



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

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

REMPEC/WG.42/12
Date: 10 June 2019

Valletta, Malta, 28-29 November 2017

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Agenda Item 12

REPORT

**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

INTRODUCTION

1 The Second 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, was convened in Valletta, Malta from 28 to 29 November 2017, pursuant to the Programme of Work and Budget for 2016-2017¹ of the Mediterranean Action Plan (MAP) of the United Nations Environment Programme (UNEP), also referred to as UNEP/MAP, adopted by the Nineteenth Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols (COP 19) (Athens, Greece, 9-12 February 2016).

2 The principal objectives of the Meeting were:

- .1 to examine the implementation of the MENELAS Programme of Activities for the period 2016-2017 as well as to discuss and agree on the items to be included in the MENELAS Programme of Activities for the period 2018-2019 and elect the chair of the Network for the said period; and
- .2 to discuss the French proposal for the creation of two new judicial cooperation tools within the framework of the Regional Strategy for Prevention of and Response to Marine Pollution from Ships (2016-2021)², hereinafter referred to as the Regional Strategy (2016-2021), and MENELAS, as requested by the Twelfth Meeting of the Focal Points of the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC), which was held in St. Julian’s, Malta from 23 to 25 May 2017.

3 The organisation of the Meeting was financed by the Mediterranean Trust Fund (MTF).

4 Considering the scope of the Meeting, all MENELAS Designated Representatives were invited to nominate jointly and, in consultation with the REMPEC Prevention Focal Points, their representatives in the Meeting. The invitation to participate in the Meeting was also extended to observers from other regional and international organisations and associations, the activities of which were relevant to the work of MENELAS.

5 The Meeting was attended by delegations from the following Contracting Parties to the Barcelona Convention that were participating members of MENELAS:

ALBANIA	MONTENEGRO
CROATIA	MOROCCO
EUROPEAN UNION	SLOVENIA
FRANCE	SPAIN
GREECE	TUNISIA
ISRAEL	TURKEY
MALTA	

by representatives from the following Contracting Party to the Barcelona Convention that was not a participating member of MENELAS:

- ITALY

by a representative from other organisations:

- CENTRE OF DOCUMENTATION, RESEARCH AND EXPERIMENTATION ON ACCIDENTAL WATER POLLUTION (CEDRE)

6 A complete list of participants is set out in **Annex I** to the present report.

¹ UNEP(DEPI)/MED IG.22/28, Decision IG.22/20.

² UNEP(DEPI)/MED IG.22/28, Decision IG.22/4.

OPENING OF THE MEETING

7 The Meeting was opened by the Programme Officer (OPRC), Officer-in-Charge, Mr Malek Smaoui, on Tuesday, 28 November 2017 at 0900 hours. The Officer-in-Charge welcomed the participants to the Meeting and explained the objectives of the Meeting. He indicated that the MENELAS network now had fifteen (15) members, with Spain having recently appointed its MENELAS Designated Representative and, as a result, it was now formally a participating member of the network. He also expressed appreciation to both Italy and the Centre of Documentation, Research and Experimentation on Accidental Water Pollution (Cedre) for attending the Meeting as observers.

ORGANISATION OF THE MEETING

Rules of Procedure

8 The Meeting decided to apply, *mutatis mutandis*, the Rules of procedure for Meetings and Conferences of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution and its related Protocols (UNEP/IG.43/6, Annex XI) to its deliberations.

Election of Officers

9 Following informal consultations held with the Contracting Parties to the Barcelona Convention, the Officer-in-Charge proposed France as Chair, Morocco as Vice-Chair and Turkey as Rapporteur. The Meeting unanimously decided to elect the following officers of the Meeting:

Mr Pierre VOLONDAT (France)	Chairperson
Mr Mohammed Salim CHEIKH (Morocco)	Vice-Chairperson
Ms Özlem ÖZER (Turkey)	Rapporteur

Working Languages

10 The working languages of the Meeting were English and French. Simultaneous English/French/English interpretation was provided during the Meeting. All working documents were available in both official languages of the Centre, i.e. in English and in French. However, information documents were available in their original language only, except when the document was submitted in both languages.

AGENDA ITEM 1: ADOPTION OF THE AGENDA

11 The Chairperson thanked the Meeting for supporting his election and proposed that the Provisional Agenda, as set out in document REMPEC/WG.42/1/Rev.1, be adopted.

12 The Meeting adopted the Agenda reproduced in **Annex II** to the present report. The list of documents is presented in **Annex III** thereto.

AGENDA ITEM 2: REGIONAL AND INTERNATIONAL DEVELOPMENTS RELEVANT TO MENELAS

13 The Chairperson invited the Secretariat to provide information on regional and international developments relevant to MENELAS.

14 The Programme Officer (Prevention), Mr Franck Lauwers, referred to relevant Specific Objectives of the Regional Strategy (2016-2021), which was adopted by COP 19, as detailed in the Annex to document REMPEC/WG.42/INF.3.

15 The Programme Officer (Prevention) also referred to the Report on the Activities of the MENELAS, as requested by Decision IG.21/9, which covered the period December 2013 – June 2017 and was submitted to the Twentieth Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols (COP 20) to be held in Tirana, Albania from 17 to 20 December 2017, for its consideration, as presented in the Annex to document REMPEC/WG.42/INF.5.

16 During a round table, all participants presented recent developments in relevant regional and international organisations to which they were Parties. The issue of port reception facilities, including the on-going revision of the Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues, was raised by several delegations.

17 **The Meeting thanked** France, as chair of the network for the period 2016-2017, and 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 organisation of the Meeting.

18 **The Meeting recognised** the importance of the active engagement of the Mediterranean coastal States participating in the network in accordance with its terms of reference.

19 **The Meeting 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.

20 **The Meeting welcomed** the adoption of the Regional Strategy (2016-2021) by the Nineteenth Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols (Athens, Greece, 9-12 February 2016).

21 **The Meeting took note** of the relevance of Specific Objectives 7 (Improved follow-up of pollution events as well as monitoring and surveillance of illicit discharges) and 8 (To improve the level of enforcement and the prosecution of discharge offenders) of the Regional Strategy (2016-2021) to the work of MENELAS.

22 **The Meeting remarked** the importance of the discussions held on enhancing cooperation in the field of illicit ship pollution discharges in the Mediterranean as well as the recommendations made, in this respect, by the Twelfth Meeting of the Focal Points of REMPEC (St. Julian's, Malta, 23-25 May 2017).

23 **The Meeting noted**, with satisfaction, the launch of the MENELAS information system in December 2015 as well as the recent improvements made in terms of its visibility and access, in particular through the REMPEC website, and **asked** the Secretariat to take the necessary measures to ensure periodic updating and a more regular use by the Secretariat and the MENELAS Designated Representatives.

24 **The Meeting encouraged** participating members to regularly update their MENELAS member profiles, by informing the Secretariat of the necessary changes, in particular regarding information on the applicable national legislation relating to illicit ship pollution discharges.

25 **The Meeting further welcomed** the Secretariat's initiative to improve the Mediterranean Integrated Geographical Information System on Marine Pollution Risk Assessment and Response (MEDGIS-MAR) in order to enable the uploading and display of data related to illicit ship pollution discharges in the Mediterranean.

26 **The Meeting 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 **The Meeting also 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.

AGENDA ITEM 3: ESTABLISHMENT OF A MENELAS DATABASE ON ILLICIT SHIP POLLUTION DISCHARGES IN THE MEDITERRANEAN

28 At the invitation of the Chairperson, the Programme Officer (Prevention) provided information on the establishment of a MENELAS database on illicit ship pollution discharges in the Mediterranean, pursuant to the MENELAS Programme of Activities for the period 2016-2017 set out in the Report of the Meeting of the Mediterranean Network of Law Enforcement Officials relating to MARPOL within the framework of the Barcelona Convention (MENELAS) (Toulon, France, 29 September – 1 October 2015), as presented in the Appendix to document REMPEC/WG.42/INF.4.

29 The Programme Officer (Prevention) made some observations from the preliminary analysis the Secretariat carried out of the information provided by Mediterranean coastal States to the International Maritime Organization (IMO) through the mandatory reporting system under MARPOL (MEPC/Circ.318).

30 The Programme Officer (Prevention) also introduced the Draft Decision IG.23/1: Revised Reporting Format for the Implementation of the Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols, to be considered for possible adoption by COP 20, as presented in the Appendix to document REMPEC/WG.42/INF.6.

31 The Chairperson invited the representative of Cedre to introduce document REMPEC/WG.42/INF.8 with regard to its review of sixteen (16) years of pollution reports.

32 Mr Stéphane Doll, Director of Cedre, delivered a presentation and explained that, in September 1998, at the request of the French General Secretariat of the Sea (SGMer), Cedre produced an annual report of maritime pollution incidents in the waters under French jurisdiction. He indicated that, since then, pollution reports (POLREPs) had been systematically brought to the attention of Cedre that developed a database in 2000 to facilitate their collection and exploitation. Mr Doll highlighted that, although annual studies had been conducted, the database had thus far never been the focus of a comprehensive statistical analysis, and the review of sixteen (16) years of pollution reports set out a few extracts of this study. He stressed that only confirmed POLREPs had been taken into consideration, i.e. detections reported by an accredited agent.

33 **The Meeting was seized** by some of the observations from the Secretariat's preliminary analysis of the information provided by Mediterranean coastal States to the IMO through the mandatory reporting system under MARPOL (MEPC/Circ.318), and **requested** the Secretariat to finalise its analysis as well as present its findings to the next meeting of MENELAS with a view to establishing a MENELAS database on illicit ship pollution discharges in the Mediterranean.

34 **The Meeting reminded**, in this respect, the Contracting Parties to the Barcelona Convention, which were also Parties to MARPOL, to submit their annual reports to the IMO, by 31 December of each year³, using the revised reporting format set out in MEPC/Circ.318.

35 **The Meeting recognised** the importance of preparing, with high priority, their National Action Plans for the implementation of the Regional Strategy (2016-2021), with the assistance of REMPEC, if necessary, which are a useful tool to assess progress in individual Contracting Parties to the Barcelona Convention and guide them in their implementation efforts in a tailored manner, including the carrying out of a national assessment of their capacities and the definition of the remedial action that may be necessary.

36 **The Meeting asked** the Secretariat to continue providing assistance to Mediterranean coastal States, which so request, to enhance the effectiveness of their maritime administrations in line with new IMO developments, in particular the IMO Member State Audit Scheme (IMSAS).

37 **The Meeting noted** that the Draft decision IG.23/1: Revised Reporting Format for the Implementation of the Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols, would be considered by COP 20, which would be convened in Tirana, Albania, from 17 to 20 December 2017, for possible adoption.

³ For the next annual circular on mandatory reports under MARPOL, which would be issued on 31 January 2018, the mandatory reports to be submitted by Parties to MARPOL should be received, at the latest, by 31 December 2017 for the calendar year 2016.

38 **The Meeting valued** the participation of Cedre in the Meeting and **welcomed** its analysis of sixteen (16) years of pollution reports.

AGENDA ITEM 4: FRENCH PROPOSAL FOR THE CREATION OF TWO NEW JUDICIAL COOPERATION TOOLS WITHIN THE FRAMEWORK OF THE REGIONAL STRATEGY FOR PREVENTION OF AND RESPONSE TO MARINE POLLUTION FROM SHIPS (2016-2021) AND MENELAS

39 The Chairperson invited the representative of France to present document REMPEC/WG.42/4 laying down the French proposal for the creation of two new judicial cooperation tools within the framework of the Regional Strategy (2016-2021) and MENELAS.

40 Mr Patrick Augier, Deputy Secretary General of the Sea, SGMer, explained that, in order to strengthen cooperation between the Contracting Parties to the Barcelona Convention in the area of repression of acts of pollution, France proposed the development of regional jurisdictional and judicial cooperation in the Mediterranean, along with a common report that would enable the courts of the Contracting Parties to the Barcelona Convention to prosecute all individuals, irrespective of the place of pollution. In this respect, he also introduced document REMPEC/WG.42/INF.7, which set out a specific example of marine pollution detection report.

41 Mr Augier also gave details on the suggestion from France to accompany this judicial cooperation with the downstream establishment of a regional "Blue Fund", to which a part of the pecuniary sanctions would be transferred.

42 Several delegations expressed interest but also some concerns on this proposal, in particular questioning how judicial prosecution by a third State could work. When replying to the various questions raised, Mr Augier clarified that the reference to the intervention of States in another State's waters, except for territorial waters, was not the key issue in their proposal, since its primary objective was to enhance cooperation in the field of illicit ship pollution discharges in the Mediterranean.

43 **The Meeting recalled** that the Twelfth Meeting of the Focal Points of REMPEC had concurred with the need to further enhance administrative and judicial cooperation in the field of illicit ship pollution discharges in the Mediterranean within the framework of the Regional Strategy (2016-2021) and MENELAS, and acknowledged that the French proposal to create two new judicial cooperation tools was made in this context.

44 **The Meeting agreed** on the establishment of a working group within MENELAS to:

- .1 examine in greater detail the French proposal, and more particularly the creation of a common detection report and a regional "Blue Fund";
- .2 provide answers to the questions raised by the Meeting, including the question of judicial prosecution by a third State; and
- .3 study the possible establishment of an intervention mechanism and harmonisation of pecuniary sanctions for illicit ship pollution discharges in the Mediterranean.

45 **The Meeting invited** the Secretariat to coordinate this working group and to present the results of the intersessional work to be conducted at the next meeting of MENELAS.

AGENDA ITEM 5: MARINE OIL POLLUTION DETECTION/INVESTIGATION REPORT

46 At the invitation of the Chairperson, the Programme Officer (Prevention) introduced document REMPEC/WG.42/5, which provided information on marine oil pollution detection/investigation report, pursuant to the MENELAS Programme of Activities for the period 2016-2017.

47 The Programme Officer (Prevention) presented a review of standard forms adopted by other regional and international organisations to report detected pollution as well as reported its findings from the analysis the Secretariat carried out of the similarities and differences presented by various marine oil pollution detection/investigation reports.

48 **The Meeting took note** of the analysis, by the Secretariat, of marine oil pollution detection/investigation reports as well as its report on the similarities and differences between them, and **requested** the working group, as established under paragraph 44 above, to consider the said analysis in the course of its work.

AGENDA ITEM 6: REVIEW EXISTING APPLICABLE SANCTIONS AT NATIONAL LEVEL WITH REGARD TO ILLICIT SHIP POLLUTION DISCHARGES

49 The Chairperson invited the Secretariat to provide information on the review of existing applicable sanctions at national level with regard to illicit ship pollution discharges, pursuant to the MENELAS Programme of Activities for the period 2016-2017.

50 The Programme Officer (Prevention) reported the Secretariat's findings from the analysis it carried out of the information provided by participating members on the applicable sanctions in their country with regard to illicit ship pollution discharges as well as of the developments on the review of HELCOM Recommendation 19/14 on a harmonized system of fines in case a ship violates anti-pollution regulations.

51 During a round table, all participants briefly presented the existing applicable sanctions at national level with regard to illicit ship pollution discharges. The issue of port reception facilities, including the on-going revision of the Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues, was raised by several delegations.

52 **The Meeting took note** of the analysis, by the Secretariat, of information provided by some participating members on the applicable sanctions in their countries with regard to illicit ship pollution discharges, as well as on the developments on the review of Recommendation 19/14 of the Baltic Marine Environment Protection Commission (Helsinki Commission or HELCOM) on a harmonized system of fines in case a ship violates anti-pollution regulations, and further invited the Secretariat to share this analysis with the working group, as established under paragraph 44 above;

AGENDA ITEM 7: MEASURES TO CHARGE REASONABLE COSTS FOR THE USE OF PORT RECEPTION FACILITIES OR, WHEN APPLICABLE, APPLY A NO-SPECIAL-FEE SYSTEM

53 At the invitation of the Chairperson, the Programme Officer (Prevention) provided information on measures to charge reasonable costs for the use of port reception facilities or, when applicable, apply a No-Special-Fee system, pursuant to the MENELAS Programme of Activities for the period 2016-2017.

54 The Programme Officer (Prevention) referred to a number of relevant regional initiatives or legal instruments, namely:

- .1 the Global Public Goods and Challenges (GPGC) / Environment and Sustainable Management of Natural Resources including Energy Thematic Programme (ENRTP) "Marine Litter-MED" Project;
- .2 the project "Action Plans for Integrated Regional Monitoring Programmes, Coordinated Programmes of Measures and Addressing Data and Knowledge Gaps in Mediterranean Sea (ActionMed)"; and
- .3 Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues.

55 The Chairperson invited the representative of Turkey to deliver her presentation with regard to the application of the "Blue Card System" in Turkey.

56 Ms Özlem Özer presented the "Blue Card System" and explained that this was an environmental programme to protect the sea against marine pollution originating from vessels to which MARPOL did not apply. She presented two related videos: one providing a general overview and one providing a more practical dimension to the said system.

57 **The Meeting noted**, with interest, that the component of the Global Public Goods and Challenges (GPGC) / Environment and Sustainable Management of Natural Resources including Energy Thematic Programme (ENRTP) "Marine Litter-MED" Project, coordinated by REMPEC, focused on measures related to the better management of sea-based litter in ports, more specifically, the application of charges at reasonable costs for the use of port reception facilities or, when applicable, application of No-Special-Fee system, as well as the provision of reception facilities and the delivery of ship-generated wastes in selected major ports and marinas in the Mediterranean, and also **requested** the Secretariat to report on the progress of the said project at the next meeting of MENELAS.

58 **The Meeting invited** the concerned participating members to report on the outcomes of the forthcoming discussions on the review of Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues at the next meeting of MENELAS.

59 **The Meeting valued** the presentation by Turkey of the "Blue Card System" - an environmental programme to protect the sea against marine pollution originating from vessels to which MARPOL does not apply.

60 **The Meeting also invited** Plan Bleu to present the report "Socio-economic tools for supporting the achievement of Good Environmental Status of Mediterranean marine waters" prepared within the framework of the "Action Plans for Integrated Regional Monitoring Programmes, Coordinated Programmes of Measures and Addressing Data and Knowledge Gaps in Mediterranean Sea (ActionMed)" at the next meeting of MENELAS.

AGENDA ITEM 8: COORDINATED AERIAL SURVEILLANCE OPERATIONS FOR ILLICIT SHIP POLLUTION DISCHARGES IN THE MEDITERRANEAN

61 The Chairperson invited the Secretariat to provide brief information on coordinated aerial surveillance operations for illicit ship pollution discharges in the Mediterranean.

62 The Programme Officer (Prevention) referred to the Special Co-ordinated Extended Pollution Control Operation (SpecialCEPCO 2016) organised in the Netherlands from 5 to 9 September 2016 within the framework of the Agreement for Cooperation in Dealing with Pollution of the North Sea by Oil and Other Harmful Substances, 1983 (Bonn Agreement).

63 During a round table, all participants provided information on their national activities with regard to aerial surveillance operations for illicit ship pollution discharges and shared their views on how a coordinated aerial surveillance operation for illicit ship pollution discharges could be organised in the Mediterranean in the future.

64 **The Meeting thanked** REMPEC for having sponsored two (2) representatives from participating members, namely Algeria and Morocco, to participate, as observers, in the SpecialCEPCO 2016.

65 **The Meeting welcomed** the interest expressed by some participating members in exploring the possibility to organise a coordinated aerial surveillance operation for illicit ship pollution discharges, with the participation of coastal States from the Southern Mediterranean, with a view to enhancing operational cooperation in this field.

66 **The Meeting asked** the Secretariat to liaise with Mediterranean coastal States, through REMPEC Governmental Focal Points, in consultation with the relevant authorities, as well as the relevant regional and international organisations to which they were Parties, in order to facilitate the organisation of such an operation, including the mobilisation of the necessary resources.

67 **The Meeting highlighted** the value of organising this coordinated aerial surveillance operation for illicit ship pollution discharges in parallel with a future meeting of MENELAS.

AGENDA ITEM 9: ELECTION OF CHAIR FOR THE PERIOD 2018-2019

68 **The Meeting elected** Morocco as chair of the network for the period 2018-2019.

AGENDA ITEM 10: FUTURE WORK AND MEETINGS

69 At the invitation of the Chairperson, the Programme Officer (Prevention) provided information on the next MENELAS meeting and related meetings.

70 In light of the discussions held under the various agenda items, **the Meeting agreed** to include the following items in the MENELAS Programme of Activities for the period 2018-2019:

- .1 the examination of the French proposal to create two new judicial cooperation tools within the framework of the Regional Strategy (2016-2021) and MENELAS, namely a common detection report and a regional "Blue Fund", by the working group, as established under paragraph 44 above;
- .2 the study of the possible establishment of an intervention mechanism and harmonisation of pecuniary sanctions for illicit ship pollution discharges in the Mediterranean, by the working group, as established under paragraph 44 above;
- .3 the marine oil pollution detection/investigation reports;
- .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.

71 Whilst expressing appreciation for the financial support provided by the MTF, **the Meeting 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.

72 **The Meeting recommended** that the next meeting of MENELAS should preferably be held before the Thirteenth Meeting of the Focal Points of REMPEC, subject to the decision on the Programme of Work and Budget for the 2018-2019 biennium by the Contracting Parties to the Barcelona Convention and provided that the necessary external financial resources were mobilised in time by the Secretariat.

AGENDA ITEM 11: OTHER BUSINESS

73 No other matter was raised under this agenda item.

AGENDA ITEM 12: CONCLUSIONS AND RECOMMENDATIONS

74 The Chairperson invited the Rapporteur to read through the draft conclusions and recommendations of the Meeting, which had been circulated to all participants, as document REMPEC/WG.42/WP.1, for their consideration, review, amendment and adoption.

75 Following interventions by some delegations to express their views on the conclusions and recommendations of the Meeting, and after having entrusted the Secretariat to carry out final editing and any editorial corrections that might be identified, as appropriate, **the Meeting adopted** the Conclusions and Recommendations of the Meeting, as detailed in **Annex IV** to the present report, and **requested** the Secretariat to report to the Thirteenth 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 70 above.

CLOSURE OF THE MEETING

76 Before closing the Meeting, the Chairperson thanked all delegations for their active participation, the Secretariat for the work carried out and the interpreters for their support.

77 The Officer-in-Charge expressed his appreciation to the Chairperson, Mr Volondat, for the smooth running of the proceedings.

78 The Chairperson closed the Meeting at 1815 hours on Wednesday, 29 November 2017.

ANNEX(E) I

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

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ANNEX II

AGENDA

Opening of the Meeting

1. Adoption of the Agenda
2. Regional and international developments relevant to MENELAS
3. Establishment of a MENELAS database on illicit ship pollution discharges in the Mediterranean
4. French proposal for the creation of two new judicial cooperation tools within the framework of the Regional Strategy for Prevention of and Response to Marine Pollution from Ships (2016-2021) and MENELAS
5. Marine oil pollution detection/investigation report
6. Review existing applicable sanctions at national level with regard to illicit ship pollution discharges
7. Measures to charge reasonable costs for the use of port reception facilities or, when applicable, apply a No-Special-Fee system
8. Coordinated aerial surveillance operations for illicit ship pollution discharges in the Mediterranean
9. Election of Chair for the period 2018-2019
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.42/1/Rev.1	Provisional agenda
REMPEC/WG.42/1/1/Rev.1	Annotated provisional agenda and draft timetable
REMPEC/WG.42/4	French proposal for the creation of two new judicial cooperation tools within the framework of the Regional Strategy for Prevention of and Response to Marine Pollution from Ships (2016-2021) and MENELAS (Submitted by France)
REMPEC/WG.42/5	Marine oil pollution detection/investigation report
REMPEC/WG.42/WP.1	Draft conclusions and recommendations
REMPEC/WG.42/12	Report of the Meeting

INFORMATION DOCUMENTS

REMPEC/WG.42/INF.1/Rev.3	List of documents
REMPEC/WG.42/J/1	Provisional list of participants
REMPEC/WG.42/INF.2	List of participants
REMPEC/WG.42/INF.3	Regional Strategy for Prevention of and Response to Marine Pollution from Ships (2016-2021)
REMPEC/WG.42/INF.4	Report of the Meeting of the Mediterranean Network of Law Enforcement Officials relating to MARPOL within the framework of the Barcelona Convention (MENELAS) (Toulon, France, 29 September – 1 October 2015)
REMPEC/WG.42/INF.5 ¹	Report on the Activities of the Mediterranean Network of Law Enforcement Officials relating to MARPOL within the framework of the Barcelona Convention (MENELAS), as requested by Decision IG.21/9 (English only)
REMPEC/WG.42/INF.6*	Draft Decision IG.23/1: Revised Reporting Format for the Implementation of the Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols
REMPEC/WG.42/INF.7	Exemple spécifique de procès-verbal de constatation de pollution maritime (Submitted by France) (French only)
REMPEC/WG.42/INF.8	Review of 16 years of pollution reports (Submitted by Cedre)
REMPEC/WG.42/INF.9	Socio-economic tools for supporting the achievement of Good Environmental Status of Mediterranean marine waters (Submitted by Plan Bleu) (English only)

¹ Reissued for technical reasons.

ANNEX IV

CONCLUSIONS AND RECOMMENDATIONS

The Second 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 28 to 29 November 2017:

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 France, as chair of the network for the period 2016-2017, 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 organisation of the Meeting;

Agenda Item 2 Regional and international developments relevant to MENELAS

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 welcomed the adoption 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), by the Nineteenth Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols, which was convened in Athens, Greece, from 9 to 12 February 2016;

7 took note of the relevance of Specific Objectives 7 (Improved follow-up of pollution events as well as monitoring and surveillance of illicit discharges) and 8 (To improve the level of enforcement and the prosecution of discharge offenders) of the Regional Strategy (2016-2021) to the work of MENELAS;

8 remarked the importance of the discussions held on enhancing cooperation in the field of illicit ship pollution discharges in the Mediterranean as well as the recommendations made, in this respect, by the Twelfth Meeting of the Focal Points of REMPEC, which took place in St. Julian's, Malta, from 23 to 25 May 2017;

9 noted, with satisfaction, the launch of the MENELAS information system in December 2015 as well as the recent improvements made in terms of its visibility and access, in particular through the REMPEC website, and asked the Secretariat to take the necessary measures to ensure periodic updating and a more regular use by the Secretariat and the MENELAS Designated Representatives;

10 also encouraged participating members to regularly update their MENELAS member profiles, by informing the Secretariat of the necessary changes, in particular regarding information on the applicable national legislation relating to illicit ship pollution discharges;

11 further welcomed the Secretariat's initiative to improve the Mediterranean Integrated Geographical Information System on Marine Pollution Risk Assessment and Response (MEDGIS-MAR) in order to enable the uploading and display of data related to illicit ship pollution discharges in the Mediterranean;

12 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;

13 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;

Agenda Item 3 **Establishment of a MENELAS database on illicit ship pollution discharges in the Mediterranean**

14 was seized by some of the observations from the Secretariat's preliminary analysis of the information provided by Mediterranean coastal States to the International Maritime Organization (IMO) through the mandatory reporting system under MARPOL (MEPC/Circ.318), and requested the Secretariat to finalise its analysis as well as present its findings to the next meeting of MENELAS with a view to establishing a MENELAS database on illicit ship pollution discharges in the Mediterranean;

15 reminded, in this respect, the Contracting Parties to the Barcelona Convention, which were also Parties to MARPOL, to submit their annual reports to the IMO, by 31 December of each year¹, using the revised reporting format set out in MEPC/Circ.318;

16 also recognised the importance of preparing, with high priority, their National Action Plans for the implementation of the Regional Strategy (2016-2021), with the assistance of REMPEC, if necessary, which are a useful tool to assess progress in individual Contracting Parties to the Barcelona Convention and guide them in their implementation efforts in a tailored manner, including the carrying out of a national assessment of their capacities and the definition of the remedial action that may be necessary;

17 asked the Secretariat to continue providing assistance to Mediterranean coastal States, which so request, to enhance the effectiveness of their maritime administrations in line with new IMO developments, in particular the IMO Member State Audit Scheme (IMSAS);

18 further noted that the Draft decision IG.23/1: Revised Reporting Format for the Implementation of the Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols, would be considered by the Twentieth Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols, which would be convened in Tirana, Albania, from 17 to 20 December 2017, for possible adoption;

19 valued the participation of the Centre of Documentation, Research and Experimentation on Accidental Water Pollution (Cedre) in the Meeting and welcomed its analysis of sixteen (16) years of pollution reports;

Agenda Item 4 **French proposal for the creation of two new judicial cooperation tools within the framework of the Regional Strategy for Prevention of and Response to Marine Pollution from Ships (2016-2021) and MENELAS**

20 recalled that the Twelfth Meeting of the Focal Points of REMPEC had concurred with the need to further enhance administrative and judicial cooperation in the field of illicit ship pollution discharges in the Mediterranean within the framework of the Regional Strategy (2016-2021) and MENELAS, and acknowledged that the French proposal to create two new judicial cooperation tools was made in this context;

21 agreed on the establishment of a working group within MENELAS to:

- .1 examine in greater detail the French proposal, and more particularly the creation of a common detection report and a regional "Blue Fund";

¹ For the next annual circular on mandatory reports under MARPOL, which will be issued on 31 January 2018, the mandatory reports to be submitted by Parties to MARPOL should be received, at the latest, by 31 December 2017 for the calendar year 2016.

- .2 provide answers to the questions raised by the Meeting, including the question of judicial prosecution by a third State; and
- .3 study the possible establishment of an intervention mechanism and harmonisation of pecuniary sanctions for illicit ship pollution discharges in the Mediterranean.

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

Agenda Item 5 **Marine oil pollution detection/investigation report**

23 further took note of the analysis, by the Secretariat, of marine oil pollution detection/investigation reports as well as its report on the similarities and differences between them, and requested the working group, as established under paragraph 21 above, to consider the said analysis in the course of its work;

Agenda Item 6 **Review existing applicable sanctions at national level with regard to illicit ship pollution discharges**

24 also took note of the analysis, by the Secretariat, of information provided by some participating members on the applicable sanctions in their countries with regard to illicit ship pollution discharges, as well as on the developments on the review of Recommendation 19/14 of the Baltic Marine Environment Protection Commission (Helsinki Commission or HELCOM) on a harmonized system of fines in case a ship violates anti-pollution regulations, and further invited the Secretariat to share this analysis with the working group, as established under paragraph 21 above;

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

25 further noted, with interest, that the component of the Global Public Goods and Challenges (GPGC) / Environment and Sustainable Management of Natural Resources including Energy Thematic Programme (ENRTP) "Marine Litter-MED" Project, coordinated by REMPEC, focused on measures related to the better management of sea-based litter in ports, more specifically, the application of charges at reasonable costs for the use of port reception facilities or, when applicable, application of No-Special-Fee system, as well as the provision of reception facilities and the delivery of ship-generated wastes in selected major ports and marinas in the Mediterranean, and also requested the Secretariat to report on the progress of the said project at the next meeting of MENELAS;

26 invited the concerned participating members to report on the outcomes of the forthcoming discussions on the review of Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues at the next meeting of MENELAS;

27 further valued the presentation by Turkey of the "Blue Card System" - an environmental programme to protect the sea against marine pollution originating from vessels to which MARPOL does not apply;

28 also invited Plan Bleu to present the report "Socio-economic tools for supporting the achievement of Good Environmental Status of Mediterranean marine waters" prepared within the framework of the "Action Plans for Integrated Regional Monitoring Programmes, Coordinated Programmes of Measures and Addressing Data and Knowledge Gaps in Mediterranean Sea (ActionMed)" at the next meeting of MENELAS;

Agenda Item 8 **Coordinated aerial surveillance operations for illicit ship pollution discharges in the Mediterranean**

29 further thanked REMPEC for having sponsored two (2) representatives from participating members, namely Algeria and Morocco, to participate, as observers, in the Special Co-ordinated Extended Pollution Control Operation (SpecialCEPCO 2016) organised in the Netherlands from 5 to 9 September 2016 within the framework of the Agreement for Cooperation in Dealing with Pollution of the North Sea by Oil and Other Harmful Substances, 1983 (Bonn Agreement);

30 also welcomed the interest expressed by some participating members in exploring the possibility to organise a coordinated aerial surveillance operation for illicit ship pollution discharges, with the participation of coastal States from the Southern Mediterranean, with a view to enhancing operational cooperation in this field;

31 further asked the Secretariat to liaise with Mediterranean coastal States, through REMPEC Governmental Focal Points, in consultation with the relevant authorities, as well as the relevant regional and international organisations to which they were Parties, in order to facilitate the organisation of such an operation, including the mobilisation of the necessary resources;

32 highlighted the value of organising this coordinated aerial surveillance operation for illicit ship pollution discharges in parallel with a future meeting of MENELAS;

Agenda Item 9 **Election of Chair for the period 2018-2019**

33 elected Morocco as chair of the network for the period 2018-2019;

Agenda Item 10 **Future work and meetings**

34 agreed to include the following items in the MENELAS Programme of Activities for the period 2018-2019:

- .1 the examination of the French proposal to create two new judicial cooperation tools within the framework of the Regional Strategy (2016-2021) and MENELAS, namely a common detection report and a regional "Blue Fund", by the working group, as established under paragraph 21 above;
- .2 the study of the possible establishment of an intervention mechanism and harmonisation of pecuniary sanctions for illicit ship pollution discharges in the Mediterranean, by the working group, as established under paragraph 21 above;
- .3 the marine oil pollution detection/investigation reports;
- .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.

35 recommended that the next meeting of MENELAS should preferably be held before the Thirteenth Meeting of the Focal Points of REMPEC, subject to the decision on the Programme of Work and Budget for the 2018-2019 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

36 further requested the Secretariat to report to the Thirteenth 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 34 above.