



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

Meeting on the Establishment of a Network of
Law Enforcement Officials relating to MARPOL
in the Mediterranean Sea (MENELAS)

REMPEC/WG.33/7
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Agenda Item 7

TERMS OF REFERENCE FOR THE MEDITERRANEAN NETWORK OF LAW ENFORCEMENT OFFICIALS

Note by the Secretariat

SUMMARY

Executive Summary: The document gives background information on the genesis of the establishment of a network and its main purpose. Its annex, proposes some terms of reference for the establishment of the network.

Action to be taken: Paragraph 4.

Related documents: None.

1. The Mediterranean Network of Law Enforcement Officials is the result of several initiatives in the Mediterranean region aiming at a better protection of the marine environment by an effective enforcement of existing international regulations.

2. The matter was brought up initially at the level of the Contracting Parties to the Barcelona Convention as a specific objective of the Regional Strategy for Prevention of and Response to Marine Pollution from Ships, adopted in 2005 as a roadmap towards the effective implementation of the 2002 Protocol concerning Cooperation in Preventing Pollution from Ships and, in case of Emergency, Combating Pollution of the Mediterranean Sea.

3. The establishment of such a network received further support from the World Bank, UNIDO and GEF which assisted in convening several meetings where representatives of the Justice Ministries of 13 Mediterranean coastal States took part. During these meetings some common views were expressed according to which:

- a) The added value of a network of law enforcement officials (i.e. inspectors and enforcement officials) was recognized and welcomed;
- b) Although the need for a regional network to address environmental crime as a whole was acknowledged, as it may involve many other stakeholders, it was recommended to focus this new co-operation on the issue of illicit discharges from ships, which was

recognized as a major source of pollution of the marine environment by shipping activities;

- c) This co-operation should develop on the basis of Terms of Reference agreed by the representatives of the participating Contracting Parties;
- d) The Mediterranean network should also facilitate exchange of information with other similar existing networks; and
- e) REMPEC was requested to assist further in the establishment of the Mediterranean network by providing initial secretariat services.

4. On the basis of these discussions, the following terms of reference, attached in Annex, have been prepared for the consideration of the present Meeting and possible adoption.

ANNEX

**TERMS OF REFERENCE OF THE
MEDITERRANEAN NETWORK OF LAW ENFORCEMENT OFFICIALS (MENELAS)**

1. It is proposed to establish a Mediterranean Network of Law Enforcement Officials (MENELAS). This network will function both as a physical network and an electronic one.

Scope of MENELAS

2. The overall objective of MENELAS is to facilitate co-operation 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.

3. This co-operation does not prejudice the rights and duties of each participating State under the said Convention or any other relevant Treaty it may be a Party to such as the United Nations Convention on the Law of the Sea.

4. MENELAS aims at improving the understanding and cooperation between its members in the different stages of the enforcement process, i.e. detection, investigation and prosecution of possible violations.

MENELAS Membership and Community

5. Usually, networking activities rely on a participatory approach and the more members do participate, the more effective the network. However, in relation with the specific goal of this network, which is restricted to enforcement agencies, it is not deemed appropriate to have as many members as possible.

6. The members of MENELAS are the Mediterranean participating States. They should nominate up to two (2) designated representatives (DRs) with a view to ensure that they are coming from:

- a) the administration/ agency in charge of maritime surveillance and control of ships; and
- b) a representative of the appropriate sanctioning authorities.

7. The DRs have the responsibility to disseminate the information they receive through MENELAS to the other members of the community they represent (i.e. coast guard function, port state control, customs, jurisdictions, etc...). They also have the responsibility to 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. The DRs are responsible for updating the "country page" of their respective participating countries in the MENELAS website.

8. MENELAS should also assist in exchanging information and experience with other similar regional initiatives, or other entities whose work contributes to an effective enforcement of MARPOL regulations (MoU on Port State Control) which should also participate in the network as associate members.

9. The MENELAS community is composed of the investigators, sanctioning officials which are users of the MENELAS information system. Upon request of the relevant DR, a secured access to the MENELAS information system will be given to each user.

MENELAS Method of Work

10. Due to its scope, MENELAS relies on the high responsiveness of its members and will work as an informal exchange network. It aims at facilitating co-operation between investigating bodies but not to 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.

MENELAS Information System

11. This reactivity should be ensured through direct access to a list of 24/7 contact points in the MENELAS participating countries. This list will be regularly disseminated to the 24/7 contact points and also be available on the restricted area of the MENELAS information system.

12. This information system will be an internet based tool comprising 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 could 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 should 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.

MENELAS Activities

13. Besides the assistance directly provided to requesting members, MENELAS should assist its members by addressing their needs for training or in facilitating the adoption of harmonized procedures or documents.

14. Preferably, assistance should be provided by using the resources available within the network. For instance peer review of the legal and procedural framework in place in a requesting country could benefit not only the requesting country but also assist in familiarizing the participating countries with the legal framework in place in this country.

15. More technical ad-hoc training could be considered according to the identified needs such as for instance: reporting methodology, aerial observation and reporting of oil slicks, and investigation techniques on board a suspected ship.

16. MENELAS could also act as a facilitator for technical exchange of experience with other regional networks.

17. Finally, MENELAS could facilitate the organization of regular coordinated control operations, such as the OSCAR MED (Opération de Surveillance Coordinée Aérienne des Rejets en Méditerranée).

MENELAS Governance

18. An annual meeting of the participating countries should take place to:

- a) Review the activities of the network during the preceding year as well as national reports relevant to its field of activity;
- b) Decide on a proposed programme of activities for the following year taking into account possible national initiatives or proposals;

- c) Decide on the establishment of any working groups and their terms of reference;
- d) Consider, discuss and endorse any technical document to be used by the network prepared by the working groups;
- e) Elect a chair for a period of two years with a possibility of renewal for another term.

19. Each country should in principle support financially its participation to the meetings.

20. In order to support the network, REMPEC, will, on a provisional basis, provide the necessary secretariat support, pending the confirmation by the Contracting Parties to the Barcelona Convention of its role and involvement with the network.