

Annex

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

1. The Mediterranean Network of Law Enforcement Officials relating to MARPOL (MENELAS) is a network of individuals from the participating States supported by an electronic information system.

Scope of MENELAS

2. 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 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 enforcement measures taken by the competent authorities following possible violation.

MENELAS Membership and Community

6. The members of MENELAS are the Mediterranean States which decide to voluntarily join the network. Each member should nominate a Designated Representative (DR) with professional experience in MARPOL related violations.

7. The DR disseminates the information received through MENELAS to the concerned national competent authorities (e.g.: coast guard function, port state control, customs, jurisdictions, prosecutor office, etc...). The DR will 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 DR is responsible for updating the "country page" of his/her country 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 could be invited to participate on an ad hoc basis to meetings of the Network.

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 Coordonnée 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. In order to support the network, REMPEC, will provide the necessary secretariat support and be responsible for the maintenance of the MENELAS information system.