



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

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

REMPEC/WG.51/INF.7
Date: 28 May 2021

Online, 31 May – 2 June 2021

Original: English only

Agenda Item 9

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

(VALLETTA, MALTA, 15-16 OCTOBER 2019)

Note by the Secretariat

SUMMARY

Executive Summary: This document presents the Report of the Third Meeting of the Mediterranean Network of Law Enforcement Officials relating to MARPOL within the framework of the Barcelona Convention (MENELAS) (Valletta, Malta, 15-16 October 2019)

Action to be taken: Paragraph 3

Related documents: UNEP(DEPI)/MED IG.23/23, REMPEC/WG.46/12

Background

1 The Third Meeting of the Mediterranean Network of Law Enforcement Officials relating to the International Convention for the Prevention of Pollution from Ships (MARPOL) within the framework of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (“the Barcelona Convention”) (MENELAS), hereinafter referred to as “the Third Meeting of MENELAS”, was held in Valletta, Malta from 15 to 16 October 2019, pursuant to the Programme of Work and Budget for 2018-2019¹ of the Mediterranean Action Plan (MAP) of the United Nations Environment Programme (UNEP), which was adopted by COP 20².

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

Action requested by the Meeting

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

¹ UNEP(DEPI)/MED IG.23/23, Decision IG.23/14.

² Twentieth Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols (Tirana, Albania, 17-20 December 2017).

APPENDIX

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

(Valletta, Malta, 15-16 October 2019)

(REMPEC/WG.46/12)



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

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

REMPEC/WG.46/12
Date: 31 January 2020

Valletta, Malta, 15-16 October 2019

Original: English

Agenda Item 12

REPORT

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

Valletta, Malta, 15-16 October 2019

ANNEX II

AGENDA

Opening of the Meeting

1. Adoption of the Agenda
2. New administrative and judicial cooperation tools:
 - 2.1 common marine oil pollution detection/investigation report; and
 - 2.2 regional "Blue Fund".
3. Possible establishment of an intervention mechanism and harmonisation of pecuniary sanctions for illicit ship pollution discharges in the Mediterranean
4. Establishment of a MENELAS database on illicit ship pollution discharges in the Mediterranean
5. Measures to charge reasonable costs for the use of port reception facilities or, when applicable, apply a No-Special-Fee system
6. Operational cooperation to combat illicit ship pollution discharges in the Mediterranean
7. Cooperation with other regional and international organisations
8. Election of Chair for the period 2020-2021
9. Future work and meetings
10. Other business
11. Conclusions and recommendations

Closure of the Meeting

ANNEX III

LIST OF DOCUMENTS

WORKING DOCUMENTS

REMPEC/WG.46/1	Provisional agenda
REMPEC/WG.46/1/1	Annotated provisional agenda and draft timetable
REMPEC/WG.46/WP.1	Draft conclusions and recommendations
REMPEC/WG.46/12	Report of the Meeting

INFORMATION DOCUMENTS

REMPEC/WG.46/INF.1	List of documents
REMPEC/WG.46/J/1	Provisional list of participants
REMPEC/WG.46/INF.2	List of participants
REMPEC/WG.46/INF.3	Draft Decision IG.24/11: Guidelines: Adopt-a-Beach; Phase-out of Single Use Plastic Bags; Provision of Reception Facilities in Ports and the Delivery of Ship-Generated Wastes; Application of Charges at Reasonable Costs for the Use of Port Reception Facilities (English only)
REMPEC/WG.46/INF.4	Study based on a literature review on existing best practices in the Mediterranean as well as other European regional seas for the application of charges at reasonable costs and of the No-Special-Fee system for the use of port reception facilities
REMPEC/WG.46/INF.5	Report of the Second Meeting of the Mediterranean Network of Law Enforcement Officials relating to MARPOL within the framework of the Barcelona Convention (MENELAS) (Valletta, Malta, 28-29 November 2017)
REMPEC/WG.46/INF.6	Report on the Activities of the Mediterranean Network of Law Enforcement Officials Relating to MARPOL within the Framework of the Barcelona Convention (MENELAS) for the period from June 2017 to July 2019, as requested by Decision IG.21/9 (English only)

ANNEX IV

CONCLUSIONS AND RECOMMENDATIONS

The Third Meeting of the Mediterranean Network of Law Enforcement Officials relating to the International Convention for the Prevention of Pollution from Ships (MARPOL) within the framework of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean ("the Barcelona Convention") (MENELAS), hereinafter referred to as the Meeting, which was held in Valletta, Malta from 15 to 16 October 2019:

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

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

3 thanked Morocco, as chair of the network for the period 2018-2019, and the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC), as Secretariat, for the work they carried out with regard to the implementation of the MENELAS Programme of Activities for the said period as well as for their respective contributions to the preparation and successful organisation of the Meeting;

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

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

Agenda Item 2 **New administrative and judicial cooperation tools**

6 took note that the working group within MENELAS was established, as agreed by the second meeting of MENELAS (Valletta, Malta, 28-29 November 2017), and requested the Secretariat to ensure its operationalisation in 2019;

7 agreed to extend the mandate of the working group within MENELAS until 30 September 2020 to further examine the creation of new administrative and judicial cooperation tools within the framework of the Regional Strategy for Prevention of and Response to Marine Pollution from Ships (2016-2021), hereinafter referred to as the Regional Strategy (2016-2021) and MENELAS, and more specifically:

- .1 to prepare a draft common marine oil pollution detection/investigation report; and
- .2 to study the modalities of possible creation and operation, including in terms of governance and financing, of a regional "Blue Fund", as proposed by France.

8 invited France, in this respect, to develop more concretely its proposal for the creation of a regional "Blue Fund", and to submit this proposal to the working group within MENELAS not later than 31 March 2020;

9 also invited, in this regard, the Secretariat, to liaise with the Association for Sustainable Financing of Mediterranean Marine Protected Areas (M2PA) as well as MedFund - Fonds Environnemental Pour les AMP de Méditerranée, in order to obtain information on the modalities of creation and operation, including in terms of governance and financing, of this fund, and to provide it to the working group within MENELAS no later than 31 January 2020;

Agenda Item 3 **Possible establishment of an intervention mechanism and harmonisation of pecuniary sanctions for illicit ship pollution discharges in the Mediterranean**

10 stressed the importance of separating the regional "Blue Fund" from the harmonisation of pecuniary sanctions for illicit ship pollution discharges in the Mediterranean;

11 agreed in principle on the need to harmonise pecuniary sanctions for illicit ship pollution discharges in the Mediterranean;

12 agreed to extend the mandate of the working group within MENELAS until 30 September 2020 to further examine the harmonisation of pecuniary sanctions for illicit ship pollution discharges in the Mediterranean, and more specifically:

- .1 to review existing applicable sanctions at national level with regard to illicit ship pollution discharges; and
- .2 to prepare a draft decision to apply criteria for a common minimum level of fines for each offense provided for under the Annexes to MARPOL.

13 encouraged, in this respect, participating members to provide the Secretariat with updated information on the applicable sanctions in their countries with regard to illicit ship pollution discharges, and requested the Secretariat to collate this information as well as to provide it to the working group within MENELAS by not later than 31 January 2020;

14 invited, in this regard, the Secretariat, to liaise with the Secretariat of the Baltic Marine Environment Protection Commission (Helsinki Commission or HELCOM) with regard to HELCOM Recommendation 19/14 on a harmonized system of fines in case a ship violates anti-pollution regulations, in order to obtain information on how such a decision was established and implemented, as well as to provide it to the working group within MENELAS by not later than 31 January 2020.

Agenda Item 4 **Establishment of a MENELAS database on illicit ship pollution discharges in the Mediterranean**

15 welcomed the upgrade of the Mediterranean Integrated Geographical Information System on Marine Pollution Risk Assessment and Response (MEDGIS-MAR), which now includes a data layer related to illicit ship pollution discharges;

16 invited participating members to regularly update their Country Profiles, the MEDGIS-MAR and the MENELAS information system;

17 valued the presentation from the European Union (EU) on the development of a harmonised reporting template in accordance with Article 12 of 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 infringements, as amended, and invited the EU to report on progress achieved to this end at the next meeting of MENELAS;

Agenda Item 5 **Measures to charge reasonable costs for the use of port reception facilities or, when applicable, apply a No-Special-Fee system**

18 welcomed the progress achieved so far in the implementation of the various activities that the Secretariat has undertaken with regard to the better management of marine litter from sea-based sources in ports and marinas in the Mediterranean, within the framework of the EU-funded "Marine Litter-MED" Project as well as the Cooperation Agreement between the Italian Ministry of Environment, Land and Sea (IMELS) and UNEP, and invited the Secretariat to share new developments at the next meeting of MENELAS;

19 further noted that Draft Decision IG.24/11: Guidelines: Adopt-a-Beach; Phase-out of Single Use Plastic Bags; Provision of Reception Facilities in Ports and the Delivery of Ship-Generated Wastes; Application of Charges at Reasonable Costs for the Use of Port Reception Facilities, would be considered by the Twenty-first Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols (Naples, Italy, 2-5 December 2019), for possible adoption;

20 noted with interest:

- .1 the Operational Guidelines on the Provision of Reception Facilities in Ports and the Delivery of Ship-Generated Wastes in the Mediterranean, hereinafter referred to as the "Operational Guidelines", as set out in Annex III to the said decision;
- .2 the Guidance Document to Determine the Application of Charges at Reasonable Costs for the Use of Port Reception Facilities or, when Applicable, Application of the No-Special-Fee System, in the Mediterranean, hereinafter referred to as the "Guidance Document", as set out in Annex IV to the said decision; and
- .3 the study based on a literature review on existing best practices in the Mediterranean as well as other European regional seas for the application of charges at reasonable costs and of the No-Special-Fee system for the use of port reception facilities, prepared by the Secretariat in 2018.

21 encouraged participating members to implement the Operational Guidelines and the Guidance Document in their ports and marinas, as appropriate, as part of their implementation of the Regional Plan on Marine Litter Management in the Mediterranean;

22 valued the presentation from the EU on Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC;

23 also encouraged, in this regard, participating members that are EU Member States to transpose and implement Directive (EU) 2019/883 as soon as possible;

Agenda Item 6 **Operational cooperation to combat illicit ship pollution discharges in the Mediterranean**

24 encouraged participating members to participate in the global law enforcement operation entitled Operation "30 Days at Sea 2.0" aimed at tackling pollution offences leading to marine pollution, committed on land or in-land waters and at sea, organised by the International Criminal Police Organization-INTERPOL;

25 valued the presentation from Integrated Ocean Tracking Solutions (IOTS) on their services as well as the proposed pilot providing free access to their oil illicit discharges detection services;

Agenda Item 7 **Cooperation with other regional and international organisations**

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

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

28 valued the presentation from the Environment Laboratories of the International Atomic Energy Agency (IAEA) on their training and capacity-building activities, including the work of the IAEA within OSINet, the oil spill identification network of experts from the Agreement for Cooperation in Dealing with Pollution of the North Sea by Oil and Other Harmful Substances, 1983 (Bonn Agreement), and the possible cooperation with MENELAS;

29 invited the Secretariat to explore the possibility of organising, jointly with the IAEA Environment Laboratories, training sessions on the methodologies for oil spill sampling and identification during the period 2020-2021, and to mobilise the necessary external financial resources, as appropriate;

30 appreciated the participation of the *Union des Procureurs généraux de la Méditerranée* (UPGM) as well as the International Institute for Justice and the Rule of Law (IIJ) in the Meeting, and welcomed their presentation on the latest developments and activities carried out respectively by UPGM and IIJ;

Agenda Item 8 **Election of Chair for the period 2020-2021**

31 elected Croatia as chair of the network for the period 2020-2021;

Agenda Item 9 **Future work and meetings**

32 agreed to include the following items in the MENELAS Programme of Activities for the period 2020-2021:

- .1 the further examination of the creation of new administrative and judicial cooperation tools, within the framework of the Regional Strategy (2016-2021) and MENELAS, by the working group within MENELAS, as mentioned in paragraph 7 above, and more specifically:
 - .1 the preparation of a draft common marine oil pollution detection/investigation report; and
 - .2 the study of the modalities of possible creation and operation, including in terms of governance and financing, of a regional "Blue Fund", as proposed by France.
- .2 the further examination of the harmonisation of pecuniary sanctions for illicit ship pollution discharges in the Mediterranean, as mentioned in paragraph 12 above, and more specifically:
 - .1 the review of existing applicable sanctions at national level with regard to illicit ship pollution discharges;
 - .2 the preparation of a draft decision to apply criteria for a common minimum level of fines for each offense provided for under the Annexes to MARPOL.
- .3 the examination of the possibility to define criteria to determine the reparation of environmental damage beyond the compensation of the cleaning operations resulting from pollution of the marine environment from ships and to harmonise practices to that end, as proposed by Croatia;
- .4 the establishment of a MENELAS database on illicit ship pollution discharges in the Mediterranean, and
- .5 the measures to charge reasonable costs for the use of port reception facilities or, when applicable, apply a No-Special-Fee system.

33 encouraged the members of the working group within MENELAS to coordinate their comments with their respective REMPEC Prevention Focal Points and REMPEC Governmental Focal Points, as well as other relevant authorities/stakeholders, as appropriate;

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

35 invited Croatia to develop more concretely its proposal to explore the possibility to define criteria to determine the reparation of environmental damage beyond the compensation of the cleaning operations resulting from pollution of the marine environment from ships and to harmonise practices to that end, and to submit this proposal to the next meeting of MENELAS;

36 recommended that the next meeting of MENELAS should preferably be held in 2020, subject to the decision on the Programme of Work and Budget for the 2020-2021 biennium by the Contracting Parties to the Barcelona Convention and provided that the necessary external financial resources were mobilised in time by the Secretariat; and

37 further requested the Secretariat to report to the Fourteenth Meeting of the Focal Points of REMPEC on the outcome of the Meeting as well as any intersessional work that may have been carried out in relation to the MENELAS Programme of Activities, as referred to in paragraph 32 above.