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

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

REMPEC/WG.64/8
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Agenda Item 8: Follow-up actions and future work

Proposals for follow-up activities and future work for 2028-2029 biennium

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Note by the Secretariat

This document provides information on proposed follow-up actions and future work for the 2028-2029 biennium.

Background

1 The Sixth Meeting of MENELAS (Malta, 4-5 December 2024) identified the need to continue strengthening cooperation between Contracting Parties in the detection, investigation and enforcement of possible violations of MARPOL and relevant Annexes.¹ In its consideration of emerging issues, the Meeting recalled that effective implementation depends not only on clear legal provisions, but also on the ability of competent authorities to follow a case through the different stages of the enforcement process.

2 Since then, MENELAS has pursued further work on common criteria and possible minimum levels of fines for MARPOL offences. The consolidated draft Decision, as adjusted, to apply criteria for a common minimum level of fines for each offence provided for under the Annexes to MARPOL, within the framework of the Barcelona Convention, the draft Study on the possible criteria and possible minimum level of fines for each offence provided for under the Annexes to MARPOL, as set out in the consolidated draft Decision, as adjusted² and the associated draft Guidelines to ensure the uniform and effective implementation of the consolidated draft Decision, as adjusted, in the Mediterranean region,³ have aimed to support a more coherent regional approach to sanctions, while respecting national systems and applicable international law.

3 The abovementioned documents also highlight that the effectiveness of any penalty framework depends on timely evidence, communication between authorities and practical arrangements for follow-up when a ship, the evidence or the responsible subject is located in another jurisdiction.

4 The draft Study confirms, in fact, that the principal regional challenge is not the absence of legal provisions or sanctioning powers. While Contracting Parties show substantial convergence in the categories of MARPOL violations addressed in their national legislation, the available evidence points to uneven enforcement in practice. In particular, differences remain in surveillance and detection capabilities, inspection and investigation capacity, access to reliable evidence, case processing, coordination among competent national authorities and the effective follow-up of violations involving foreign vessels.

5 The comparative analysis in the draft Study also points to the value of practical manuals and investigator networks in other regional frameworks.

Rationale for further work

6 The Mediterranean is a region of intense shipping activity, with vessels regularly transiting several maritime zones and calling at ports in different jurisdictions within short periods of time. A suspected MARPOL violation may be detected by one State, while the ship subsequently enters a port or otherwise comes under the jurisdiction of another State before the detecting State has completed the investigation or adopted an enforcement measure. The practical follow-up of such cases may therefore depend on the ability of national competent authorities to exchange information and evidence rapidly, identify the relevant point of contact and understand the possible actions available under their respective legal frameworks and jurisdictions.

Proposed activities for the period 2028-2029

Strengthening cross-border cooperation in the investigation and enforcement of MARPOL violations

7 Building on the work on common criteria and possible minimum levels of fines, further consideration could be given to how suspected violations may be more effectively followed up across jurisdictions. The activity would move from the tentative standardization of sanctioning approaches (i.e.

¹ REMPEC/WG.59/5 – Emerging issues related to violations of MARPOL in the Mediterranean

² REMPEC/WG.64/INF.4

³ REMPEC/WG.64/INF.5

minimum criteria and minimum levels of fines) towards the practical cooperation among the Contracting Parties needed for detection, investigation and enforcement measure to be coordinated where relevant.

8 A preliminary regional assessment would help map existing legal and operational cooperation arrangements used by Contracting Parties for ship-pollution cases, taking into account applicable confidentiality requirements. It could consider a range of aspects e.g. designation of point of contacts, request for information and supporting evidence, transmission and preservation of aerial, satellite, inspection and documentary evidence, notification of port States when a ship is expected to call, constraints encountered in cases involving different legal systems. The assessment would not intend to evaluate national enforcement performance but identify good practices and practical gaps.

9 The outcome of the assessment would be beneficial to develop regional practical recommendations or guidelines for cross-border cooperation in MARPOL enforcement among the Contracting Parties, along with practical information package, model checklists for evidence collection and follow-up, and recommend elements for communications between authorities. The work would take into consideration existing work and cooperation arrangements, including relevant international, regional and bilateral instruments, mechanisms and channels, in cooperation with relevant partners, such as EMSA and INTERPOL, as appropriate, with a view to avoiding duplication or inconsistencies.

Capacity-building on MARPOL Annex VI compliance and enforcement

10 The document REMPEC/WG.59/5 on emerging issues considered by the Sixth MENELAS Meeting had already identified the future Med SO_x ECA as a matter requiring attention. Since then, the 0.10% sulphur limit in the Mediterranean Sea Emission Control Area for Sulphur Oxides and Particulate Matter (Med SO_x ECA) entered into effect on 1 May 2025 and remains a regional priority. REMPEC has undertaken a number of studies and assistance activities to support Contracting Parties in the technical and regulatory implementation of this new requirement. However, as also reflected in the relevant consolidated draft Decision, as adjusted, effective implementation requires not only the necessary regulatory and technical arrangements, but also measures to promote and ensure compliance through appropriate inspection, investigation and enforcement.

11 It is therefore proposed to continue ongoing work through regional practical training and capacity building activity on the inspection, investigation and enforcement of MARPOL Annex VI requirements, with particular reference to fuel-oil non-compliance, the use of equivalent arrangements and possible Exhaust Gas Cleaning System (EGCS)-related violations.

Next Steps

12 Based on the work carried out during the 2024-2025 biennium, with a view to provide continuity to the ongoing work, undertaken during the current 2026-2027 biennium, and to follow-up on outcomes, findings, recommendations from the draft Study and draft Guidelines, the Secretariat proposes to:

- .1 consider, as appropriate, the continuation of discussions and future the work on the consolidates draft Decision, as adjusted;
- .2 consider and comment, as appropriate, the proposals on strengthening cross-border cooperation as set out in the present document, including also encouraging the use of the Common Marine Oil Pollution Detection/Investigation Report during operational activities in the Mediterranean region;

- .3 consider, as appropriate, continuing to liaise with the European Union regarding the progress on the ongoing work on the Ship Pollution Directive⁴, as well as with the other regional frameworks;
- .4 discuss and provide guidance on future needs and priorities actions to inform future work, prior to submission to the Seventeenth REMPEC Focal Points Meeting, to be held tentatively in May 2027.

Actions requested by the Meeting

13 The Meeting is invited to:

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

⁴ Directive (EU) 2024/3101 of the European Parliament and of the Council of 27 November 2024 amending Directive 2005/35/EC as regards ship-source pollution and on the introduction of administrative penalties for infringements