

ANNEX I

**Revised Terms of the Mediterranean Network of Law Enforcement Officials relating to
MARPOL within the framework of the Barcelona Convention
(MENELAS)**

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Background

1. The Mediterranean Network of Law Enforcement Officials relating to MARPOL (MENELAS) is a network of representatives of all Contracting Parties to the Barcelona Convention.
2. The function of MENELAS is to enhance enforcement and prosecution of MARPOL maritime pollution offences aiming to prevent and minimize pollution from ships and installations in the Mediterranean Sea.
3. MENELAS was set up in 2013 through Decision IG.21/9 adopted during the 18th Meeting of the Contracting Parties to the Barcelona Convention to fulfill their commitment to “*take all necessary measures to make the Mediterranean a clean, healthy, and productive sea with conserved biodiversity and ecosystems (...)*”

By ensuring, in view of the predicted increase in maritime traffic, the continuous strengthening of capacities and resources to prevent and respond to marine pollution used by shipping, in particular through judicial and operational cooperation”.

Composition

4. Each Contracting Party should nominate a Designated Representative (DR) with professional experience in MARPOL related violations. The DR should be a person who has experience in investigations in case of casualties in terms of the MARPOL Convention and/or investigation bodies established at national level in case of illegal discharges and prosecution of MARPOL violations.
5. It is the duty of the DR to:
 - a. disseminate the information received through MENELAS to the concerned national competent authorities (e.g.: coast guard function, port State control, customs, jurisdictions, prosecutor office, etc...);
 - b. forward any request formulated within these Terms of Reference received from another MENELAS member to the appropriate entity or individual in a position to answer the query;
 - c. update the country page of their country on the MENELAS website.

Scope of work

6. In accordance with article 6 of the Barcelona Convention and article 3 of its Prevention and Emergency Protocol, the overall objective of MENELAS is to facilitate cooperation between its members in order to improve the enforcement of the international regulations regarding discharges at sea from ships as laid down in the MARPOL Convention. Accordingly, its scope of work includes:
 - a. providing a strong regional platform whereby investigators and prosecutors work together with a view to identifying features, such as detection and investigation which lead to effective enforcement and ways of handling pollution offences from ships in a transboundary context, in accordance with international regulations regarding discharges at sea as laid down in the MARPOL Convention;

- b. enhancing information exchange of best practices and the results of the judicial proceedings on all MARPOL Annexes;
- c. maintaining a database with enforcement cases on all MARPOL Annexes;
- d. preparing and updating a Manual on Pollution Offences to support the detection of pollution offences, the collection of evidence, and the imposition of penalties;
- e. assisting in exchanging information and experience with entities whose work contributes to an effective enforcement of MARPOL regulations (MoU on Port State Control) which could be invited to participate on an ad hoc basis to the meetings of MENELAS;
- f. assisting members by addressing their needs for training or in facilitating the adoption of harmonized procedures or documents;
- g. while availing of the resources available within the network, assisting with the peer review of the legal and procedural framework in place in a requesting country which will be beneficial not only to the requesting country but will also assist in familiarizing the participating countries with the legal framework in place in the requesting country;
- h. considering the provision of technical ad hoc training according to the identified needs, including but not limited to reporting methodology, aerial observation and reporting of oil slicks, and investigation techniques on board a suspected ship;
- i. cooperating and facilitating the technical exchange of experience with other similar regional networks; and
- j. facilitating the organization of regular coordinated control operations, such as the OSCAR MED (Opération de Surveillance Coordonnée Aérienne des Rejets en Méditerranée).

7. MENELAS whose scope of work, relies on the high responsiveness of its members, shall not replace the official national or international procedures which have to be strictly adhered to in order to successfully conclude violation cases. In that sense MENELAS should act as a precursor to such official requests. Bearing in mind the limited time window during which elements of evidence of a possible violation could be gathered, it is important that the highest level of reactivity is ensured through the network.

Operation and organization of work

8. MENELAS shall hold at least a biannual meeting, provided that, should the need arise, the Chair may request for an extraordinary meeting in the biennium, and provided further that working groups established by MENELAS may carry out duties intersessionally.

9. MENELAS shall maintain a List of Actions for small and short-term tasks to be completed within a meeting cycle, taking especially into account national initiatives or proposals.

10. MENELAS shall consider, discuss and endorse any technical document to be used by the network which has been prepared by the working groups.

11. MENELAS shall elect a Chair and a Vice-Chair in accordance with the terms stipulated in paragraph 15.

12. MENELAS shall report to the REMPEC Focal Points Meeting.
13. MENELAS shall ensure there is exchange of information in both directions with other Governing and Subsidiary Bodies of the Barcelona Convention, as required.

MENELAS Information System

14. To ensure prompt reactivity in accordance with paragraph 6, there shall be available direct access to a list of 24/7 contact points in the MENELAS members. The list shall be regularly disseminated to the 24/7 contact points and be available on the restricted area of the MENELAS information system.
15. REMPEC shall be responsible for the updating of the MENELAS information system.
16. This information system will be an online tool comprising of two main parts:
 - a. a public one where general information will be made available to the public in order to raise awareness on the problem of illicit discharges from ships at sea, the aim of the network, its participating and associate members, its activities and achievements. The public part may also contain an analytic database of the legislative framework and procedural requirements in each participating country related to the prosecution of illicit discharges offenders. Statistical data should be also available.
 - b. a restricted area used for participating members only, where any request for assistance could be posted. Besides this secured communication link, this area shall also contain relevant information on 24/7 contact points, past cases analysis in order to highlight elements of success or failure, “tips” for investigators such as illustrations of specific techniques/devices found during on board investigations, which could facilitate the identification of similar practices. The restricted area shall also contain the database referred to in paragraph 6(c).

Election of Chair and Vice-Chair

17. Pursuant to paragraph 11, MENELAS shall elect among its members a Chair and Vice-Chair who shall hold office for a term of two years. They shall both be eligible for re-election for up to three further consecutive terms of office. In exceptional circumstances they may be re-elected for one additional consecutive term of office.
18. The Chair and Vice-Chair shall be elected at the end of the last regular session in a calendar year and shall assume their functions at the beginning of the following calendar year.
19. The Chair and Vice-Chair shall not hail from the same country.
20. Member countries shall submit to REMPEC, which provides the necessary Secretariat support to MENELAS, communication containing the nomination of their candidate for the position of Chair and Vice-Chair.
21. REMPEC shall share with all members the information regarding nominated candidates for these positions, as and when received.
22. The information regarding nominated candidates shall include a brief summary of the reasons behind such nomination and a curriculum vitae of the nominated candidate.
23. If the Chair is absent from a session, or any part thereof, the Vice-Chair shall preside. If the Chair, for any reason, is unable to complete the term of office, the Vice-Chair shall act as Chair pending the

election of a new Chair.

24. The provisional agenda for each meeting of MENELAS shall be prepared by the Secretariat in consultation with the Chair and Vice-Chair. Such an agenda shall be communicated to all members at least two months prior to the meeting.

25. The Chair may declare a meeting open and permit debate to proceed when at least 25% of the members are present, either physically or virtually. The presence of at least 40% of the members shall be required for any decision to be taken.

26. The Chair shall declare the opening and closing of each meeting, direct the discussion and ensure the observance of these terms of reference. The Chair shall accord the right to speak, put questions to vote, and announce decisions resulting from voting.

27. The Chair, or the Vice-Chair acting as Chair, shall not vote.

28. The Chair shall also chair and coordinate any inter-sessional work that will be agreed upon by MENELAS.