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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.38/5  
Date: 28 September 2015

Toulon, France, 29 September – 1 October 2015

Original: English

Agenda Item 5

### MENELAS DATABASE ON ILLICIT SHIP POLLUTION DISCHARGES AND REPORTING FORMAT

#### Note by the Secretariat

#### SUMMARY

**Executive Summary:** This document provides information on the possible development of a MENELAS database on illicit ship pollution discharges in the Mediterranean and related reporting format.

**Action to be taken:** Paragraph 16

**Related documents:** MEPC/Circ.318, REMPEC/WG.37/10

#### Background

1 MEPC/Circ.318, reproduced in the Appendix to the present document, provides updated information with regard to the formats for a mandatory reporting system under the International Convention for the Prevention of Pollution from Ships (MARPOL).

2 At its thirty-eighth session, the International Maritime Organization (IMO)'s Marine Environment Protection Committee adopted revised reporting formats for a mandatory reporting system under MARPOL ("one-line" entry format) to facilitate communication to the IMO of information called for by articles 8, 11 and 12 thereof, amongst others. The data from these reports is used by the IMO to assess the effectiveness of the application of MARPOL and for statistical purposes.

3 Parties to MARPOL are requested to provide IMO with, *inter alia*, a summary of discharges (article 2(3)) not permitted under the provisions of MARPOL and pollution due to casualties to ships as well as a summary of alleged violations of the discharge provisions or incidents involving harmful substances referred to flag States (article 8(2)) taking into account the flag States' responses.

4 As reported in document REMPEC/WG.37/10, the Reporting System for the Barcelona Convention and its Protocols (BCRS) requests information on the "Development of programmes and activities aimed at monitoring and detecting pollution, whether accidental or operational", namely whether Contracting Parties to the Protocol Concerning Co-operation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea ("the 2002 Prevention and Emergency Protocol") have taken the legal and/or administrative measures in this respect or not and what the difficulties/challenges have been.

5 The BCRS also requests information on spill incidents that have occurred during the biennium under review, more specifically:

- .1 accident location (latitude and longitude or closest shore location);

- .2 accident type\* (\*cargo transfer failure, contact, collision, engine breakdown, fire/explosion, grounding, foundering/weather, hull structural failure, machinery breakdown, other);
- .3 vessel IMO number or vessel name;
- .4 vessel flag;
- .5 whether any product has been released or not. If yes, the type of product released (Oil/Hazardous and Noxious Substances) should be specified; and
- .6 whether any actions have been taken or not. If yes, the actions taken should be specified.

6 Moreover, as highlighted in the annex to document REMPEC/WG.37/10, REMPEC's Country Profile requests information on monitoring and evaluation, namely what types of information can be made available for monitoring (satellite image, aerial surveillance, naval surveillance, forecasting models) as well as whether surveillance of the waters under one's jurisdiction is carried out or not. If yes, the methods and resources available to carry out such surveillance should be specified.

7 Notwithstanding the above and, with the exception of the reporting formats for a mandatory reporting system under MARPOL, which requests summary information of alleged offence, evidence and other action taken by coastal States, detailed information on cases where sanctions have been imposed in relation to pollution offences from ships or surveillance activities carried out individually by coastal States or in cooperation with others is not available or requested.

#### **MENELAS database on illicit ship pollution discharges in the Mediterranean**

8 Based on existing practices in other regions, a MENELAS database on illicit ship pollution discharges in the Mediterranean could be developed. The objective of such a database would be three-fold, as follows:

- .1 to inventory cases, reported by participating Mediterranean coastal States, where sanctions have 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 are decreasing by time or not.

9 The MENELAS database would also assist investigators and prosecutors in establishing a more uniform approach to prosecutions of sea pollution offences across the participating Mediterranean coastal States.

10 The metadata, i.e. the data gathered on the basis of reports from participating Mediterranean coastal States, would be of a restricted nature. However, some extracts could be made available by the relevant MENELAS Designated Representative, as appropriate and with the consent of the relevant authorities, under the section "post-case analyses" of the forum, which is a restricted area of the MENELAS information system.

11 The Secretariat should be tasked to analyse the metadata with a view to informing MENELAS of the findings and, possibly, preparing fact sheets or annual reports on observed illicit ship pollution discharges in the Mediterranean, which could be made publicly available, based on existing practices in other regions.

### **Reporting Format**

12 Participating Mediterranean coastal States would report their cases and surveillance activities for each calendar year to the Centre, at least three months before the opening of the MENELAS meeting, bearing in mind that it might not be always possible to provide all information because of restraints imposed by, or under, national legislation or practice.

13 In doing so, they should use a simple reporting format ("one-line" entry format), which could include the following information for each case where sanctions have been imposed in relation to pollution offences from ships in the Mediterranean Sea Area:

- .1 ship type (e.g. "passenger ship", "fishing vessel", "bulk carrier", "oil tanker", "general cargo ship", "ro-ro cargo ship", "container", "chemical tanker", etc.);
- .2 pollution type ("MARPOL Annex I", "MARPOL Annex II", "MARPOL Annex III", "MARPOL Annex IV", "MARPOL Annex V" "MARPOL Annex VI" or "other");
- .3 location of infringement (maritime space as defined by the 1982 United Nations Convention on the Law of the Sea, i.e. "internal waters", "territorial sea", "contiguous zone", "exclusive economic zone", "high seas", "continental shelf" where the infringement has been detected, and, where appropriate, the State that exercises jurisdictional rights over this space);
- .4 date of the incident;
- .5 name of the country that has detected the infringement;
- .6 nature of the sanction finally imposed ("fine", "imprisonment", "community service", "conditional discharges" or "others");
- .7 who imposed the sanction ("court", "prosecutor" or "administrative procedure");
- .8 amount of the penalty;
- .9 name of the MENELAS Designated Representative or the office which can give further details; and
- .10 remarks (e.g. any especially interesting facts or significant conclusions that can be drawn from the case could be briefly stated under this heading).

14 The reporting format could also include information on surveillance activities carried out individually or in cooperation with others in the Mediterranean Sea Area.

15 A reporting guidance document could be prepared by the Secretariat with a view to facilitating reporting by participating Mediterranean coastal States.

### **Actions requested by the Meeting**

16 **The Meeting is invited to:**

- .1 **take note** of the information provided in the present document; and
- .2 **comment** as deemed appropriate.



**APPENDIX**

**Formats for a Mandatory Reporting System under MARPOL**

(MEPC/Circ.318)





Ref.T5/1.01

### **FORMATS FOR A MANDATORY REPORTING SYSTEM UNDER MARPOL 73/78**

- 1 Parties to MARPOL 73/78 may recall that the formats for a mandatory reporting system under MARPOL 73/78 were circulated by MEPC/Circ.266 dated 18 October 1993.
- 2 Attached are the revised reporting formats for a mandatory reporting system under MARPOL 73/78 ("one-line" entry format) adopted by MEPC at its thirty-eighth session (MEPC 38/20, paragraphs 4.15 and 4.16) to facilitate communication to the Organization of information called for by articles 8, 11, and 12, regulation 12 of Annex I, regulation 7 of Annex II and regulation 7 of Annex V of MARPOL 73/78. The data from these reports will be useful to the Organization to assess the effectiveness of the application of the Convention and for statistical purposes.
- 3 For casualty reports under article 12(1) of MARPOL 73/78, they should be reported in accordance with SOLAS arrangements. References relating to casualty reports should be included in the column 7 of Part 1(a) or Part 1(b) as appropriate of this reporting format.
- 4 A report under article 12(2) of MARPOL 73/78 should be made to the Organization (Marine Environment Division) whenever a Party judges that information concerning the findings of a casualty investigation will assist in determining what changes in the Convention might be desirable. This report should be in a form suitable for issue as an MEPC information paper.
- 5 Parties are requested to submit their annual reports using the new formats commencing with the 1996 calendar year to the Organization by 30 September each year.\* Nil returns are required from Parties for each reporting requirement from the perspective of port, coastal or flag States.
- 6 Notwithstanding the above, IMO should be informed without delay in all cases of pollution incidents of potential interest to the public or where IMO assistance may be required.

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\* It is understood that the first reports in the new format to be submitted by Parties to the Organization should be received by 30 September 1997 for the calendar year of 1996 (MEPC 38/20, paragraph 4.16)

7 The reports should be addressed to:

The Director,  
Marine Environment Division,  
International Maritime Organization,  
4, Albert Embankment,  
London SE1 7SR,  
United Kingdom.

Telex           23588  
Telefax:       (+44 171 587 3210  
Telephone:     (+44 171 735 7611

8 These formats supersede the formats contained in MEPC/Circ.266 as far as annual reporting to the Organization is concerned.

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## ANNEX

## PART 1

**ANNUAL SUMMARY REPORT (ARTICLE 11(1)) OF INCIDENTAL  
SPILLAGES UNDER ARTICLE II OF PROTOCOL I AND ARTICLE 12**

**PURPOSE:** To provide IMO with a summary of discharges (article 2(3)) not permitted under the provisions of MARPOL 73/78 and pollution due to casualties to ships.

**a) Discharges of 50 tonnes or more.**

1	2	3	4	5	6	7	8	9
Date of incident	Name and IMO No. of the ship	Flag State	Name of port or location of incident (Lat-Long)	Type of substance spilled	Quantity spilled	Full report on file at IMO Yes/No Reference	Remarks and action taken*	Consequences for marine environment*

**b) Discharges of less than 50 tonnes (to be reported at the discretion of Parties).**

1	2	3	4	5	6	7	8	9
Date of incident	Name and IMO No. of the ship	Flag State	Name of port or location of incident (Lat-Long)	Type of substance spilled	Quantity spilled	Full report on file at IMO Yes/No Reference	Remarks and action taken*	Consequences for marine environment*

\* Additional sheets may be provided as appropriate





**PART 4**

**ANNUAL STATISTIC REPORTS FOR.....(YEAR)**

**PURPOSE:** To provide IMO and the individual Parties with the necessary data to assess the overall implementation of MARPOL 73/78 (article 11(1)).

**Section 1**

**Statistical report by the port State to IMO under its port State control**

<b>1</b>	<b>NUMBER OF SHIPS BOARDED DURING REPORT PERIOD</b>	_____	<b>TOTAL</b>
<b>2</b>	<b>IOPP CERTIFICATION DISCREPANCIES:</b>	_____	<b>TOTAL</b>
	a) No certificate or equivalency	_____	
	b) Certificate or equivalency discrepancy	_____	
	c) Compliance rate	_____	%
<b>3</b>	<b>OIL RECORD BOOK DISCREPANCIES:</b>	_____	<b>TOTAL</b>
	a) No oil record book or equivalency	_____	
	b) Oil record book or equivalency discrepancy	_____	
	c) Compliance rate	_____	%
<b>4</b>	<b>MARPOL 73/78 EQUIPMENT DISCREPANCIES:</b>	_____	<b>TOTAL</b>
	a) Required equipment not on board	_____	
	b) Required equipment not functioning	_____	
	c) Compliance rate	_____	%
<b>5</b>	<b>NUMBER OF SHIPS DETAINED IN PORT OR DENIED ENTRY</b>	_____	<b>TOTAL</b>

**PART 4 (CONTINUED)**

**Section 2**

**Summary report** by the port State to IMO about violations resulting in detention or denial of entry.

1	2	3
Name and IMO No. of the ship	Violation description	Action taken

**Section 3**

**Statistical Report to IMO of Penalties Imposed for MARPOL 73/78 Violations (article 11(1))**

**a) Report by port State**

Type of violation	Number	Penalty imposed			
		Fines (in £ Sterling)			Imprisonment
		Max	Min	Average	No. and average term
1. Illegal discharge					
2. Oil Record Book					
3. IOPP Certificate					
4. Other					

**b) Report by flag State**

Type of violation	Number	Penalty imposed			
		Fines (in £ Sterling)			Imprisonment
		Max	Min	Average	No. and average term
1. Illegal discharge					
2. Oil Record Book					
3. IOPP Certificate					
4. Other					

**PART 5**

**DIFFICULTIES IN THE IMPLEMENTATION OF MARPOL 73/78**

**Difficulties experienced in exercising port State control and the detection of violations:**

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