosecution
 - 6.1 A Harmonized Reporting Format
 - 6.2 The Use of Satellites' Images
 - 6.3 Specific Airborne Equipment
7. Terms of Reference for a Mediterranean Network – Introduction and Discussion
8. Possible Future Activities
9. Conclusions and Recommendations

ANNEX III

LIST OF DOCUMENTS

WORKING DOCUMENTS

REMPEC/WG.33/2/1	Provisional Agenda.
REMPEC/WG.33/2/1/Rev.1	Provisional Agenda.
REMPEC/WG.33/2/2	Draft Timetable.
REMPEC/WG.33/2/2/Rev.1	Draft Timetable.
REMPEC/WG.33/7	Terms of Reference of the Mediterranean Network of Law Enforcement Officials (MENELAS).
REMPEC/WG.33/8	Report of the Meeting.

INFORMATION DOCUMENTS

REMPEC/WG.33/INF.1	List of documents.
REMPEC/WG.33/J/1	Provisional list of participants.
REMPEC/WG.33/INF.2	List of participants.
REMPEC/WG.32/INF.3	Model for the Reporting of Offences. Marine Oil Pollution Detection / Investigation Report (Submitted by an informal working group convened under the aegis of the French Ministry of Justice).
REMPEC/WG.32/INF.4	Extracts from the draft revised version of the IMO Publication "MARPOL – How to do it" (Submitted by REMPEC) (English Only)

ANNEX IV

TERMS OF REFERENCE OF THE MEDITERRANEAN NETWORK OF LAW ENFORCEMENT OFFICIALS (MENELAS)

1. It is proposed to establish a Mediterranean Network of Law Enforcement Officials (MENELAS). This Network will function as a network of individuals from the participating States supported by an electronic information system

Scope of MENELAS

2. 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 prosecution of possible violations.

MENELAS Membership and Community

5. Usually, networking activities rely on a participatory approach and the more members do participate, the more effective the network. However, in relation with the specific goal of this network, which is restricted to enforcement agencies, it is not deemed appropriate to have as many members as possible.

6. The members of MENELAS are the Mediterranean participating States. Each State should nominate a Designated Representative (DR). Participating States should ensure that their DR has professional experience in matters related to the identification, investigation and prosecution of MARPOL related violations.

7. The DR has the responsibility to disseminate the information received through MENELAS to the concerned national competent authorities (e.g.: coast guard function, port state control, customs, jurisdictions, etc...). The DR has the responsibility to 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 adhoc 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. Each country should in principle support financially its participation to the meetings.
20. In order to support the network, REMPEC, will, on a provisional basis, provide the necessary secretariat support, pending the confirmation by the Contracting Parties to the Barcelona Convention of its role and involvement with the network.

ANNEX V

CONCLUSIONS AND RECOMMENDATIONS

The Meeting on the Establishment of a Network of Law Enforcement Officials relating to MARPOL in the Mediterranean Sea (MENELAS) which met in Palma de Mallorca, Spain between the 25 and 26 June, 2013:

- Endorsed the establishment of a Mediterranean Network of Law Enforcement Officials relating to MARPOL (MENELAS) and agreed to propose the establishment of the Network and its terms of reference to the forthcoming Meeting of the Mediterranean Action Plan (MAP) Focal Points scheduled for September 2013 and eventually to the next Ordinary Meeting of the Contracting Parties to the Barcelona Convention scheduled to be held in Istanbul, Turkey between the 3 and 6 December 2013;
- Proposed the incorporation of the activities of the Mediterranean Network of Law Enforcement Officials relating to MARPOL (MENELAS) in the MAP Programme of Work;
- Emphasised the importance of sustainable funding for the Meetings and activities of the Network and requested MAP to consider allocating funds for the operation and activities of the Network either directly through its Mediterranean Trust Fund (MTF) or indirectly through the mobilisation of external financial resources;
- Stressed the importance of the active engagement of the participating Mediterranean coastal States in the Network as well as the importance of nominating their Designated Representative to the Network; and
- Recommended the future organisation of Coordinated Aerial Surveillance Operations for illicit ship pollution in other parts of the Mediterranean Sea with a view to enhancing operational cooperation in the Mediterranean region to combat illicit ship pollution.