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

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

REMPEC/WG.53/INF.3
21 February 2023
Original: English only

Floriana, Malta, 22-23 February 2023

Agenda Item 2: Draft common marine oil pollution detection/investigation report

**Report of the Fourth Meeting of the Mediterranean Network of Law Enforcement Officials relating to MARPOL
within the framework of the Barcelona Convention (MENELAS) (online, 21-22 April 2021)**

For environmental and cost-saving reasons, this document will not be printed and is made available in electronic format only. Delegates are encouraged to consult the document in its electronic format and limit printing.

Note by the Secretariat

This document presents the Report of the Fourth Meeting of the Mediterranean Network of Law Enforcement Officials relating to MARPOL within the framework of the Barcelona Convention (MENELAS) (online, 21-22 April 2021).

Background

1 The Fourth 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 Fourth Meeting of MENELAS”, was held remotely from 21 to 22 April 2021, pursuant to the Programme of Work and Budget 2020-2021 of the Mediterranean Action Plan (MAP) of the United Nations Environment Programme (UNEP), which was adopted by COP 21¹.

2 The Report of the Fourth 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 Twenty-first Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols (Naples, Italy, 2-5 December 2019).

Appendix

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

(Online, 21-22 April 2021)

(REMPEC/WG.48/12)



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

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

REMPEC/WG.48/12
Date: 28 May 2021

Online, 21-22 April 2021

Original: English

Agenda Item 12

REPORT

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

Online, 21-22 April 2021

ANNEX II

AGENDA

Opening of the Meeting

1. Adoption of the Agenda
2. Draft common marine oil pollution detection/investigation report
3. Modalities of possible creation and operation, including in terms of governance and financing, of a regional "Blue Fund"
4. Draft decision to apply criteria for a common minimum level of fines for each offense provided for under the Annexes to MARPOL
5. Proposal to possibly 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
6. Establishment of a MENELAS database on illicit ship pollution discharges in the Mediterranean
7. Measures to charge reasonable costs for the use of port reception facilities or, when applicable, apply a No-Special-Fee system
8. Cooperation with other regional and international organisations
9. Election of Chair for the period 2022-2023
10. Future work and meetings
11. Other business
12. Conclusions and recommendations

Closure of the Meeting

ANNEX III

LIST OF DOCUMENTS

WORKING DOCUMENTS

REMPEC/WG.48/1*	Provisional agenda
REMPEC/WG.48/1/1	Annotated provisional agenda and draft timetable
REMPEC/WG.48/2	Draft common marine oil pollution detection/investigation report
REMPEC/WG.48/4	Draft decision to apply criteria for a common minimum level of fines for each offense provided for under the Annexes to MARPOL
REMPEC/WG.48/WP.1	Draft conclusions and recommendations
REMPEC/WG.48/12	Report of the Meeting

INFORMATION DOCUMENTS

REMPEC/WG.48/INF.1	List of documents
REMPEC/WG.48/INF.2	List of participants
REMPEC/WG.48/INF.3*	Review of existing applicable sanctions at national level with regard to illicit ship pollution discharges (English only)
REMPEC/WG.48/INF.4	Proposal to possibly 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 (Submitted by Croatia) (English only)
REMPEC/WG.48/INF.5	Decision IG.24/11 on 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
REMPEC/WG.48/INF.6	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) (English only)
REMPEC/WG.48/INF.7	INTERPOL Key Findings Report: Operation 30 Days at Sea 2.0 (2019) (Submitted by the General Secretariat of the International Criminal Police Organization-INTERPOL) (English only)

* Reissued for technical reasons.

ANNEX IV

CONCLUSIONS AND RECOMMENDATIONS

The Fourth 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 remotely from 21 to 22 April 2021:

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** Croatia, as chair of the network for the period 2020-2021, 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;

6 **invited** the Mediterranean coastal States, which had not already done so, to ratify the MARPOL Convention and its six Annexes;

Agenda Item 2 Draft common marine oil pollution detection/investigation report

7 **noted** with interest that relevant regional and international organisations, namely the International Maritime Organization (IMO), the North Sea Network of Investigators and Prosecutors (NSN)¹, the Bonn Agreement², as well as the Baltic Marine Environment Protection Commission (Helsinki Commission or HELCOM)³, adopted similar, if not identical, standard forms to report detected pollution.

8 **agreed** to take the following standard forms as a basis for the finalisation of a draft common marine oil pollution detection/investigation report, within the framework of the Barcelona Convention and MENELAS:

- .1 the Standard Pollution Observation / Detection Log and Completion Guide, as presented in Appendix I and Appendix II respectively to document REMPEC/WG.48/2; and
- .2 the Pollution Observation/Detection Report on Polluters and Combustible Spills (IMO), as presented in Appendix III to the document REMPEC/WG.48/2.

¹ a body associated with the Commission established by the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention), the latter referred to as the OSPAR Commission.

² Agreement for Cooperation in Dealing with Pollution of the North Sea by Oil and Other Harmful Substances, 1983.

³ the governing body of the Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention).

9 **invited**, in this regard, the Secretariat to liaise with the regional and international organisations referred to in paragraph 207 above to obtain further information on the practical use of the standard forms referred to in paragraph 88 above and explore the possibility to jointly develop with the Bonn Agreement and HELCOM similar forms that could also apply to the Mediterranean Sea area;

10 **stressed** the importance to obtain first-hand experience in the Mediterranean region with the implementation of the standard forms referred to in paragraph 8 above;

11 **recommended** that the standard forms referred to in paragraph 8 above were used during a forthcoming coordinated aerial surveillance operation for illicit ship pollution discharges in the Mediterranean to be organised by the Secretariat of the RAMOGE Agreement⁴, with the participation of:

- .1 Mediterranean coastal States; and
- .2 possibly, interested Contracting Parties to the Bonn Agreement and/or HELCOM and their respective secretariats.

12 **requested** the Secretariat to explore the possibility of obtaining further financial assistance for the above-mentioned purposes under the MTF and the IMO's ITCP as well as to mobilise other external resources and means, as appropriate, with a view to enhancing operational cooperation in the field of illicit ship pollution discharges in the Mediterranean;

Agenda Item 3 **Modalities of possible creation and operation, including in terms of governance and financing, of a regional “Blue Fund”**

13 **highlighted** that further work is necessary to develop the modalities of possible creation and operation, including in terms of governance and financing, of a regional “Blue Fund”, as proposed by France in 2017;

14 also **noted** with interest that the setting up of the modalities of possible creation and operation, including in terms of governance and financing, of a regional “Blue Fund”, is one of the actions contemplated by the Action Plan of the draft Mediterranean Strategy for the Prevention, Preparedness, and Response to Marine Pollution from Ships (2022-2031);

15 **valued** the presentation from The MedFund, which provided insights as well as shared experience regarding the creation and operation, including in terms of governance and financing, of The MedFund that aims at mobilising public and private actors in order to promote the development and effectiveness of Mediterranean Marine Protected Areas (MPAs);

16 further **invited** the Secretariat to continue liaising with The MedFund in order to obtain further information on the modalities of creation and operation of this fund;

17 **asked** the Secretariat, in this respect, to explore how to develop more concretely the modalities of possible creation and operation, including in terms of governance and financing, of a regional “Blue Fund”, and to submit elements for such modalities to the next meeting of MENELAS;

Agenda Item 4 **Draft decision to apply criteria for a common minimum level of fines for each offense provided for under the Annexes to MARPOL**

18 **found** the review of existing applicable sanctions at national level with regard to illicit ship pollution discharges carried out by the Secretariat helpful when considering harmonising pecuniary sanctions for illicit ship pollution discharges in the Mediterranean;

19 **appreciated** the work of the Secretariat on the elements of a draft decision to apply criteria for a common minimum level of fines for each offense provided for under the Annexes to MARPOL, as set out in the Appendix to the document REMPEC/WG.48/4;

⁴ Accord relatif à la Protection de l'Environnement Marin et Côtier d'une Zone de la Mer Méditerranée.

20 further **agreed** to take the elements referred to in paragraph 19 above as a basis for the finalisation of a draft decision to apply criteria for a common minimum level of fines for each offense provided for under the Annexes to MARPOL, within the framework of the Barcelona Convention;

21 **invited**, in this regard, the Secretariat to liaise with the HELCOM Secretariat to obtain further information on how HELCOM Recommendation 19/14 on a harmonized system of fines in case a ship violates anti-pollution regulations was established, implemented and possible updates considered, and to explore the possibility to adjust the elements referred to in paragraph 19 above to the specific circumstances of the Mediterranean Sea area, *inter alia*:

- .1 the fact that, in Annex I (Prevention of pollution by oil) and Annex V (Prevention of pollution by garbage from ships), MARPOL defines the Mediterranean Sea as a "special area" in which, for technical reasons relating to its oceanographical and ecological condition and to its sea traffic, the adoption of special mandatory methods for the prevention of sea pollution is required; and
- .2 COP 21⁵ adopted Decision IG.24/8 on the Road Map for a Proposal for the Possible Designation of the Mediterranean Sea, as a whole, as an Emission Control Area for Sulphur Oxides Pursuant to MARPOL Annex VI, within the Framework of the Barcelona Convention⁶.

Agenda Item 5 **Proposal to possibly 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**

22 **expressed** appreciation to Croatia for providing information on its proposal to possibly 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;

23 **recognised** that the scope of the proposal addressing liability and compensation to environmental damage within the Barcelona Convention and its Protocols, went beyond the MARPOL Convention;

24 thus **encouraged** Croatia, in the context of the upcoming consultation on the Programme of Work and Budget for 2022-2023 of the Mediterranean Action Plan (MAP) of the United Nations Environment Programme (UNEP), to request the inclusion of an activity/survey on the application of Article 16 of the Barcelona Convention and the related guidelines, to be coordinated by the Coordinating Unit for the MAP - Barcelona Convention Secretariat, in consultation with MAP Components;

Agenda Item 6 **Establishment of a MENELAS database on illicit ship pollution discharges in the Mediterranean**

25 **valued** the presentation from the European Union (EU) on the planned revision 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 the development of a harmonised reporting template in accordance with Article 12 thereof;

26 **invited** the Secretariat to liaise with the OSPAR Commission Secretariat to obtain further information on the establishment and current use of the NSN Database of Pollution Offences Cases in the North Sea and Reporting Format;

⁵ Twenty-first Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols (Naples, Italy, 2-5 December 2019).

⁶ Such a designation, if so adopted, would establish more stringent controls on sulphur emissions in the Mediterranean.

27 also **invited** the Secretariat to liaise with the European Commission and the European Maritime Safety Agency (EMSA) to obtain further information on the development of a harmonised reporting template in accordance with Article 12 of Directive 2005/35/EC as well as explore the possibility to develop and use a similar database and reporting format for illicit ship pollution discharges in the Mediterranean within the framework of MENELAS;

Agenda Item 7 **Measures to charge reasonable costs for the use of port reception facilities or, when applicable, apply a No-Special-Fee system**

28 **welcomed** the adoption of Decision IG.24/11 on 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, by the Twenty-first Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols (Naples, Italy, 2-5 December 2019), and, most notably:

- .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; and
- .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.

29 **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 in the Framework of Article 15 of the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-based Sources and Activities to the Barcelona Convention;

Agenda Item 8 **Cooperation with other regional and international organisations**

30 **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;

31 **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;

32 **valued** the joint presentation from the OSPAR Commission/Bonn Agreement Secretariat and the NSN on the NSN MARPOL Annex VI cases and the Bonn Agreement MARPOL Annex VI Experts Workshop (online, 2-5 February 2021);

33 **invited** the Secretariat to specifically liaise with the OSPAR Commission/Bonn Agreement Secretariat to share experience and best practices on MARPOL Annex VI monitoring and enforcement activities between MENELAS and the Working Group on Operational, Technical and Scientific Questions Concerning Counter-Pollution Activities (OTSOPA) as well as NSN;

34 also **valued** the presentation from the HELCOM Secretariat on HELCOM latest activities of relevance to MENELAS;

35 further **valued** the presentation from the General Secretariat of the International Criminal Police Organization-INTERPOL on the key findings of Operation 30 Days at Sea 2.0 (2019);

Agenda Item 9 **Election of Chair for the period 2022-2023**

36 **elected** Turkey as chair of the network for the period 2022-2023;

Agenda Item 10 **Future work and meetings**

37 **agreed** to include the following items in the MENELAS Programme of Activities for the period 2022-2023:

- .1 the finalisation of a draft common marine oil pollution detection/investigation report, within the framework of the Barcelona Convention and MENELAS;
- .2 the further development of modalities of possible creation and operation, including in terms of governance and financing, of a regional “Blue Fund”;
- .3 the finalisation of a draft decision to apply criteria for a common minimum level of fines for each offense provided for under the Annexes to MARPOL, within the framework of the Barcelona Convention; and
- .4 the establishment of a MENELAS database on illicit ship pollution discharges in the Mediterranean.

38 **agreed** to extend the mandate of the working group within MENELAS until 30 September 2022 to oversee, through correspondence coordinated by the Secretariat, the completion of the work referred to in paragraphs 37.1, 37.2 and 37.3 above;

39 **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;

40 also **invited** the Secretariat to initiate the intersessional work to be conducted by the working group within MENELAS by not later than July 2021 and to present the results of this work at the next meeting of MENELAS;

41 **recommended** that the next meeting of MENELAS should preferably be held towards the end of 2022, subject to the decision on the Programme of Work and Budget for the 2022-2023 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

42 further **requested** the Secretariat to report to the Fourteenth Meeting of the Focal Points of REMPEC on the outcome of the Meeting.